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TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF SEXUAL EXPLOITATION AND CORRUPTION IN BRAZIL: AN IN-DEPTH ANALYSIS OF THE LINK BETWEEN TWO CRIMINAL PHENOMENA

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"It is the theory that decides what can be observed"

Albert Einstein

To my father, a model of honor and integrity

To my mother, the embodiment of love and faith

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OVERVIEW OF THE THESIS

This thesis deals with the interrelationship between two criminal phenomena: Trafficking in Human Beings for the Purpose of Sexual Exploitation, and Official Corruption in Brazil. The study is based on empirical data from four different sources: three sets of secondary data and a survey.

Chapter I highlights the importance of the study, the problems addressed by the thesis, and its objectives. Chapter II explores up-to-date scientific literature, the working hypothesis, applied methodology, and research design. Chapter III presents the empirical findings of each set of data which shows the dependence of Trafficking in Human Beings on Corruption, the most vulnerable points for corruption during the trafficking and criminal justice chains, regional differences and trends on THB and Corruption in Brazil.

Multivariate analysis is used to highlight the correlation between the two criminal phenomena, the strength of their interrelationship and the predictability. The dependence of Trafficking on Official Corruption is analysed by means of qualitative methods. Chapter IV presents the final conclusions.

ABBREVIATIONS

CATW	Coalition against Trafficking in Women
CPI	Corruption Perception Index
CPMI	Joint Parliamentary Commission of Inquiry (Comissão Parlamentar Mista de Inquérito)
ECA	Statute for the Child and Adolescent (Estatuto da Criança e do Adolescente)
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
ETS	European Treaty Series
EU	European Union
IBGE	Brazilian Institute of Geography and Statistics (Instituto Brasileiro de Geografia e Estatística)
INTERPOL	International Police Organization
ILO	International Labor Organization
IOM	International Organization for Migration
IPEA	Institute of Applied Economic Research (Instituto de Pesquisa Econômica Aplicada)
NGO	Non-Governmental Organization
PACO	Programme against Corruption and Organized Crime in South-Eastern Europe
PESTRAF	National Report on Trafficking in Women, Children and Adolescents for Commercial Sexual Exploitation (Pesquisa sobre Tráfico de Mulheres, Crianças e Adolescentes para fins de Exploração Sexual Comercial)
THB	Trafficking in Human Beings
TI	Transparency International
TIP	Trafficking in Persons Report
UN	United Nations
UNFPA	United Nations Population Fund
UNODC	United Nations Office on Drugs and Crime
US	United States
USAID	United States Agency for International Development

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The term **"federal states"** as it appears in this thesis refers to all federal states in Brazil including the Federal District, unless specified otherwise.

The term **"minor"** as used in this thesis refers to any person under the age of eighteen, according to the definition of "child" in the UN Convention on the Rights of the Child.

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]

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[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

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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

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[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."

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[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 Raporteur; 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 analysis[21] 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.

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[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.

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

CHAPTER II - LITERATURE REVIEW ON THE LINKAGE BETWEEN THB AND CORRUPTION, RESEARCH HYPOTHESIS AND METHODOLOGY

2.1   WORKING DEFINITIONS

2.1.1   Definition of THB

Following the enactment of the 2000 United Nations (UN) Convention against Transnational Organized Crime, an international agreement was reached defining the essential elements of THB. An international definition is crucial to the gathering of information and registration of data. The establishment of a universal concept minimizes dependence on an individual country's definition by establishing a common notion of what needs to be addressed, facilitating the comparability of data.

For the purposes of this thesis, the term "trafficking in human beings" (THB) will follow the definition described in Article 3 (a) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, an achievement of the ratification of the 2000 UN Convention against Transnational Organized Crime:

> Article 3 (a) Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force of 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 or 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

Brazilian Penal Code follows both the UN Convention and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, and establishes as crimes both domestic and international trafficking.[25] For the purpose of this thesis, domestic trafficking will be characterized as the illegal transfer of a person between cities, federal states or regions. Trafficking will refer only to trafficking in women and minors for the purpose of sexual exploitation. As the data do not permit extensive analysis, the issue of whether criminal

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[25] Brazilian Penal Code (1940), Articles 231 and 231-A.

activity is carried out by organized groups or by smaller networks is not taken into consideration by this work. However, organized crime is on the rise and anecdotal evidence demonstrates that criminal groups involved in THB are also involved in other types of criminal activities, such as drug trafficking as "diversification of tasks minimises the law enforcement risk" (Budapest Group, 1999:3).

2.1.2 Definitions of Corruption

Corruption is an "extremely complex social behaviour" (Collier, 2002:2), a criminal phenomenon which is difficult to define and measure.[26] The definition of corruption used in this study will follow those detailed by Articles 15 (bribery of national public officials), 18 (trading in influence) and 19 (abuse of functions) of the 2003 UN Convention against Corruption, Article 2 of the 1999 Civil Law Convention on Corruption, established by the Council of Europe;[27] and the broader definition laid out by Transparency International ("abuse of public office for private gain"). Corruption, for the purpose of this study, refers only to *official* corruption.

Bribery of national public officials, as stated by the 2003 UN Convention against Corruption, is as follows:

> Article 15 (a) The **promise, offering or giving,** to a public official, directly or indirectly, of an **undue advantage**, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;
> (b) The **solicitation or acceptance** by a public official, directly or indirectly, of an **undue advantage**, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties. [Emphasis added][28]

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[26] As stated in international literature, "corruption is a complex and multifaceted phenomenon with multiple causes and effects as it takes on various forms and functions in different contexts" (Andvig et al., 2001:4). Davis and Ruhe (2003:277), also mention that "corruption, as with many ethical concepts, is very difficult to define in a universally acceptable fashion." Génaux (2004:13), citing the "complexity and richness of the idea of corruption," notes that the concept is often lost in the "narrower and more technical usages that dominate contemporary debate and analysis." Moroff (2004:85) highlights that corruption is always defined as an unethical conduct, violating the duties of a public office in detriment to the public interest. See also Del Ponte, 1995; TI Source Book, 2000.

[27] Council of Europe: European Treaty Series (ETS) – № 174

[28] Corruption, as stated by the 2003 UN Convention against Corruption, follows the same definition of the 2000 UN Convention against Transnational Organized Crime.

The Council of Europe, via the 1999 Civil Law Convention on Corruption, has established the following as a definition of corruption:

> Article 2 For the purpose of this Convention, "corruption" means **requesting**, **offering**, **giving** or **accepting**, directly or indirectly, **a bribe or any other undue advantage** or prospect thereof, **which distorts the proper performance of any duty or behaviour required of the recipient** of the bribe, the undue advantage or the prospect thereof. [Emphasis added]

Trading in influence, as stated by the 2003 UN Convention against Corruption, is as follows:

> Article 18 (a) The **promise, offering or giving** to a public official or any other person, directly or indirectly, of an **undue advantage** in order that the public official or the person **abuse his or her real or supposed influence** with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person. [Emphasis added]
>
> (b) The **solicitation** or **acceptance** by a public official or any other person, directly or indirectly, of an **undue advantage** for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage. [Emphasis added][29]

Like the UN Convention against Corruption, the 1999 Council of Europe's Criminal Law Convention on Corruption [European Treaty Series (ETS) – № 173] proscribes active bribery and passive bribery also as criminal conducts. Passive bribery is defined by the Council's definition as follows: Article 3 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the **request** or **receipt** by any of its public officials, directly or indirectly, of any **undue advantage**, for himself or herself or for anyone else, or the **acceptance** of an offer or a promise of such advantage, to act or refrain from acting in the exercise of his or her functions. [Emphasis added]

The Brazilian Penal Code, in accordance with these definitions, also distinguishes between active and passive bribery (Articles 333 and 317, respectively).

[29] The Council of Europe's Criminal Law Convention on Corruption also defines trading in influence as a corrupt practice in Article 12: … the **promising**, **giving** or **offering**, directly or indirectly, of any **undue advantage** to anyone who asserts or confirms that he or she is able to exert an **improper influence over the decision-making** of any person referred to in Articles 2, 4 … in consideration thereof, whether the undue advantage is for himself or herself or for anyone else, as well as the **request**, **receipt** or the **acceptance** of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result. [Emphasis added]

Article 2 refers to any domestic public official.

Abuse of functions, as stated by the 2003 UN Convention against Corruption, is as follows:

> Article 19: … [it is] a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance of or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or another person or entity.

The definition of a public official will follow the broad definition of the 2003 UN Convention against Corruption:[30]

> Article 2 (a) "Public official" shall mean: (i) any person holding a legislative, executive, administrative or judicial office of a State Party, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person's seniority; (ii) any other person who performs a public function, including for a public agency or public enterprise, or provides a public service, as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party; (iii) any other person defined as a "public official" in the domestic law of a State Party. However, for the purpose of some specific measures contained in chapter II of this Convention, "public official" may mean any person who performs a public function or provides a public service as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party;

According to Andvig et al. (2001:7),[31] public officials "can be anyone from the president and top political leadership (political corruption) down through the hierarchy (bureaucratic corruption) to the most remote local government public servant" and "can take place between the different branches of government (like the executive, legislative and judicial

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Article 4 refers to members of domestic public assemblies as any person who is a member of any domestic public assembly exercising legislative or administrative powers. [Emphasis added]
The Brazilian Penal Code has adopted this definition, as laid out in Article 332 (1995).

[30] The 2000 UN Convention against Transnational Organized Crime defines public official in Article 8 (4) as: Public official shall mean a public official or a person who provides a public service as defined in the domestic law and as applied in the criminal law of the State Party in which the person in question performs that function. "Public official" following the Article 1 of the Criminal Law Convention on Corruption (Council of Europe Convention) shall be understood by reference to the definition of "official," "public officer," "mayor," "minister," or "judge" in the national law of the State in which the person in question performs that function and as applied in its criminal law.

[31] Cf. Corruption: A Review of Contemporary Research.

branches), and between the political and administrative/ bureaucratic institutions (the civil service, local authorities and parastatals)."

The above-mentioned definitions of corruption demonstrate the difficulty of defining and measuring this criminal phenomenon. Thus, it is difficult to characterize the true nature of the crime and to gather convincing evidence against its perpetrators. For instance, a country with a high level of judicial records is not necessarily corrupt; rather a high record level may reflect the efficiency of law enforcement and not the real extent of the phenomenon (TI, 2001, Background Paper).

The legal definitions set out by international organizations generally focus on bribery/ any undue advantage, in keeping with the common understanding of corruption as a finance-related crime. In reality, however, corruption involves a range of illicit behaviour violating not only explicit legal codes but also professional codes of ethical conduct (Del Ponte, 1995), as defined by the Civil Law Convention on Corruption (Council of Europe).

Senturia (1931, *in* Alemann, 2004:29) has established a broader definition of official corruption that includes private profit as a key element in addition to the standard combination of public power and its misuse. Private profit, according to Senturia, comprises "not only monetary advantages… but also services of a monetary value" (Alemann, 2004:29). Adapting Alemann's ideas on corruption (2004:30) to describe THB-related corruption incidents, the following components can be said to belong to the exchange system: 1) a recruiter/ trafficker/ exploiter whose demands may include 2) documents, services, favors, silence, or protection from punishment from 3) an able and willing public official, who in turn 4) receives money (bribery) and/ or sexual favors from trafficked victims, thereby 5) violating the law and the norms regarded by Brazilian society as legitimate.[32]

Regardless of the crime or its seriousness, public officials must comply with the law and pursue the public interest. Any activity intentionally contrary to that may be considered corrupt, even if a public official does not explicitly employ his or her office to commit the

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[32] For an in depth discussion of corruption and its moral-ethical implications, see Ejikeme-Onukwufor, 2006.

offence. This is especially true if a public official commits an offence knowing that his or her office will be protected *post facto* (trading in influence/ influence peddling).

The special particularity of the engagement of public officials in the sexual services of minors (detailed in Chapter III of this thesis), is characterized as a corrupt act in so far as public officials are destined to follow the rule of law and as such to protect the rights of minors.[33] The engagement of any citizen in the sexual exploitation of a minor already constitutes a criminal act, but when practiced by a public official who has the moral, political and ethical mandate to uphold the law, there is an added element of criminality. Their conduct is considered corrupt because it constitutes an unethical and unacceptable violation of their official obligations. In other words, it distorts their proper performance, their duties and the behaviour required of them (Article 2 of the Council of Europe Civil Law Convention on Corruption).[34] Public officials who engage in the sexual services of trafficked minors are deviating from:

- The conduct required of any citizen regardless of status or position
- The legal obligation beyond that of other citizens to protect minors
- The legal obligation beyond that of other citizens to combat TBH
- The standards of conduct and the commitment to ethical rules of administration
- Proper performance of any duty or behaviour required of them

The key issue here is one of enablement. A public official engaging in sexual activity with trafficked minors enables criminality in two ways. First, illicit sexual service itself constitutes a form of bribery in so far as the public official, by engaging in this activity, is in effect receiving a reward for "looking the other way." Secondly, the offender's public office explicitly establishes a potential for special treatment,[35] either before or after the fact. The

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[33] Both the Brazilian Federal Constitution (1988) and Federal Law № 8.069 (1990) also known as Statute for Children and Adolescents ("Estatuto da Criança e do Adolescente" or ECA), establish the integral protection of minors as a constitutional principle.

[34] Lindgreen (2004:3) asserts the distinction that has been made between economic and social corruption: the first includes exchanges of money or goods while the latter includes clientelism, nepotism, and other forms of favoritism.

[35] Special treatment can range from a guarantee of confidentiality from the trafficker and/ or investigating officer to lack of charges and dismissal of sanctions.

higher the rank of a public official, the greater the certainty of this potential. Thereby, their conduct is, to a greater degree, more aggressive than the conduct of an average citizen.[36]

2.2 OVERVIEW OF CURRENT SCIENTIFIC LITERATURE ON THE LINKAGE BETWEEN THB AND CORRUPTION

Analysis of human trafficking and corruption as combined phenomena is a rather new area of research. Although much of the information is based on individual perceptions, as well as specific case studies and journalistic reportage, the earliest scientific studies to approach both crimes as interrelated phenomena were initiated as late as 2000. Currently the knowledge is limited and not specifically addressed by criminologists.[37] To date, the scientific literature on THB-related corruption focuses almost exclusively on Southern and Eastern Europe. Latin America and the Caribbean are two of the most under-researched and under-funded regions in the world for THB studies (Langberg, 2005). Existing scientific research is still too limited to demonstrate the magnitude of the problem or allow for concrete policies to be drawn. The THB and corruption approaches of Lyday (2001), PACO Networking (2002), and Bales (2005), provide starting points for the theoretical basis of this thesis. Where Lyday and Bales identify the link between THB and corruption, PACO Networking locates the specific points of vulnerability to corruption throughout the THB process. Although each of the three approaches provide valuable theoretical insight into the links connecting both phenomena, neither approach is based on concrete evidence of THB and corruption incidences, but rather formulates broad conclusions using estimations on THB and TI's CPI index perceptions on corruption.

2.2.1 Approach of Corbin Lyday

Corbin Lyday was among the first researchers to analyse human trafficking from an anti-corruption perspective. In order to statistically prove the linkage between THB and corruption, he used two variables. The first was an indicator of THB based on the Victims

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[36] Not only the conduct of public officials who engage in the sexual services of trafficked minors deviate from legal standards of behavior but also it conflicts with the public interest and public opinion (Zimring and Johnson, 2005). This is especially true when considering the legal system and the organization of society's values in Brazil.

[37] Even though many theories exist to explain THB and corruption independently, no theory focuses specifically on the links that bind them.

of Trafficking and Violence Protection Act, enacted by the United States in 2000,[38] which classifies countries according to their compliance with certain anti-trafficking standards. The second was the 2000 Corruption Perception Index (CPI) from Transparency International (TI), which assessed perceptions of corruption in 91 countries.[39]

The US Victims of Trafficking and Violence Protection Act of 2000 is a public law that requires the US Secretary of State to inform Congress about severe forms of trafficking around the world on a yearly basis, listing different countries where trafficking is considered a serious issue. It also specifies that the US government can subject all Tier 3 countries to non-humanitarian, non-trade related sanctions (Lyday, 2001). Its report, published annually, is called TIP (Trafficking in Persons Report) in which the classification of countries is broken down into "Tiers:" Tier 1 countries are states which comply with the minimum anti-trafficking standards; Tier 2 countries are states which are taking active steps to do so; Tier 3 countries are states which neither meet the minimum standards nor are taking active steps to do so.

In order to find direct links between corruption and trafficking, Lyday compared the CPI indices with the classification of countries according to the TIP report. He divided the CPI into 3 groups: group 1 countries with a low level of corruption (1 to 30 on the CPI scale); group 2 countries with a medium level of corruption (31 to 60 on the CPI scale); and group 3 countries with higher levels of corruption (61 to 91 on the CPI scale). He then compared the CPI groups with the three Tier categories in the US Victims of Trafficking and Violence Protection Act. Lyday's analysis revealed a strong relationship between perceptions of corruption and the level of government response to THB.

10 out of 11 countries in Tier 1 were also in the group of least corrupt countries on CPI scale. Likewise, no Tier 1 country was placed in the group of most corrupt. Tier 2 shows a lesser but still strong relationship with category 2 with 13 states following in both, Tier 2 and category 2 countries. While a strong relationship exists between Tier 2 and category 3 countries, the relationship is less strong between Tier 3 and group 3. The following Figure

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[38] Public Law 106-386 of Oct. 28, 2000.

[39] The TI's CPI "represents an index, a 'poll of polls', constructed by a team of researchers at Göttingen University from a number of individual surveys of businessmen or local population of the relevant countries as well as several ratings by economic risk analysts and country experts" (Treisman, 2000).

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2.2.1 demonstrates the relationship between Tier countries and TI CPI index according to Lyday's analysis.

Figure 2.2.1 Lyday's Graph Depicting Correlations between THB and Corruption
Country Correlations between Corruption and Trafficking

			Perceptions of Corruption (TI)
	15	4	Most Corrupt (61st through 91st)
1	13	4	More corrupt (31st through 60th)
10	4	1	Least Corrupt (1st through 30th)
Tier 1	Tier 2	Tier 3	
Minimum standards	Standards Not Yet Met	No Minimum Standards	

State Tolerance of Trafficking (USG)*

Source: Lyday, C., B. (2001). The Shadow Market in Human Beings: An Anti-Corruption Perspective; Proceedings of the 10th International Anti-Corruption Conference – IACC, Prague, Czech Republic, 7-11 October 2001
Note: *United States Government

Brazil is located within the Tier 2 countries and falls into the medium level corruption countries group. According to this analysis, Brazil is a typical example where THB is positively correlated with the level of perceived corruption.

Considerations

The approach of Lyday is one of the first approaches establishing a one-to-one positive relationship between corruption and THB on a global level. This achievement provides a valuable contribution. However, as an approach, it also has the following limitations:

- Use of questionable variables. The CPI index measures only perceptions of corruption among business professionals in the countries surveyed. This means that no direct measurement of corrupt activity has been made. Despite the difficulties of obtaining direct corruption variables, the objectivity of his study is limited.

- Almost the same limitations apply to the classification of countries into Tiers, according to their "compliance with laws against THB." The objectivity of this measure is questionable since a country which upholds its basic anti-trafficking law does not necessarily either reinforce law enforcement agencies with the tools necessary to combat THB, nor does account for the effectiveness and capacity of a country's judiciary system. As asserted by Bales (2005:97), "the system of 'tiers' is an interesting variable, but does not actually measure human trafficking, rather the response of a given country to trafficking."

Lyday's approach, however limited in scope, demonstrates that a macro-level (cross-country) link between both phenomena exists, reinforcing the stated need for further research.

2.2.2 The PACO Networking Approach

PACO Networking was a project launched by the Council of Europe in 2001, under the PACO Programme to Combat Corruption and Organised Crime in South-Eastern Europe, for the purpose of enhancing mutual cooperation. Delegates from member nations worked together to identify problems and make recommendations on how to improve cooperation.

In 2002, the member nations recommended an expansion of the project. The issue of THB received particular attention due to the difficulty of cooperation among member states when THB was in question. The most frequently cited obstacle was "the lack of mutual trust and confidence" which was "directly related to the question of corruption" (Report, 2002:3).

To address specific issues related to THB, a regional seminar was held in Portoroz, Slovenia.[40] For these purposes delegates from member nations worked together to identify problems and make specific recommendations related to THB issues, as well as to complete a manual on judicial cooperation among South-Eastern European countries. A final report was published proposing measures to be adopted by countries to combat corruption and THB.[41] Recommendations were also made to strengthen the law enforcement of anti-corruption measures, including support for regional law enforcement agencies, joint training, seminars, and the establishment of more rigorous codes of conduct.

THB as a criminal phenomenon is not represented by a single criminal act but rather a process of criminal activities. Due to this legal complexity, PACO Networking divided the process of THB into three main areas and then divided each area into separate phases. These three main areas are: (1) corruption within the trafficking chain; (2) corruption within the criminal justice chain; and (3) corruption within the protectional support to victims. Each area involves different phases with distinct points of vulnerability to corrupt behaviour.

The project does not only thoroughly describe each phase, but also highlights the various official positions most susceptible to corrupt involvement, as well as the various acts that can be classified as corrupt. The different phases in the THB process are shown in Figure 2.2.2 (on the following page) in which corruption may occur.

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[40] Reports presented during the seminar described cases of THB, illustrating specific weak points, counter-trafficking measures to be implemented, and explanations on the major obstacles being faced by regional anti-trafficking efforts in each country. Using the situation in the Balkan region as a model, the final report provides a view of the dynamic relationship between THB and corruption and proposes tools for futures counter-measures.

[41] The measures proposed by PACO Networking fell into two categories. The first addressed the necessity for cooperation between different criminal justice agencies (domestically and internationally), as well as between criminal justice agencies and anti-trafficking organizations, particularly NGOs serving as intermediaries between victims of THB and the criminal justice system. Furthermore, the report encouraged the development and support of witness protection programs to enhance cooperation and ensure the safety of victims. The second category of measures dealt specifically with the enforcement of anti-corruption measures to ensure the systematic enforcement of anti-trafficking laws. Additionally, the report emphasized the necessity of increased public awareness of THB through education.

Figure 2.2.2 THB and the Vulnerable Points to Corruption
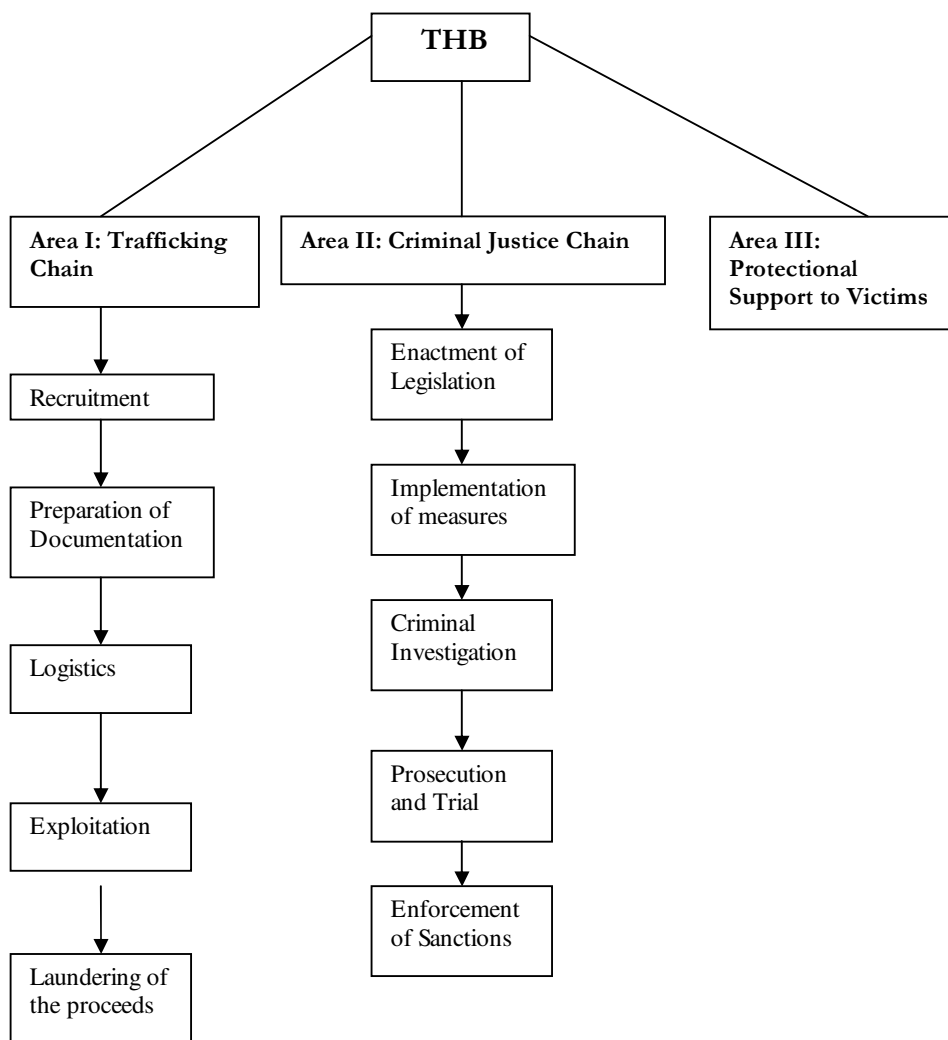
Source: Author's elaboration of PACO Networking framework, 2002

Corruption within the Trafficking Chain

The phases of the trafficking chain as described by PACO Networking in Figure 2.2.2 (above) are: (I) the recruitment of victims; (2) preparation of all necessary documentation; (3) logistics; (4) all subsequent control and exploitation of trafficked victims as a result of the previous stages; and (5) laundering of the proceeds. Corruption may occur at any point in this process and ranges from passive behaviour (ignoring, tolerating or avoiding action)

to active participation in criminal acts (violation of duties, corruption, organized crime), as defined by domestic and international criminal laws.

Those most susceptible to corruption are public officials whose jobs place them at vulnerable points in the trafficking chain (e.g. customs/ border control officers, visa and immigration officers, transportation authorities, local police as well as elected/ appointed authorities,[42] their assistants, or appointed assistants).

Corruption within the Criminal Justice Chain

PACO describes the most vulnerable points for corrupt practices in the criminal justice chain. It also describes the categories of different behaviour that might enable THB, as well as the profiles of public officials most likely to be involved in these practices.

Thus, the criminal justice chain is divided into the following phases as described in Figure 2.2.2 (above): (1) the enactment of legislations; (2) the implementation of measures; (3) criminal investigations; (4) prosecution and trial; and (5) enforcement of sanctions. Each of the above represents a point of vulnerability to corruption in the criminal justice chain.

Corrupt practices during the criminal justice chain follow the same categories of conducts as in the trafficking chain but include additional acts such as the disclosure and sale of information, as well as the obstruction of investigations and judicial proceedings. In addition to the public officials listed in the trafficking chain, vulnerable parties in this phase also include judges and prosecutors.

Corruption in the Protection and Support of Victims

The third area in which corruption may occur is among NGOs, civil society organizations and public social service institutions providing support, protection and shelter to victims of THB. This area was considered important by PACO Networking due to the general infiltration of these institutions by organized criminal groups in the Balkans. However, this area is not considered specifically relevant to this thesis. In reality, Brazil is almost absent

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[42] Elected authorities can be city, state and federal deputies, senators, mayors and/ or their assistants.

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of witness protection programmes (Langberg, 2005:132),[43] although it seem that the federal Government has recently started to tackle THB more seriously. It is common knowledge that countries of origin do not provide adequate support to victims, lacking in data and adequate policies.[44] Even Bales explicitly mentions the ineffectiveness in the short term rehabilitation of victims in the origin country. Moreover, he adds that "this is an area of profound ignorance … crying out for the attention of academics and cooperation between practitioners" (2005:125). Therefore, this area remains as a topic for future research.

Considerations

The PACO Networking project focused primarily on developing strategies and measures to combat corruption related to THB in the region of South Eastern European countries (especially the Balkans). It was not intended to provide a scientific method to analyse corruption in combination with THB. Due to the fact that all participating countries used this framework for reporting individual case studies, no generalizations can be made and no quantitative analyses can be applied. However, the work of PACO Networking provides excellent guidelines for anti-corruption and anti-trafficking measures, as well as a structured classification of the chronological events of corruption during the THB.

This thesis has employed the guidelines of the PACO Networking project, and its detailed framework, to identify the most vulnerable points of corruption in the Brazilian trafficking chain and criminal justice chain.[45]

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[43] Brazil's specialized governmental offices to assist victims of THB have been set up in Goiás and São Paulo (UNODC, 2005).
[44] Signatories of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, are obligated both to combat the root causes and provide protection to victims of THB.
[45] Cf. chap. III, sec. 3.6

2.2.3   Approach of Kevin Bales

THB for the purpose of sexual exploitation is closely connected with slavery. As an expert on modern slavery, Kevin Bales defines three key dimensions of slavery: "loss of free will, the appropriation of labour power, and the use of threats or violence" (Bales, 2005). Using this definition, he classifies practices such as sexual slavery, child prostitution, and forced prostitution as forms of slavery.[46] All three types of crimes may involve THB. Bales uses estimates on global levels of slavery and human trafficking, and classifies countries according to their levels of slavery and THB.

Bales' Process of Data Collection

Bales identifies three major problems related to the collection of data on slavery: (1) the hidden nature of enslavement which forces criminals to act underground, impeding/ hampering its measurement; (2) the lack of a uniform definition about slavery, which leads to the difficulty of systematic data collection; (3) the fact that crime is better understood in the social context where it happens; in certain contexts slavery is not a crime. He also identifies the following difficulties when THB is taken into account: (1) lack of

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[46] Applying Bales' definition it is possible to identify in many practices the three dimensions of slavery. The practices that have not all dimensions, do not, therefore, constitute slavery by this definition. Bales constructed the table below to show the three key variables of his definition matching them with recognizable slavery practices by international agreements.
˅ = *present in the practice; x= not a necessary condition of the practice;*
˅/x = *sometimes present, sometimes not*

Practice	Loss of Free will	Appropriation of Labor Power	Violence or the Threat of Violence
White slavery	˅	˅	˅
Forced labor	˅	˅	˅
Debt bondage	˅	˅	˅
Child prostitution	˅	˅	˅
Forced prostitution	˅	˅	˅
Sexual slavery	˅	˅	˅
Abusive treatment of Migrant workers	˅/ x	˅/ x	˅/ x
Prostitution	˅/ x	˅/ x	˅/ x
Forced marriage	˅/ x	˅/ x	˅
Apartheid	˅/ x	x	˅
Incest	˅/ x	x	˅
Organ harvesting	˅/ x	x	˅/ x
Caste	x	x	˅
Prison labor	x	˅/ x	˅

Source: Bales, K. (2005) *Understanding Global Slavery.* United States: University of California Press

accurate data; (2) unwillingness of victims to report their cases; (3) intimidation of victims and witnesses; (4) lack of standard definitions.

The database he built included three levels, reflecting his early exploratory research: micro-level data ("individual level"), meso-level data ("group or community level") and macro level data ("societal or aggregate level").[47] The database was compiled from a variety of sources: individual interviews, national statistical data from governments and NGOs, press agencies, as well as academic and non-academic international research.

After assembling all the data, Bales aggregated them into ordinal level variables. In order to be able to compare country levels of THB and slavery, Bales applied a 5-point ordinal scale.[48] Each country was assigned a categorical point value referring to its place on the slavery and THB scales, zero being the lowest and four being the highest. According to this classification, Brazil ranks fourth in incidences of slavery as well as fourth in human trafficking. The numbers of actual slaves are estimated between 100,000 and 200,000.

His results, however, do not represent precise numerical measures or the actual numbers of trafficked persons as such concrete data are extremely difficult to obtain.

Bales' Variables Measuring Slavery and THB

Although it is generally accepted that slavery, like trafficking, is rooted in poverty, corruption, sexism, etc., these are all general causes that have not been proven sufficiently. Using data from multiple sources, Bales performed statistical tests to isolate which variables, if any, might be the causal factors (explanatory variables). Performing tests (multiple regressions) with multiple variables, he was able to isolate five predictive factors for slavery, and six for trafficking. The variables that predict slavery, in descending order of influence, are:

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[47] Bales, 2005
[48] Scale for slavery: 0 = no slavery; 1 = very little, occasional slavery; 2 = small but persistent amount of slavery; 3 = slavery regularly found in a few economic sectors; 4 = slavery regularly found in several economic sectors.
Scale for THB: 0 = no trafficking; 1 = rare cases of trafficking; 2 = occasional, but persistent cases of trafficking; 3 = regular cases of trafficking in small numbers; 4 = regular cases of trafficking in large numbers.

- Infant mortality rate

- Proportion of the population below the age of fourteen

- Proportion of the workforce in agriculture

- Governmental corruption (CPI)

- Extent to which a country has threatened or endangered species

According to Bales, "these findings underline basic assertions about what reduces enslavement: education, anticorruption measures, economic supports for the poor, and protection of the environment" and "show that generally accepted notions of causation and relationship gathered from the field can be examined."[49]

Regarding THB, Bales points out that "in any case of trafficking, there is a unique set of causes and effects" (Bales, 2005:141). Nonetheless, he grouped the influential factors into "push" and "pull" sets.[50] The former characterizes the weaknesses of a source country's social-political-economical situation, while the latter characterizes the incentives offered by destination countries. He was then able to isolate the factors that most strongly predict THB. He found the following "push" factors to be the most significant:

- Level of a country's governmental corruption

- Infant mortality rate

- Proportion of the population below the age of fourteen

- Level of food production

- Population density

- Level of conflict and social unrest the country suffers[51]

These variables characterize an underdeveloped country. This is typical for THB source countries. Although Bales is humble about his "small test," it nevertheless provides an adequate foundation for further research in the field, especially that which seeks to identify specific weaknesses within countries (Bales, 2005:107). On the other hand, for THB destination countries, the most significant "pull" factors were:

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[49] Bales, 2005:139
[50] For other "push" and "pull" factors, cf. chap I, sec. 1.2.
[51] Bales, 2005:139

- Proportion of the destination's country's male population over the age of sixty
- Level of governmental corruption
- Level of food production
- Level of infant mortality[52]

The above variables are all indicators of wealthy countries, which reinforce the common knowledge that poor countries are sources of human beings while rich countries remain the destination of trafficked persons. The best option for a trafficker is a rich destination country with sufficient level of corruption to permit the victim's transfer (Bales, 2005:140).

Considerations

The major factor limiting Bales' work is the variables used to measure corruption and THB. The level of country corruption was measured by TI's CPI index (Bales, 2005). The weak point of the CPI index is the fact that it is based on perceptions and does not reflect the real extent of corruption in a country. On the other hand, the data provide a way to measure corruption compensating the lack of hard data, a characteristic of crimes classified as having often a hidden nature. The same criticism can be applied on the data used to measure THB, which is based on estimates only and not on actual data.

Taking into account these deficiencies and limitations this author uses different variables to measure both corruption and THB. The idea of this thesis is not to repeat a cross-country analysis but to probe deeper into the phenomenon of THB and corruption as interrelated phenomena within Brazil. Applying statistical tests, it is this author's contention that the correlation between corruption and THB can be further explored. Additionally, regional analysis can be performed and the detection of the most vulnerable points for corruption in both the trafficking and criminal justice chains can be determined. This thesis proposes to verify Bales' conclusion that corruption is an essential factor explaining and predicting THB.

This author will differentiate her approach from that of Bales in three ways: (1) by using different measures of corruption and THB; (2) by performing a cross-sectional and

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[52] Bales, 2005:140

regional analysis within a country (different level of analysis taking into account also regional effects); (3) by applying advanced statistical methods to explain the interrelationship between corruption and THB in a quantitative way.

2.3   WORKING HYPOTHESIS: THB IS DEPENDENT ON CORRUPTION IN BRAZIL

Although each relevant approach (Lyday, PACO and Bales) recognise corruption as an important predictor of THB, their exploration of the interrelationship between both phenomena is limited and questionable due to the absence of concrete data. All three adopt a cross-country approach to the interrelationship between THB and corruption: Lyday, by correlating the CPI index with the country Tiers; PACO Networking by highlighting the most vulnerable points for corruption during the trafficking and criminal justice chains in the South-eastern Europe; and Bales by correlating TI's CPI index with estimations of THB.[53]

The hypothesis of this work was derived from a particular point of necessity in each of the above mentioned approaches. From Lyday, there is the necessity of establishing a correlation between THB and corruption within one specific country, which has never been proven before. From PACO Networking, the necessity of highlighting the points most vulnerable to corruption in both the trafficking chain and the criminal justice chain inside a specific country; and from Bales, the need to statistically test corruption as a predictive, and therefore, causal factor for THB inside a country. As Lyday and Bales have provided first evidence that countries with relatively high overall level of perceived corruption also show relatively high propensity to THB, this study, on the contrary, follows a much more differentiated approach and focuses only on one specific country, Brazil, as a level of reference.

Brazil is considered one of the major THB source countries in the world (TIP Report, 2007; UNPF, 2006; Queiroz, 2007). Being the fifth largest country in the world with almost two hundred million inhabitants, living in several different regions with multifaceted

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[53] The approaches of Lyday and Bales present cross-country analysis of data on corruption derived from perception indices (surveys of perceptions), such as TI's CPI index. However, this kind of macro-level data is not suitable for different level of analysis such as within a country comparisons, in keeping with Reinikka and Svensson's contention that "conceptually, macro-level determinants cannot satisfactorily explain the within-country variation of corruption" (2003:1).

cultural, political, and above all, social-economic subsystems, Brazil offers a variety of data sources that enables the researcher to analyse the interrelationship of THB and corruption in a much more differentiated way than a single cross-country comparison can ever achieve; moreover, it allows a better understanding of the causal mechanism, how, when and where corruption causes THB for the purpose of sexual exploitation. In addition, the quality of data applied in this thesis even allows performing statistical tests to establish the level of the correlation between the variables, THB and corruption. The multiple regression also establishes predictability which allows predicting the level of THB based on a certain level of corruption while controlling for other potential predicting factors. Due to the complexity of the issues involved with the interconnectedness between THB and corruption a rather general guiding hypothesis has been chosen, namely,

"THB is dependent on corruption in Brazil"

The different quantitative and qualitative aspects of this hypothesis (including the causal mechanism, strength of the dependency, categories of involvement of public officials in the THB process, and the points most vulnerable to corruption during the THB process) will be addressed in detail in Chapter III.

This hypothesis considers two key concepts: corruption and THB.

The dependency of THB on corruption and the structure of their interrelationship, will be demonstrated in two ways: with specific examples drawn from case files (which demonstrate a direct link), and with statistical analysis (which demonstrates an indirect link). The key issue of the first is one of enablement, which in fact explains causality and will be detailed below.

The indirect link is established by the statistical model by using two different and independent sources of data on both phenomena (corruption and THB). Statistical regression applied demonstrates the correlation between corruption and THB, the strength of the correlation and establishes predictability. The results of the statistical model are reinforced by the examples (illustrative cases) drawn from the case files which explore the direct linkage.

Direct Linkage

One set of data used in this thesis establishes causality between THB and corruption in five distinct contexts. In each of these at least one type of corrupt behaviour is committed by public officials during the THB process. These are called corrupt activities, which are classified by this author as being: 1) recruitment; 2) provision of false documents; 3) engagement in the sexual services of trafficked victims; 4) influence peddling; and 5) patent negligence. All five of these corrupt activities demonstrate the way corruption directly enables trafficking, establishing the dependency of THB on corruption.

Recruitment

Public officials can be identified as recruiters. Their corrupt activities facilitate THB in two primary ways. First, a public official, as a member/ representative of a public establishment, engages the public trust; as a result, his/ her activities do not, as a matter of principle, invite suspicion. Second, because public officials have privileged access to contacts and information which may in turn facilitate the practice of any criminal activity; any action by a public official on behalf of a trafficker (such as the provision of privileged information) can be considered direct facilitation of THB. Criminal possession of unique contacts and information enables traffickers to locate and exploit the weaknesses of the state in ways necessary to the conduct of criminal activities.

Provision of false documents

The provision of false documents occurs when a trafficker establishes contact with a public official in order to obtain counterfeit versions of official documents, such as identity cards or passports, which misrepresent or conceal key features of a trafficked person´s real identity (such as the victim´s age, in the case of trafficked minors). In this context, unless the public official and the trafficker are the same person, it is the trafficker who triggers the corrupt activity of the public official. In this case, THB provides the starting point for the corrupt activity, which follows from it causally. However, as the THB process is in this case explicitly dependent on the enabling participation of the public official, the THB process itself can still be said to be dependent on corruption.

Engagement in the sexual services of trafficked victims

The example of a public official engaging in sexual activity with trafficked minors enables THB in two ways. First, by accepting illicit sexual services, public officials who engage in such activity are providing positive reinforcement and incentive to the criminal. The mechanics of this relationship and its resulting enablement of THB are simple. If the provision of illicit sexual services to public officials is itself a form of bribery, from which the criminal receives special favour in the form of protection from law enforcement, then the public official, by engaging in this activity, is in effect receiving a reward for "looking the other way." By accepting this type of bribe, the corrupt official provides incentives to traffickers and exploiters to continue their illicit activities (in particular, to continue catering to a "special" market – including criminal justice agents and politicians, who should otherwise engage the criminals in an exclusively investigative/ prosecutorial capacity as demanded by the law). Such law enforcement "clients" guarantee the success of their criminal activity by removing the threat of punishment for criminal activity.

Secondly, the offender's public office explicitly establishes the potential for special treatment,[54] either before or after the fact. Special treatment includes both non-threat of punishment (considered to take place once a bribe is accepted, when the public official removes the threat of his own preventive/ punitive action) as well as protection from punishment (which takes place post-facto, when corrupt officials may use their influence to hinder both investigative and prosecutorial processes and remove the potential for punishment). Additionally, the higher a public official's rank, the greater the certainty of this potential becomes. The special treatment afforded by politicians, persons of influence[55] and members of the criminal justice system who become involved in criminal activity not only reflects the deep bias and inequality within a criminal justice system but also inhibits the ability of law enforcement to investigate THB, and allows criminals to act with impunity by removing the threat of punishment.

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[54] Special treatment can range from a guarantee of confidentiality from the trafficker and/ or investigating officer to lack of charges and dismissal of sanctions.
[55] Persons of influence are generally business persons who are well known in their regions of residence for their economic standing and their personal connections to public authorities (CPMI report, 2006).

For these reasons, the conduct of a public official engaged in the sexual services can be considered a direct form of enablement of THB, a predictor of its occurrence and an incentive to trafficking.

Influence peddling

Influence peddling, or trading in influence, also functions as an enabling factor for THB by making it dependent on this kind of corrupt behaviour from public authorities. Influence peddling occurs, for example, when high-ranking authorities or persons of influence offer recruiters protection from investigation and prosecution. Often, this protection derives from the provision of illicit sexual services to these authorities and persons of influence.

Patent negligence

"Patent negligence" is known to be a strong determinant of THB (PACO Networking, 2002). Contrary to "pure negligence" which involves the unintentional omission of proper action by public official due to his/ her lack of knowledge of those circumstances which should have been observed during the commencement of his/ her official duties, patent negligence is the intentional omission of proper action by a public official who is aware of all circumstances pertaining to the commission of an illegal activity. Patent negligence occurs, for example, when a public official attempts to protect someone specific (e.g., a trafficker or, by extension, a trafficker´s clients), or when a higher-ranking public official orders a lower ranking official (who may not necessarily be a direct subordinate) to act in a manner not in accordance with his/ her duties as mandated by the law.

While patent negligence is not necessarily difficult to identify, especially in cases of international THB, it nevertheless poses considerable difficulties for investigators and prosecutors who must obtain reasonable evidence of intent – the sole factor distinguishing patent from pure negligence. However, despite the sheer difficulty of determining a public official´s "mindset" prior to the omission of duty, patent negligence is understood in this thesis to be a strong enabler/ facilitator and predictor of THB. Without this particular form of corrupt omission, THB could be more easily combated.

2.4   METHODOLOGY

This chapter describes the way the research has been conducted. Starting from the research problem (deduction of the research hypothesis from theory based on literature review), the research design characterizes the data-gathering strategy chosen, the type of data used and the respective data sources. The data is then analysed according to common qualitative methods and quantitative statistical techniques. Finally, the outcome of analysis will be presented and discussed in the following chapters.

The following table presents the conceptual framework of the thesis and summarizes the concepts, variables, data sources, analytical methods and expected outcomes.

Table 2.4.1 Conceptual Framework of the Thesis

Research Problem

THEORY: Literature on the linkage between THB and Corruption
Lyday, PACO Networking, Bales

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Research Hypothesis	THB ⟵ Corruption	
	Dependent Variable	**Independent Variable**
Measurement in absolute (individual incidents) and/or relative numbers (Rate per 100,000 Persons and Population Density):	• №. of domestic THB cases • №. of international THB cases	• № of incidents of corruption inside THB cases • №. of incidents of corrupt behaviour of public officials on duty in municipalities (e.g. fraud related to procurements, simulated payments, phantom purchases, improper deviation of resources) • № of answers of survey respondents towards THB-related corruption

Research Design

Data Collection Methods:	• Existing secondary data (CPMI[56] and Municipal Corruption Reports; Federal Police Official Statistics) • Social Survey	
Types of Data:	• Cross-sectional data (27 Brazilian Federal States) • Longitudinal Data (from 1990 to 2005)	
Data Sources:	• CPMI Report • Federal Police (Official Statistics) • Survey Respondents	• Municipal Corruption Report

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[56] Joint Parliamentary Commission of Inquiry ("Comissão Parlamentar Mista de Inquérito" or CPMI). Hereafter referred to as the CPMI.

Analysis

Data Analysis:	I – Quantitative Analysis
	    • Descriptive Statistics (rates, ratio and percentages)
	    • Multivariate Technique (Multiple regression and correlation)
	II – Qualitative Analysis
	    • Illustrative Cases

Expected Outcomes

Expected Empirical Findings:	I – Confirmation of the research hypothesis (causality, strength of the correlation between THB and corruption, and predictability)

	II – Responses to questions posed in Chapter I
	
	    • Magnitude and trends of THB and corruption in Brazil
	    • Regional differences in rates of THB-related corruption in Brazil
	    • Most vulnerable points for corruption during the trafficking chain
	    • Most vulnerable points for corruption during the criminal justice chain
	    • Main roles of public officials in the THB process
	    • Consequences of the involvement of public officials in THB

Source: Author's elaboration

2.4.1 Research Problem: dependence of THB on corruption

The framework of the thesis has its starting point in the literature review focusing on the interconnectedness of different types of crimes, especially THB and corruption. The three main theoretical and conceptual studies dealing with the linkage between corruption and THB (Lyday, PACO Networking and Bales) were taken as the basis for the formulation of the research hypothesis, which involves two distinct concepts: THB and corruption. The purpose of the thesis is to answer the cardinal question of whether THB is dependent on corruption in Brazil. Additional qualitative and quantitative information will be provided by answering questions related to causality, trends, regional differences, the main roles of public officials in the THB process, as well as the most vulnerable points for corruption during the THB and the criminal justice chains. These topics will all be addressed in Chapter III.

In accordance with the main hypothesis the dependent variable is THB and the independent variable is corruption. THB is measured/ quantified by:

- The number of cases/ occurrences involving domestic THB
- The number of cases/ occurrences involving international THB

Corruption is measured/ quantified by:

- The number of incidents of corruption inside THB cases
- The number of incidents of corrupt behaviour of public officials on duty in municipalities (e.g. fraud related to procurements, simulated payments, phantom purchases, improper deviation of resources)
- Perception of survey respondents towards THB-related corruption

All variables will be measured and described in absolute and relative numbers. Since the study uses interval level variables, the operationalization procedure applied is counting. This procedure is used since the property of the operationalized concept is discrete (unique and individual incidents of THB and corruption).[57]

This thesis uses the terms "occurrences," "cases," "case files" or "incidents" as synonyms.

2.4.2   Research Design

Data Collection Method[58]

The data have been collected from various independent sources, from existing records to a social survey in keeping with Sale et al. (2002:46) who assert that "the complexity of phenomena [such as THB and corruption] requires data from a large number of perspectives." As such, additional resources have been employed, including a social survey, to supplement the data and identify more precisely how trafficking and corruption are interrelated. In this thesis, triangulation (various methods of analysis) is used to bolster the

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[57] On the procedure of operationalization of concepts, cf. Corbetta, 2003:73.
[58] See Kleck et al., 2006

confidence and validity of the findings (Hagan, 2003:279; Onwuegbuzie and Leech, 2005; Jupp 1989). The usage of various independent and objective sources is known to eliminate the potential for errors and/ or rival causal factors.[59]

Types of Data

This study focuses on Brazil. The initial units of analysis are individual incidents of THB, corruption and individual perceptions towards THB-related corruption. Later, the individual data are grouped by federal states and regions. For statistical purposes (multiple regression) and comparison reasons, the unit of analysis is Brazilian federal state.

The data have both cross-sectional (27 Brazilian federal states) and longitudinal characters (from 1990 to 2005).

In order to provide also qualitative information on THB-related corruption, the study presents illustrative cases based on individual case files.

Data Sources

The data sources are existing government reports, official statistics as well as a sample of respondents to the questionnaire. The sources consist of data describing individual instances of investigated cases of corruption and THB (either separately or linked) from all 27 Brazilian federal states. As such the three sets of secondary data are all in the form of the "original data-matrix" at the individual level (individual cases or incidents of either corrupt behaviour or trafficking events) and were analysed in order to aggregate them as necessary for statistical purposes and to demonstrate regional differences (Corbetta, 2003:150). The three sets of secondary data, even with its limitations as secondary data (Corbetta, 2003:152) are nevertheless unbiased and consistent (Hagan, 2003:237).

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[59] Considering the difficulty of obtaining "first-hand information from those who have been exploited" (Laczko, 2005:8), and considering that Brazil has already conducted a study in which case studies were reported (PESTRAF, 2002), this author has decided not to use case studies or life-story methods as the main data-gathering strategy. While such an approach would be complementary, it remains an endeavour for further long-term research. At this point, without comprehensive or more accurately representative data this approach is not possible.

Although each data set is treated independently, as detailed in its respective section, its findings are compared with those preceding it to make clear the linkages between the outcomes from each set of data. This section provides a basic overview of each data set.

- The CPMI report (a government report) consists of cross-sectional data from investigations into the overall situation of sexual offences against minors in Brazil (including domestic and international trafficking in minors).

- The Federal Police statistics is a set of longitudinal and cross-sectional data into international trafficking incidents (police incident files).

- The Municipal Corruption report comprises a set of cross-sectional and longitudinal data into corruption incidents based on audits of Brazilian municipalities (official records provided by the Federal Government).

- Questionnaire respondents: Brazilian prosecutors and law enforcement agents.

Data Analysis

The data from different sources are analysed using both quantitative and qualitative techniques. Descriptive statistics as well as multivariate analysis are applied. Some selected illustrative cases will be highlighted.[60]

The research hypothesis will be tested in a cross-sectional perspective using time-series data from Brazilian federal states. The reason for this cross-sectional analysis is two-fold:

1) Firstly because a comparative study between federal states and regions facilitates the identification of regional differences (the most vulnerable federal states/ regions to THB-related corruption).

2) Secondly, empirical data from all Brazilian federal states can be applied for advanced statistical analysis (multiple regression and correlation). Thus, the results of the multiple regression can be used to predict future development of THB in Brazil.

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[60] On mixing research methods (qualitative and quantitative approach, see Brannen, 2005.

In addition to the cross-sectional perspective, the longitudinal element of the study allows the identification of THB and corruption trends in Brazil.

Thus, the ways the research hypothesis will be tested are as follows:

1) Applying simple descriptive statistics to the data of the CPMI report to demonstrate the direct link between THB and corruption. The causal relationship is demonstrated in a qualitative analysis of the CPMI data in five types of involvement of public officials in the THB process (recruitment, provision of false documents, engagement in the sexual services of trafficked minors, influence peddling and patent negligence)

2) Applying multivariate analysis (multiple regression and correlation techniques[61]) using the data from the Federal Police statistics and the Municipal Corruption report in order to demonstrate the strength of the correlation between THB and corruption as well as to establish predictability. The latter will be illustrated and reinforced by examples (illustrative cases) taken from the CPMI report

3) Applying simple descriptive statistics to the data from the questionnaire respondents

2.4.3   Expected Outcomes

The final part of the research shall provide definitive answers with regard to the confirmation of the research hypothesis and the topics related to it. These are trends in THB and corruption, regional differences in rates of THB-related corruption, the main roles of public officials in the THB process, as well as the most vulnerable points for corruption during the THB and the criminal justice chains.

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[61] See Healey, 2005

CHAPTER III – TESTING THE HYPOTHESIS: EMPIRICAL FINDINGS

3.1 ISSUES OF CONCERN REGARDING DATA ON THB AND CORRUPTION

As previously stated, THB, by its nature, is a very difficult criminal phenomenon to characterize and measure.[62] Consequently, gathering sound data on THB can be a complex and frustrating process.

As a crime, THB is difficult to classify. Through its process of enactment, THB encompasses a range of crimes, from the falsification of documents to the sexual exploitation of trafficked victims. For this reason, THB is commonly referred to as an "irregular phenomenon" – a criminal process that is in a constant state of change, mutating, making it difficult to recognize. Even reliable data sources can only partially demonstrate the scope of criminal activity involved in THB. Likewise, it is difficult to determine the ways in which other criminal activities mask THB. The inability to distinguish THB from its associated criminal activities not only inhibits the process of data gathering, but also distracts law enforcement, social organizations, NGOs and the criminal justice system from accurately focusing their attention on where it would be most effective. In underdeveloped countries, where crime rates tend to be higher and resources are scarce, gathering sound data is especially difficult.[63]

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[62] Even those countries which maintain consistent and reliable databases (Netherlands and Germany, for instance) face limitations (Laczko, 2005:12). The International Organization for Migration noted that the lack of sound data is the result of factors such as: (1) the underground and illegal nature of trafficking; (2) the reluctance of victims to report their experiences to authorities; and (3) the lack of government priority given to data collection and research (IOM Quarterly Bulletin, № 23 – April 2001). Also found in Trafficking in Persons: Global Patterns, UNODC, 2006; Carchedi, 2006; Swedish Government Offices, 2003; Brennan, 2005. For accessing hidden populations, cf. Heckathorn (1997). On estimation and data collection approach for difficult to reach population cf. Tyldum and Brunovskis (2005).

[63] Analyzing the International Crime Victim Survey, Del Frate (2003) found that "crimes are more frequently reported to the police in Western Europe, North America and Australia than in the other regions, thus showing an opposite trend with respect to the frequency of victimization. She concludes that "in the regions where more crime occurs [especially in underdeveloped countries], the police know less about it."

Although the limitations of data gathering vary from country to country, even the most sophisticated criminal justice networks face problems relating to accurate classification, particularly when the crimes involved are multiple and in some cases interchangeable. Basic controversies remain in criminological circles over how to define and classify reported crimes.[64] Criminal activities associated with THB may not be included in THB case files due to differences in classification or as a result of misidentification. A common reason for misidentification is the failure to complete the full investigative process into crimes which may seem less significant on their own although they are connected to a larger criminal enterprise. In many case files, THB is identified only at the end of the investigative process, especially when sexual offences are the primary focus. Any single case file involving sexual abuse or sexual exploitation can mask the presence of THB.

For these reasons, the process of data collection on crimes commonly associated with THB, such as sexual abuse and exploitation, is of utmost importance. Considering the potential for one individual criminal element to mask another, law enforcement agents must be well trained to identify the clues that point to THB as an overriding element. For this reason, a database exclusively on THB is insufficient for identifying the real scope of the phenomenon. Without a solid database in which all potential related factors can be isolated, identifying every instance of THB is all but impossible; especially when only isolated sets of data are available.[65]

In Brazil, the problem of data collection is significant.[66] The core issue for Brazil is the lack of a clear nationwide methodology for data collection. The absence of a unified and efficient national database comprising concrete statistical evidence has a direct impact on

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[64] The reduced number of reported cases is due in part to misclassification of crimes involving THB (Laczko, 2005:12). A victim of THB, for example, might be simply reported as a missing person. Even with international organizations struggling to compile data and analyze them, all the information gathered from different organizations and institutions "is difficult to combine and integrate" (Korvinus et al., 2005:15, Third Report of the Dutch National Rapporteur). The way institutions deal with THB may vary between regions and countries as to whether "victims" includes only adults or also minors; whether it includes cross-border TBH or also domestic trafficking. Differences also concern professional degree of specialization, commitment of public authorities and information registered (Korvinus et al., 2005:133, Third Report of the Dutch National Rapporteur).

[65] "Fragmentary datasets cannot be collated into national figures or compared at international level" (Laczko, 2005:15). The lack of sound data also inhibits policy makers to act with certainty (Laczko, 2002).

[66] International literature recognizes the difficulties of gathering sound data on THB from source countries (Lazcko, 2002), especially countries in Latin America and the Caribbean (Pellegrino, 2004). Consequently, scientific research is damaged.

the ability of governments at every level (local, regional, federal) to formulate specific public policies targeting THB and sexual offences.[67] The primary concern here is budgetary: without numbers based on statistical data, funding requirements cannot be met; neither can progress be evaluated. As Bales (2005:109) notes, "sound policy requires good estimates in order to determine the needed level of resources, the location of needed interventions, and the appropriate administrative mechanisms to be brought into play." However, sound policies require good government and the "principal challenge in assessing political commitment is the ability to distinguish between reform approaches that are superficial and designed only to bolster the image of political leaders, and those which are substantive efforts to create real and sustainable change" (TI 2000:41).[68]

Beyond the technical difficulties of collecting data, Brazil, as South America's most geographically expansive country, with over 184 million inhabitants, faces a multiplicity of ideological, political, moral and cultural issues, many of which are regionally defined. All of these issues are relevant to understanding THB in Brazil, as well as the corrupt practices that enable it. Likewise, cultural factors play a significant role in the way data are gathered and collated. When sexual offences are involved, especially those involving public officials, a level of discretion is observed that tends to hinder the registering of cases.[69]

Data on corruption itself are especially difficult to obtain as no database exists which specifically maintains records on corruption and no attempt has been made to distinguish and classify the different types of corrupt practices involved.[70] As observed by Graf Lambsdorff, determining precise definitions of the different types of corruption-related crimes in different countries is very difficult since "the statistical methodology of counting

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[67] Brazil has no unified database of case files on domestic THB and sexual offences to support a comparative study of the number of violations that have been reported and investigated or their end results. The lack of comparable data makes measurement difficult when it comes to levels of violence and the restitution of rights.

[68] In 1993, ten years prior to the CPMI, another special commission was formed by members of the Chamber of Deputies in Brazil (federal deputies) to investigate the prostitution of minors in Brazil. The commission was called "Comissão Parlamentar Mista de Inquérito" (CPI). Despite the seriousness of the results, no effective measures were taken. Even then, the difficulty of gathering meaningful data on the sexual exploitation of minors was characterized. The final report of this commission concluded that authorities in Brazil were not interested in analyzing, controlling or combating the sexual exploitation of minors (CPMI report: 5; 56).

[69] Differences in regional attitudes influence not only the way data are registered but also the way data are evaluated. As Bindman (1997) correctly observes, "local police practice [in Brazil] varies enormously across this vast and diverse country, according to political and financial contingencies."

[70] Hodgkinson (1007:17) argues that corruption is often neglected in sociological research due to the relative scarcity of verifiable evidence.

and aggregating used in each national agency can differ considerably from that used elsewhere" (Graf Lambsdorff, 2001).[71] In Brazil, researchers do not need to cross the national border in order to realize the difficulties of international comparison. It is enough to compare the data registered in different regions or federal states to discover how difficult it is to perform even inter-regional comparison. This difficulty is due to a lack of uniformity based on the considerable differences in the way each region perceives and registers data. Moreover, to compare conviction rates among states would require a lengthy period of field research – an endeavor with uncertain results as records are not likely to reflect actual rates of corrupt practices, but rather the relative efficiency of various public agencies (Ades and Di Tella, 1997; Sousa, 2002).

Despite the deficiencies of the process of gathering sound data on THB, especially in Brazil, the data used in this thesis are consistent in so far as the four different sources of data used are congruent with one another, with each one reinforcing the results of the others.

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[71] See Background Paper to the 2001 Corruption Perception Index: Framework Document, TI, 2001. See also Shaw et al. (2003).

3.2   FINDINGS FROM THE REPORT OF THE JOINT PARLIAMENTARY COMMISSION OF INQUIRY: DIRECT LINKAGE BETWEEN THB AND CORRUPTION IN BRAZIL

3.2.1   Report Background and its Relevance

This report originates from an investigation conducted by a joint commission of parliamentarians,[72] aimed at identifying cases of sexual abuse[73] and sexual exploitation[74] against minors.[75] 561 case files were investigated throughout Brazil. The work of the joint commission began on the 14th of May, 2003 and was completed on the 13th of July, 2004. All incidents investigated relate to crimes which occurred between 1994 and 2003. The commission analysed cases under investigation and ongoing court proceedings in order to better understand the criminal justice system's response mechanisms. For the purpose of brevity, the report will be referred to as the CPMI report.

During its work, the CPMI visited 22 federal states, representative of all five Brazilian regions (North, Northeast, Southeast, South and Central West).[76] Unfortunately, not all federal states were visited[77] and not every case file of sexual abuse and sexual exploitation

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[72] The legal basis for this investigation is the Federal Constitution of 1998, Article 58, § 3° and Article 21 by the Common Regiment of the Brazilian National Congress. The commission was composed of 22 members (11 federal deputies and 11 senators) and has the same investigative power as have judicial authorities, as established by the Federal Constitution, Article 58, § 3°.

[73] The term sexual abuse is defined by Article 34 of the 1989 UN Convention on the Rights of the Child as the inducement or coercion of a child into any unlawful sexual act.

[74] The term sexual exploitation is defined by Article 34, (b) and (c) of the 1989 UN Convention on the Rights of the Child. Sexual exploitation comprises the exploitative use of children for prostitution, as well as any other unlawful sexual practices, including pornographic performances and materials. The commercial sexual exploitation of minors has been defined as one of the worst forms of child labor by Article 3 of the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour Convention (known in short as the Worst Forms of Child Labour Convention), adopted by the International Labour Organization (ILO) in 1999 as ILO Convention № 182.

[75] Article 1 of the UN Convention on the Rights of the Child establishes that "child" is any human being under the age of eighteen, unless otherwise specified by the law of a particular country. Brazilian law differentiates between child and adolescent: a "child" is any person under 12 years of age; an "adolescent" is any person older than 12 but younger than 18. Brazilian Federal Law № 8.069 (1990), regulates Article 227 of the Federal Constitution of Brazil and follows the principles established by the 1989 UN Convention on the Rights of the Child, ratified by Brazil in 1990.

[76] To visualize the division of political states and the geographical distribution of federal states, cf. country profile, Appendix 2.

[77] The states not visited by the commission were Alagoas, Sergipe and Bahia in the Northeast region, Amapá and Tocantins in the North region.

could be followed up due to limited time and manpower. The crimes described in the CPMI report are classified as such:[78]

- **Sexual exploitation**: pedophilia[79] and pornography;[80] prostitution;[81] **THB**;[82] sexual tourism[83]

- **Sexual abuse**: rape; unlawful sexual practices other than rape;[84] male genital mutilation[85]

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[78] These categories are established in the Brazilian domestic law (Penal Code and The Statute for the Child and Adolescent), and are in accordance with the UN Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons.

[79] Pedophilia is sexual activity with children or the condition of being sexually attracted to children (HarperCollins Publishers Dictionary, 2004).

[80] The 2000 UN Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography establishes in Article 2 (c) that "Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes."
Brazilian Federal Law № 8.069 (1990) Article 240 establishes as a crime the production or direction of: a theater representation, television program, cinematography (photographic activity or other kinds of visual means), depicting minors in explicit sex. Article 241 establishes as a crime the presentation, production, selling, furnishing with, or publishing any kind of communication means, inclusive internet, photography or images with pornography or scenes of explicit sex involving minors. The same penalty applies to any who authorizes, facilitates, intermediates or assures by any means the participation of minors, and the access of photography by means of a computer network.

[81] The 2000 UN Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography establishes in Article 2 (b) that "Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration." Prostitution itself and soliciting is not illegal in Brazil. "Brazil is a signatory to the 1949 Convention and its Abolitionist model is apparent in legislation designed to outlaw commercial sex-based businesses: procuring and trafficking in women are prohibited, as is benefiting from the proceeds of prostitution, and maintaining premises used for sexual liaisons" (Bindman, 1997). As regards to minors, Brazilian Federal Law № 8.069 (1990) establishes as a crime the submission of a minor into prostitution or other forms of sexual exploitation. Brazilian Penal Code, Decreto-Lei № 2.848 (1940), in its Article 228, also establishes as a crime both the enabling of prostitution and the refusal to let any participant abandon the activity.

[82] Cases of THB can take either a domestic or international form. Despite widespread public recognition of the existence of domestic THB, the relevant anti-trafficking laws had not yet been enacted by the Brazilian legislature during the period of investigation by the CPMI commission. The law criminalizing such conduct was added to the Penal Code on 29 March 2005. Prior to this, only international THB was a punishable offence in accordance with international treaty. However, cases involving domestic trafficking were all registered. Cf. Castilho, 2006.

[83] Sexual tourism, following the definition of the global network "End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes," is "the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone aged under 18." The 2000 UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, states that sex tourism "directly promotes the sale of children, child prostitution and child pornography."

The CPMI report assumed a quantitative and qualitative approach in which case files of sexual offences were analyzed involving all the different categories, alongside with factors related to the environment in which these cases occurred. Therefore, the commission identified many of the root causes of the sexual exploitation of minors in Brazil, tracing the effects of globalization, social exclusion, economic inequality, geographical displacement,[86] culturally rooted practices,[87] and the negligence of those responsible for the protection of minors,[88] to the end-result in "modern day slavery." These findings confirm the consensus of the international literature (Phinney, 2001; Graycar, 1999; Hughes, 1999) that THB is rooted in poverty and poverty-related phenomena.

CPMI also highlights specific factors in Brazil which have a direct impact on the data gathering process, especially when sexual offences is the focus. These are: (1) lack of necessary resources; (2) personal shortages; (3) institutional bias against victims of sexual offences;[89] (4) lack of institutional concern towards THB and sexual related offences;[90] (5)

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[84] Unlawful sexual practices include any other type of sexual activity other than rape, which happens in a non-consensual way. Brazilian law defines unlawful sexual practices, punishing those who engage in these activities as well as those who enable these activities to happen.

[85] The term genital mutilation refers to the castration of male minors (defined as "emasculação" in Brazil).

[86] Cf. Trafficking Victims's Protection Act, sec. 102 [b] 5; Chapkis, 2003.

[87] Cf. CPMI report, 2004: 51; Andrade, 2006; Mahoney, *in* Andrade, 2007; Long, 2004; Di Nicola, 1999; Kempadoo, 1988; Harrison, *in* Hojman, 2004. These cultural practices also have an impact on the process of registering data. As long as these violations seem "normal" or part of the "national culture" (CPMI, 2004), these circumstances make the "dark figure of crime" (Hagan, 2003:187) loom even larger for sex related offences, which, by nature, are generally unrecorded. Also in Movimento República de Emaús, 2002:104-105.

[88] For a discussion on the lack of familial guardianship, cf. Almeida, 2007.

[89] Due to their increased vulnerability, women and minors from low-income families are the primary targets of sexual exploitation networks. The CPMI data mention that a socio-economic background of minors affects both their potential for sexual exploitation, as well as the extent of the criminal justice system's recognition of their rights (CPMI, 2004:206). Generally speaking, the claims of a minor who has already been a victim of sexual exploitation are considered unreliable. Consequently, disproportionate emphasis is placed on the statements of adult defendants, who often claim consent on the part of the victim. As asserted by Long (2004:22), "in courts, trafficked women are often treated as guilty until proven innocent while traffickers as innocent until proven guilty." Also found in Doezema, 1998.

[90] According to the CPMI, the negligence of law enforcement and criminal justice agents results from the fact that THB and sex related crimes in Brazil (particularly involving minors as victims) is part of the "national culture" (Mahoney *in* Andrade, 2007). The potential for such crimes to be investigated is very low, as priorities are given to crimes considered more serious. As such, the priority given to minors is often disregarded in patent conflict with the Federal Constitution which mandates their integral protection and constitutes a lack of respect for children's rights by the state, opening the door for traffickers and exploiters to profit from their victims' adversities, distress and vulnerability (Swedish Government Offices, 2003).

the involvement of public officials; and (6) the involvement of persons of influence.[91]

The CPMI report places emphasis on the epidemic impunity of sexual abusers and exploiters mainly due to the involvement of public officials and persons of influence in such crimes (Figueiredo and Hazeu, 2006:6). The sheer unlikelihood of indictments being sought against public officials makes law enforcement and criminal justice agents as unwilling to investigate sex crimes as victims are to report them. Likewise, even when a case is presented, prosecutors are unlikely to achieve convictions due to corruption within the courts. In one prominent case described in the CPMI report, an influential person from the state government of Acre was known to have raped 12 girls, aged 6-12, but was found not guilty due to the intervention of his personal contacts on the Tribunal.[92]

3.2.2 Secondary Analysis

The work of this author was to re-analyse the data and to isolate THB case files from the data set in order: 1) to verify the linkage between THB and corruption; 2) to demonstrate that a relationship exists between the key variables; and 3) to specify the time order of the relationship in specific cases of THB-related corruption. Each case file was thoroughly re-analysed and classified into two main categories: incidents of THB and incidents of sexual offences, the latter representing the remaining investigated cases.[93] Incidents of THB were then divided into THB involving corrupt officials and THB not involving corrupt officials.

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[91] Persons of influence, as mentioned in the footnote 56, are generally business persons who are well known in their regions of residence for their economic standing and their personal connections to public authorities (CPMI report: 206). The data shows how the lax attitudes governments and media reserve for business persons stand in contrast with the harsh regard they hold towards individuals from the lower socio-economic classes. Sutherland contends that business persons "are protected from criminal definitions, due to the cultural homogeneity and the close personal relationships between public and private institutions" (Walle, 2002:278).

[92] CPMI, 2004:72. As asserted by Human Rights Watch (2005:195), "the vast majority of human rights crimes in Brazil go unpunished, reflecting widespread corruption and other factors. Lack of access to justice-especially for the poorest and most vulnerable sectors of society - is a major problem."

[93] In order to verify the consistency of the CPMI data, this author applied simple statistical correlation using the data on both THB incidents and the remaining cases of sexual offences. The result is that THB incidents are almost perfectly correlated with the investigated cases of sexual offences by federal state (the value of the coefficient of the correlation is 0.97). In places where a higher number of occurrences of sexual offences were observed, incidents of THB were also higher, demonstrating the consistency of the CPMI report. The highest rate of both THB and sexual offences has Roraima in the North region. See further The Pacaraima Pact (2003) between Brazil and Venezuela, especially between Roraima and Venezuela, focusing on research on mining sites.

The investigated cases of THB involving corruption were then reanalysed in order to classify the category of a public official involved, as well as their type of involvement.

During the analysis of the CPMI data, this author identified two major points of inaccuracy related to the classification of the investigated cases: (1) misclassification by error; and (2) lack of precise information on the phase of the case file in the criminal justice system.

The first point concerned the commission's failure to distinguish cases of sexual abuse from cases of sexual exploitation, a misclassification resulting from the misidentification of overlapping concepts. In order to solve this inaccuracy, case files related only to THB were quantified independently of those concerning other sexual offences. Despite the misclassification of case files in the CPMI report, data on THB were not affected. The presence of THB was clearly distinguishable from other categories of crimes. Because case files always include multiple crimes, each case was treated as a single case of the element relevant to this study. For example, a case file involving two crimes (a politician both sexually exploiting minors and influence peddling) was treated as a single case (a politician engaging in the sexual exploitation of minors). Likewise, regardless of the number of public officials named in a given case file, the case itself was analyzed as a single incident of THB involving public officials (one incident of THB-related corruption). Even those case files in which there were strong suspicion that more than one incident of THB had occurred, they were considered only one incident of THB. The same happened with cases of sexual exploitation; many of these cases involving sexual exploitation were believed to have involved victims of prior trafficking. However, there was not sufficient evidence to treat those cases as cases of THB.

The second point of inaccuracy concerned the proper classification of a case file's stage in the criminal justice system. In some cases, the CPMI failed to note whether files represented cases already registered in the criminal justice system, or failed to identify whether those cases where under investigation, prosecution, or at trial. However, these inconsistencies are more a reflection of the general inaccuracy of data collection in Brazil rather than a reflection of improper methodology by the CPMI. For this reason, all cases are referred to as "case files," "investigated cases" or "incidents" as a particular case file's actual stage in the criminal justice system can not be assumed.

The information from case files is used either individually (for the purpose of qualitative analysis) or in aggregated form by federal state and regions (for the purpose of quantitative analysis). The data can not be used beyond descriptive statistics as they do not fulfil the necessary criteria for the application of advanced statistical methods, especially insufficient number of statistical observations. As such, no predictions can be made in which a high degree of accuracy should be expected.

3.2.3 THB and Corruption as Directly Interrelated Phenomena

In this report, and in accordance with the main hypothesis, THB and corruption, are measured/ quantified by:

- The number of cases/ occurrences involving domestic THB
- The number of cases/ occurrences involving international THB
- The number of incidents of corruption inside THB cases

The CPMI report presents 89 investigated THB incidents. Out of 89 incidents, 63 involved corrupt behavior (70.79%). This finding constitutes the first genuine and empirically backed demonstration of the link between both THB and corruption in Brazil. Where the corruption occurred, whether in the trafficking chain or in the criminal justice chain, could not be determined. Nevertheless, the CPMI data suggest that many of those cases involved both.

Out of 63 incidents of THB involving corruption, 15 (24%) were related to domestic THB and 48 (76%) to international THB;[94] of the latter, there were 10 occurrences in which domestic THB was also present (21%), suggesting that many criminal networks traffic both domestically and internationally, blurring the common distinctions held between the two. Table 3.2.1 (on the following page) demonstrates the summary of the CPMI findings.

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[94] Due to the potential overlap of 19 cases of international THB in both the CPMI and Federal police statistics, the CPMI report has been analyzed independently.

Table 3.2.1 Incidents of THB and Sexual Offences in Brazil: 1994-2003 (Absolute Numbers)

Federal States	Domestic Trafficking	International Trafficking	Domestic and International Trafficking	Sexual Offences	Total
Acre	0	3	3	6	9
Rondônia	1	4	5	21	26
Amazonas	4	5	9	8	17
Roraima	3	4	7	26	33
Pará	1	3	4	18	22
Amapá	0	0	0	1	1
Tocantins	0	0	0	2	2
Maranhão	1	0	1	36	37
Piauí	1	0	1	5	6
Ceará	0	1	1	8	9
Rio Grande do Norte	2	1	3	28	31
Paraíba	4	2	6	23	29
Pernambuco	0	2	2	18	20
Alagoas	0	0	0	4	4
Sergipe	0	0	0	5	5
Bahia	0	0	0	14	14
Minas Gerais	4	0	4	31	35
Espírito Santo	1	0	1	7	8
Rio de Janeiro	3	6	9	46	55
São Paulo	1	0	1	37	38
Paraná	1	4	4	26	30
Santa Catarina	2	0	2	15	17
Rio Grande do Sul	0	1	1	25	26
Mato Grosso do Sul	1	3	4	9	13
Mato Grosso	11	8	19	37	56
Goiás	0	1	1	13	14
Brasília	0	0	0	3	3
Total	**41**	**48**	**89**	**472**	**561**

Data source: Author's elaboration of the CPMI report's data (2004)

The investigated cases of THB involved victims (all female minors) trafficked either within the territory of Brazil (domestic THB) or from Brazil to foreign destinations (international THB).[95] Table 3.2.2 (on the following page) shows the number of corrupt incidents in domestic and international THB.

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[95] Only three incidents were detected in which victims were trafficked into Brazil from other countries. Of these three incidents, minors had been trafficked from Colombia, Bolívia and Paraguay. These findings support international literature which classify Brazil as primarily a country of origin for victims of trafficking (UNODC, 2006).

Table 3.2.2 Corruption in Domestic and International THB; Brazil: 1994-2003 (Absolute Numbers)

Federal States	THB Incidents Involving Corruption	Domestic THB Incidents Involving Corruption	International THB Incidents Involving Corruption	Total THB Incidents
Acre	3	0	3	3
Rondônia	4	0	4	5
Amazonas	8	3	5	9
Roraima	4	0	4	7
Pará	3	0	3	4
Amapá	0	0	0	0
Tocantins	0	0	0	0
Maranhão	0	0	0	1
Piauí	0	0	0	1
Ceará	1	0	1	1
Rio Grande do Norte	2	1	1	3
Paraíba	4	2	2	6
Pernambuco	2	0	2	2
Alagoas	0	0	0	0
Sergipe	0	0	0	0
Bahia	0	0	0	0
Minas Gerais	1	1	0	4
Espírito Santo	1	1	0	1
Rio de Janeiro	7	1	6	9
São Paulo	1	1	0	1
Paraná	4	0	4	4
Santa Catarina	0	0	0	2
Rio Grande do Sul	1	0	1	1
Mato Grosso do Sul	4	1	3	4
Mato Grosso	12	4	8	19
Goiás	1	0	1	1
DF-Brasília	0	0	0	0
Total	63	15	48	89

Source: Author's elaboration of the CPMI report's data (2004)

The data suggest that corruption is more frequent in international trafficking than in domestic trafficking. In 15 out of 63 cases (24%), corruption was present in domestic trafficking. The other 48 cases (76%) involved corruption in international trafficking. However, this finding must be analysed with cautious because all cases involving international THB are considered to involve at least one form of corrupt behavior. Because minors cannot exit the country without regular documentation proving that they are adults, especially when traveling without someone responsible for them by law or regular authorization, either documents must be falsified or public officials must "look the other way" when minors cross borders. The same inference cannot be done when domestic THB is taken into consideration.

3.2.4 The Role of Public Officials in THB: types of involvement

During the CPMI investigation, many occurrences of THB were detected in which corrupt behavior was directly linked to the phenomenon of THB.[96] The involvement of a public official in THB includes behavior such as recruitment, the procurement of necessary official documentation, patent negligence (i.e. "looking the other way"), influence peddling, and the engagement of public officials in the sexual services of trafficked victims.[97]

The cases of "patent negligence" were selected from those that mentioned "patent negligence," demonstrating the involvement of public officials without detailing their precise type of involvement. The incidences of "influence peddling" were drawn from those cases in which recruiters/ traffickers acknowledge their "protection" by high-ranking authorities. The engagement of public officials in the sexual services of trafficked minors where those explicitly mentioned in the CPMI data set. Two case files of THB involved public officials (one city deputies and one high-ranking police officer) as the owners of nightclubs where trafficked minors were used to solicit clients. These two incidents were classified as "recruitment." The other incident of recruitment involved a police officer.

The public officials involved included police officers (military, federal and civil police), city deputies, mayors, federal deputies, persons of influence, judges; and their assistants. The following Table 3.2.3 and Figure 3.2.1 detail the types of involvement of public officials in THB according to the CPMI data.

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[96] Also found in Hay, 2004.

[97] As public officials are directly linked to the public welfare and the establishment and implementation of public policies, their involvement in THB, especially their engagement in the services of trafficked victims forces social organizations in Brazil, including NGOs, to tackle these issues without the adequate support of public authorities. "While non-governmental organizations tend to view themselves as secondary in importance to states, their influence is often more important in achieving human rights goals" (Bales, 2005:83).

Table 3.2.3 Involvement of Public Officials in THB in Brazil: 1994-2003 (Absolute Numbers)

Public Officials Involved	Types of Involvement and Number of Incidents
"Public officials" refers either to public servants in general, or (more specifically) police officers (military, federal and civil police), city deputies, mayors, federal deputies, persons of influence, judges; and their assistants.	Recruitment (3 incidents)[98] Procurement of necessary official documentation (12 incidents) Patent negligence/ non-observance, and tolerance (33 incidents)[99] Influence peddling (5 incidents) Engagement in the sexual services of trafficked victims (10 incidents)

Source: Author's elaboration of the CPMI report's data (2004)

Figure 3.2.1 Public Officials involved in THB in Brazil: 1994-2003 (Percentages)
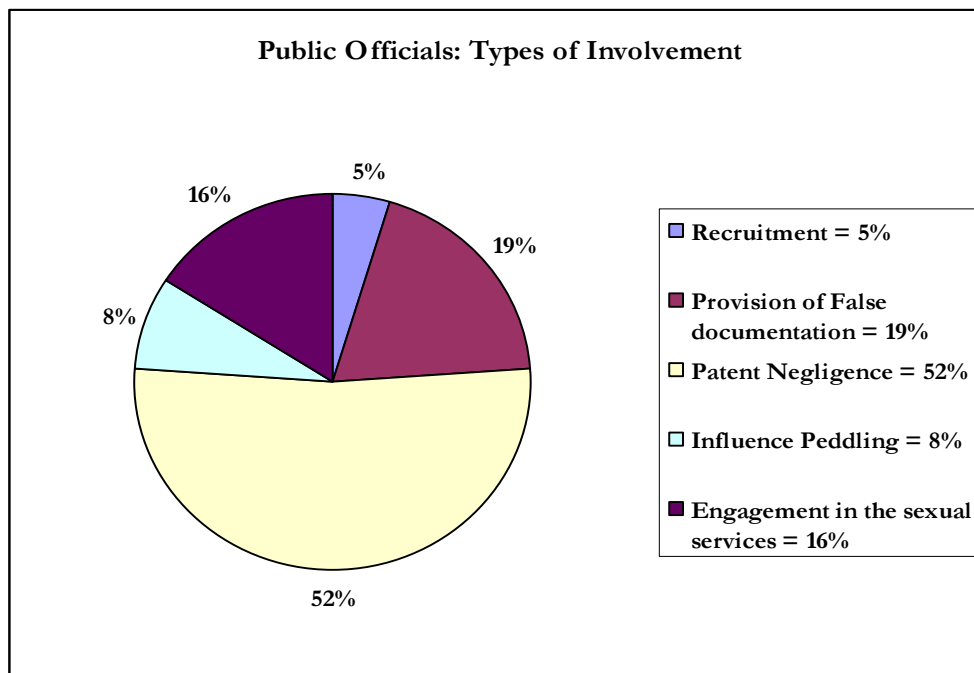
Source: Author's elaboration of the CPMI report's data (2004)

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[98] Recruiter is a "person who works as a middleman between the arranger and the customers of the criminal enterprise." (Graycar, 1999:12)

[99] Schimmel and Pech, 2004

3.2.5 Illustrative Cases of THB-related Corruption[100]

The cases described below are intended to highlight the mechanism under which corruption causes THB in Brazil, as well as the level of corruption present in case files of both THB and sexual exploitation in the CPMI report. It underlines the ability of public officials to avoid conviction at any price, either by threatening witnesses or levering influence over law enforcement agents and court officials (e.g. influence peddling).

Case 1 (Amazon): THB and sexual exploitation[101]

In 2001 a group of five adolescents were recruited to engage in sexual activities with a group of three men: a judge, his assistant, and another court official. They embarked from a port in Manaus, the capital of the Amazon federal state, and docked in Paritins, 420 km away. Throughout the journey, all five adolescents were sexually exploited, a charge subsequently reported to authorities. However, immediately following the initiation a criminal investigation, the minors all agreed to change their stories in exchange for promises of money or other material benefits from the accused. When it became clear that such remuneration would not be forthcoming, the victims retracted their decisions not to testify. Nevertheless, the investigation was set aside due to a lack of evidence.

This case provides a classical example of the direct involvement of high-ranking public officials in THB. Particularly interesting is that it reveals two different elements of the causal interconnectedness of corruption and THB. On one hand, the active recruitment of adolescents by high-ranking public officials for the purpose of THB and sexual exploitation demonstrates a clear disregard for their public responsibilities, an attitudinal position that underscores the potential for official corruption. However, it is the attempt to manipulate the prior testimony of the victims (witness tampering) through bribery that defines the corrupt activity. While the absence of convictions on criminal charges might suggest that these high-ranking officials did not commit a single act of THB and sexual exploitation, the pattern of activities strongly suggests a continued subversion, through corrupt means, of

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[100] This analysis provides "illustrative inference" (Wood and Christy, 1999:185) on what represents the typical environment of trafficked and exploited youth in Brazil.

[101] According to Hughes et al. (1999), "Brazil has one of the worst child prostitution problems in the world and a thriving sex tourism industry has developed in more impoverished states like Bahia and Amazonas."

the investigative process on an evidentiary level that resulted in the eventual dropping of criminal charges against the accused.

Case 2 (Amazon): THB and sexual exploitation

This case involved a modelling agency, which was suspected of being a recruitment access point for international trafficking and sexual exploitation. The agency belonged to a businessman who belonged to an established and highly-respected family in the region and was therefore guaranteed the "protection" of local politicians in the state. As documents reveal, this businessman regularly recruited minors for parties and orgies with politicians, and also organized the international trafficking of victims to Madrid. This case would not have resulted in any investigative process if it had not been for the initiative of the CPMI.[102]

In this case, influence peddling was the primary driving force behind THB. The criminal status provided the criminal with the necessary influence to guarantee the collusion of local politicians (corruption); the combination of the two elements (influence and corruption) worked to together foment an ideal environment for the facilitation of international THB. Documents show that the local politicians involved in this case received special favours (the sexual services of trafficked minors) in reward for "looking the other way"; the criminal activity itself (THB) was organized by the businessman. While it is impossible to determine the absolute extent to which THB would not have occurred without corruption as an enabling factor, the evidence strongly indicates that the criminal process (THB) would have been at a much greater risk of law enforcement intervention had corruption been absent.

Case 3 (Amazon): THB and sexual exploitation

The CPMI (2004:74) report describes the case of a nightclub in the centre of Manaus[103] used by its owner as a venue for sexual exploitation and domestic trafficking. A judges' writ was issued ordering the club to close. Subsequently, one of the police officers who had participated in the closing of the club was transferred in revenge for his participation in the execution of the writ. This case is particularly important as it highlights the ways in which

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[102] CPMI, 2004:73. This case was treated by this author as a case of THB-related influence peddling.
[103] Capital of the Amazon State.

corruption function as a deterrent for proper law enforcement activity (Johnykutty, 2005). It also highlights how "private interests penetrate the institution of the State and bias public policies in their favor" (Buscaglia and Van Dijk, 2003:4).

Case 4 (Roraima): THB and sexual exploitation

A chief police, who was also the owner of a nightclub, recruited minors from the Amazon state to work in her nightclub. She also employed her own off-duty police officers as security staff in her club (CPMI, 2004:206). This case illustrates how corruption at a high level can have a trickle-down effect that permeates an entire system. On the surface, the presence of corruption is unavoidable: the mere fact of a chief of police involving herself in the recruitment and sexual exploitation of minors is enough to stir outrage. The violation of public duty is clear on an individual level as inescapable. However, the fact the she employed her own subordinates as a security staff in her club demonstrates how easily high-level corruption can spread across the different levels of public office. Because of her high rank, and the clear power it gave her over her subordinates, the chief of police was able to gear her entire system into a position of direct enablement. As has been noted earlier (cf. chap. II, sec. 2.3), the higher the rank of a public official, the greater the potential for corruption as an enabling factor for THB. The relative rank of a public official describes his or her ability to influence other authorities, with higher-ranking positions favoring influence peddling. This incident highlights how the involvement of public officials in THB jeopardizes attempts to combat this crime and hinder legal procedures.

Case 5 (Goiás): sexual exploitation

This case came to the attention of law enforcement agencies in Goiás, where a mayor was sexually exploiting minors. All victims were under fourteen years of age. In 1997, the mayor was arrested in a motel[104] in the company of a recruiter and a fourteen-year-old girl. He was subsequently indicted, tried and convicted on counts of statutory rapes, unlawful sexual practices, and enablement of prostitution. Despite being sentenced to 158 months in prison, he served no time for his crimes. He was subsequently re-elected as mayor of the city and was able to keep his case in court through a seemingly interminable series of appeals. Finally, using a now defunct legal article, he was able to partially avoid the sentence

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[104] Motels in Brazil, on the contrary to Europe, serves purely as a place for sexual activities.

imposed by his conviction. The article in question stipulated that if the victim of a sex crime married either the offender, or someone else, the offender would have his punishment voided if the victim did not request continuation within 60 days of the marriage. The mayor, knowing this, paid his victims to marry while he used his appeals to delay imprisonment. While there was sufficient evidence of his role in the marriages of his victims, the voiding of his sentence remained uncompromised.[105]

In this case there was a strong suspicion that minors used to be trafficked from other cities and federal states. The engagement of a mayor in the sexual services of trafficked minors demonstrates corruption as a strong enabler, a facilitator and an incentive for THB.

Conclusions

These illustrative cases demonstrate how THB depends on corruption in Brazil. They also show the lack of punishment within the country when public officials are involved in THB and the sexual exploitation of minors. The deterrent effect, in all three of its elements (certainty, celerity, and severity), is practically non-existent. As asserted by Hojman (2004:47), "deterrence does not work [in Latin America] because of incompetence and corruption in the police, judiciary and prison system. Even an indictment does not provide strong hope for a conviction, and conviction itself does not guarantee punishment. As mandated by due process, many judicial appeals are possible. For people of influence who possess the means to either exhaust the entire appeals process, or prolong it until an amenable solution is found, the necessary protections of due process can be unduly manipulated to postpone punishment.

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[105] His executor in all of this was his lawyer. The evidence clearly describes her role in arranging the marriages for the six victims, three marriages a day over a two-day period. Acting as the primary facilitator, she witnessed the ceremonies, provided transport for the victims to the town office, and covered all costs (CPMI, 2004:105).

3.2.6 Analysis of the CPMI by Region

Figure 3.2.2 (below) arranges Brazil's geographical regions in descending order according to the number of incidents of THB involving corruption. The calculated rate for each region represents the average rate of all included federal states. A weight factor is used to balance differences in the number of states in each region.[106]

Figure 3.2.2 THB Incidents Involving Corruption per Region in Brazil: 1994- 2003 (Rate per 100,000 Persons)
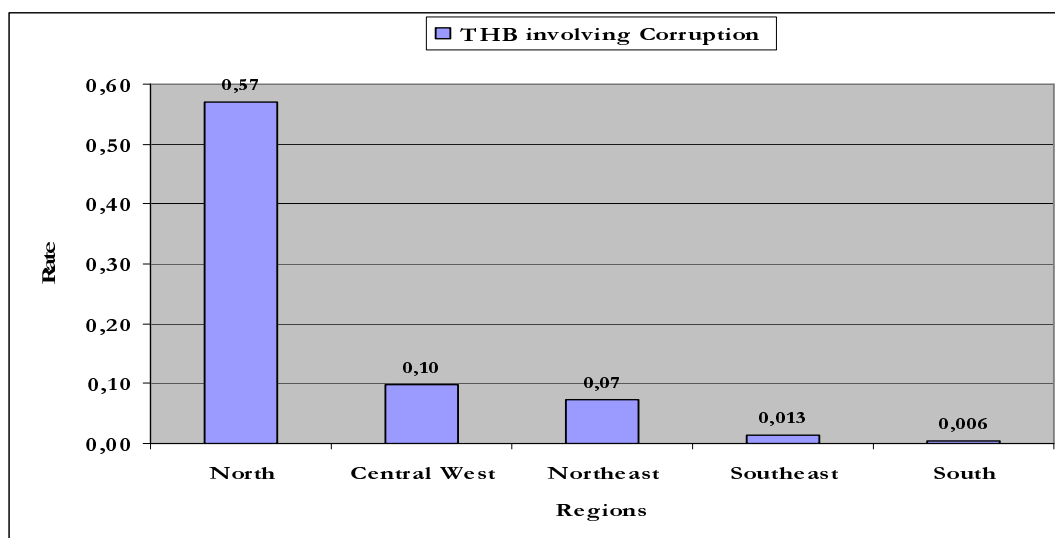
Source: Author's elaboration of the CPMI report's data (2004)

The data show that the North and the Central West regions have the highest rates of THB involving corruption, while the South has the lowest. The North also has the highest rate of THB incidents in general (0.82),[107] followed by the Central West (0.14), Northeast (0.12), Southeast (0.02) and South (0.01).[108] The three regions (North, Central West and Northeast) that present the highest rates of THB also have the highest rates of poverty and regional inequalities.[109]

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[106] The rates of all federal states were grouped according to their region. As each region has a different number of federal states, a weight factor was used to balance this difference.

[107] All decimal values represent rates per 100,000 Persons

[108] Domestic literature (PESTRAF, 2002) offers another classification of regions, representing the data according to the number of domestic and international routes rather than the number of occurrences. In this study, the North region once more has the highest number of routes for THB (76), while the South has the lowest (28). Northeast presents 69 routes, Southeast 35, and Central West 33.

[109] On poverty distribution in Brazil, cf. Petit, 2004.

The above-mentioned regional comparisons of THB rates per 100,000 persons may seem to neglect the fact that Brazilian regions differ quite significantly in terms of density of population and this factor might be in fact itself an explanatory variable for lower incidents of THB in the Southern regions (South and Southeast) which are the most populated ones. In order to eliminate regional population density as a potential rival explanatory factor, an additional calculation was performed.

Figure 3.2.3 (below) demonstrates, however, very clearly, that the regional distribution of THB related corruption in the five Brazilian regions does not change at all, when regional population density is taken into consideration. This result reinforces the previous finding that was based on rates per 100,000 persons as being correct and useful for further comparisons.

Figure 3.2.3 THB Incidents Involving Corruption per Region in Brazil: 1994-2003 (Number of Incidents in relation to Population Density)
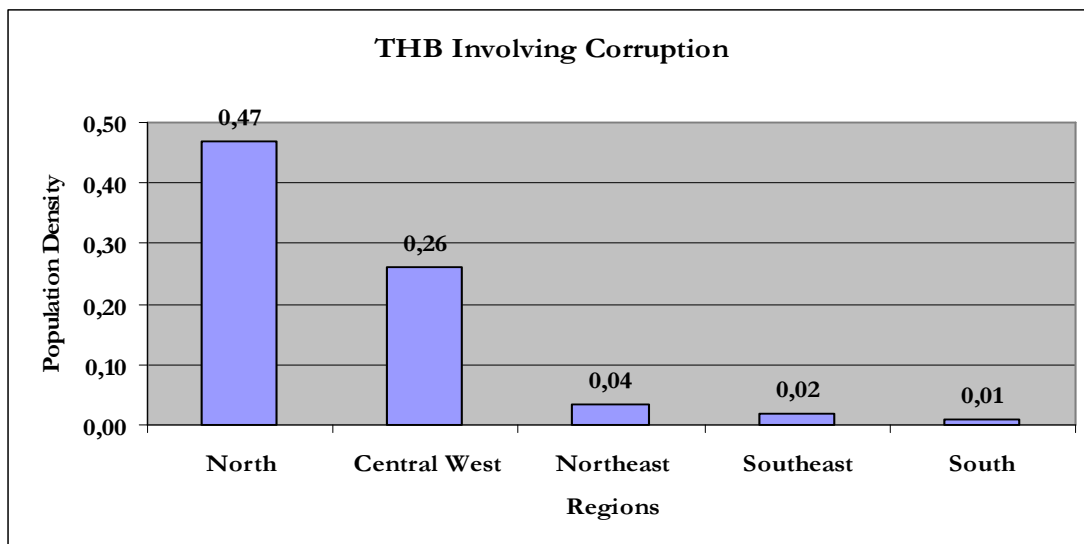
Source: Author's elaboration of the CPMI report's data (2004)
Note: The rate per population density has been calculated per km²

3.2.7   Summary

The CPMI findings are factually cogent. They are as follows:

- The CPMI demonstrates that trafficking in and from Brazil is a major phenomenon and all regions are involved or affected by THB.

- THB is strongly correlated with corruption. 71.79% of all occurrences of THB in this report involve corruption.[110] This finding presents the most direct link on the relationship between THB and corruption.

- THB is strongly dependent on corruption in Brazil. The case files demonstrate a clear causal relationship between both variables. Within THB, the most common types of corrupt behaviour of public officials enabling THB is the patent negligence (52%), followed by the provision of false documents (19%), the engagement by public officials in the sexual services of trafficked victims (16%), and influence peddling (8%).

- Because the CPMI data do not allow for the identification of the points most vulnerable to corruption in either the trafficking chain or the criminal justice chain, qualitative analyses of some individual cases reveal how strongly corruption inhibits investigation, prosecution, and trial and "often precludes successful investigations" (Shelley, 2001:6). The illustrative cases demonstrate the extent of influence peddling and the ability of high-ranking public officials to avoid punishment. As stated by Sousa (2002:270), "once penalized, traffic of influence seems to have ceased to exist. Unfortunately, there is a wide gap between setting penal offences and making their applicability viable and effective." Moreover, corruption not only subverts the efficacy of law enforcement agencies as well as the criminal justice agents but also corrode trust in governance (SEERIGHTS, *in* Kelly, 2005:253).

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[110] As asserted by Shelley (2003:6), "trafficking does not exist in a vacuum. Without corrupt law enforcement, consular officials, diplomats and lawyers this trade could not exist. Also central to the success of traffickers is the corruption of border guards, police, security sector and transport. Without personnel in the airports and railroad industry turning a blind eye … this [variant of] organized crime could not proceed."

- Regional differences exist regarding the level of THB-related corruption. The North, the Northeast and the Central West regions have the highest rates, while the South and the Southeast have the lowest.

- The CPMI findings also highlight the lack of implementation of the rule of law. Because rates of THB-related corruption vary by region, it is necessary to design "tailor-made policies" for every region.[111]

- The CPMI findings conclude that the poorer the minor, the higher the potential for sexual exploitation, and the higher the likelihood that his rights will be disregarded (CPMI: 206).

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[111] See Di Nicola (1999:13)

3.3 FINDINGS FROM THE FEDERAL POLICE: OFFICIAL STATISTICS

3.3.1 Background and Relevance of the Data Set

The Federal Police, official statistics is a set of cross-sectional and longitudinal data into incidents of international trafficking from Brazil. The data were obtained in 2006 from the Federal Police, which are responsible for investigating interstate and international criminal offences, and are the law enforcement agency responsible for preventing and suppressing international THB, narcotics trafficking, and border enforcement.[112]

Unlike the CPMI report, which concerns only the THB of female minors, the Federal Police statistics covers the international trafficking of all women regardless of age. Following the cross-sectional principle, this data set covers all Brazilian federal states.

The Federal Police statistics lists the annual number of investigations in each federal state between January 1990, and March 2006. The total number of incidents investigated within this period (480) refers to the number of investigations brought to the attention of prosecutors. It does not, however, include the actual number of cases reported or the number of investigations where a "positive conclusion" such as convictions, was reached.

The data set refers only to cases registered as "under investigation," which means that in reality, only a fragment of THB offences are reported to the police and "many trafficking cases remain undiscovered" (Laczko, 2005:8).[113]

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[112] Article 144 of the Brazilian Federal Constitution (1988) states that public safety is enforced by Federal Police (national level), Civil Police (state level), and Military Police (state level).

[113] This criminological variable, which represents the number of case files into international THB, may fail to adequately represent this criminal phenomenon. Serious crimes generally present a small difference between reported or prosecuted crimes and the actual numbers of crimes. THB, conversely, has a large dark figure normally associated with less serious crimes. Thereby, official numbers cannot be trusted. Consequently, any data set does not provide the actual extent of the phenomenon and cannot be considered comprehensive. As such, this data must be analysed and interpreted with cautious. Andrees and Van Der Linden (2005) discuss the selection bias that government agencies face. They mention that government data reflect the institutional activity rather than the actual distribution of victims of trafficking.

This report is initially used to show the magnitude of the international trafficking trade from a law enforcement point of view. Section 3.5 subjects the data set to multiple regression analysis in conjunction with the data of the Municipal Corruption report.

3.3.2 Overall Findings

Table 3.3.1 and Figure 3.3.1 (on the following pages) show the annual number of cases investigated in each federal state as well as the increased trend of THB incidents in Brazil, respectively. While before the 1990's the country might seem to have had fewer incidents of THB, these data rather reflect the lack of awareness of THB among law enforcement. It was not until the 1990's that the Federal Police started to treat THB as a legitimate criminal phenomenon. The increasing number of trafficking cases signals an increased pressure on the Brazilian government from other countries to curb THB from Brazil. This is due, particularly, to initiatives taken by the United States[114] following the enactment of the Trafficking Victims Protection Act of 2000 and the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000).

The results of the Federal Police statistics are consistent with the findings of the survey,[115] in so far as both demonstrate the growing acknowledgement, both within the criminal justice system and law enforcement agencies, that THB is a serious and an increasing phenomenon in Brazil.

Even though the inherent limitations on the data set, we must recognize a growing pattern of THB in Brazil. Since 2000, the number of investigations into THB has increased considerably, with a peak increase of 65 per cent in 2005.[116] This finding supports the international consensus that "human trafficking is a growing problem in Latin America" (Ribando, 2005:1), a position which was reestablished by both the Fourth report of the

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[114] E.g. since 2000, the US Agency for International Development (USAID) has participated in the "Programa Sentinela," a Brazilian program which aim is to combat sexual exploitation. USAID assisted Brazil by donating $853,000 to the program in 2002 and $300,000 in 2003 (Danilovitch, 2004). Were it not for the assistance of international organizations, Brazil would probably not have programs for victims of THB and sexual offences.

[115] Cf. sec. 3.6

[116] Even Bales, when referring to estimates, acknowledges that "what we do not know is much greater than what we do know, but the pattern is clear: trafficking in persons is extensive and growing" (Bales, 2005: 136).

Dutch National Rapporteur (Korvinus et al., 2005:4), which observes that "a sudden and strikingly number of victims from Brazil were registered in 2003" and the findings of the "Programa Sentinela" that "trafficking in persons and sexual exploitation continue to be pervasive problems in Brazil. Denunciations have almost doubled since the program's start" (USAID, 2006).

Table 3.3.1 International THB Investigations in Brazil: 1990-2006 (Absolute Numbers)

Federal states	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006 1st quarter.
Acre	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	1	1
Rondônia	0	0	0	0	0	0	0	0	1	0	0	1	5	0	1	2	0
Amazonas	0	0	0	0	0	0	0	0	1	0	1	1	1	3	3	3	1
Roraima	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	10	2
Pará	0	0	1	1	0	1	1	0	0	1	1	0	1	2	4	3	0
Amapá	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	5	4
Tocantins	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	3	0
Maranhão	0	0	0	0	0	0	0	0	0	0	1	0	1	1	0	2	1
Piauí	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Ceará	0	0	0	0	0	1	0	0	1	0	0	0	0	1	2	0	0
Rio Grande do Norte	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	1
Paraíba	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Pernambuco	0	0	0	0	0	0	0	0	1	1	1	1	3	2	11	2	2
Alagoas	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1
Sergipe	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bahia	0	0	0	0	0	0	0	1	0	0	1	0	0	2	3	7	3
Minas Gerais	0	0	0	0	0	0	1	1	0	1	5	11	3	2	8	7	7
Espírito Santo	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3	0
Rio de Janeiro	1	3	2	2	4	3	3	0	2	3	2	7	2	7	6	3	4
São Paulo	0	2	0	1	1	1	1	2	0	3	3	3	6	5	9	20	4
Paraná	0	0	0	0	0	0	0	0	1	3	3	2	2	10	5	4	0
Santa Catarina	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0
Rio Grande do Sul	0	0	1	0	1	0	0	2	0	3	0	3	0	2	1	4	1
Mato Grosso do Sul	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	4	1
Mato Grosso	0	0	0	0	0	0	0	0	0	0	0	0	1	2	0	2	0
Goiás	0	0	0	0	0	0	4	1	3	2	12	12	11	13	14	30	2
Distrito Federal	0	0	0	0	0	1	0	0	0	2	3	3	1	2	0	0	0
Total	1	5	4	4	6	8	10	7	11	20	35	48	39	56	72	119	35

Source: Author's elaboration of the Federal Police data set
Note: The data refer to the period from January 1990, to March 2006. Sergipe was the only federal state not to present any investigation during the period of reference.

Figure 3.3.1 THB Incidents in Brazil: 1990-2005 (Absolute Numbers)
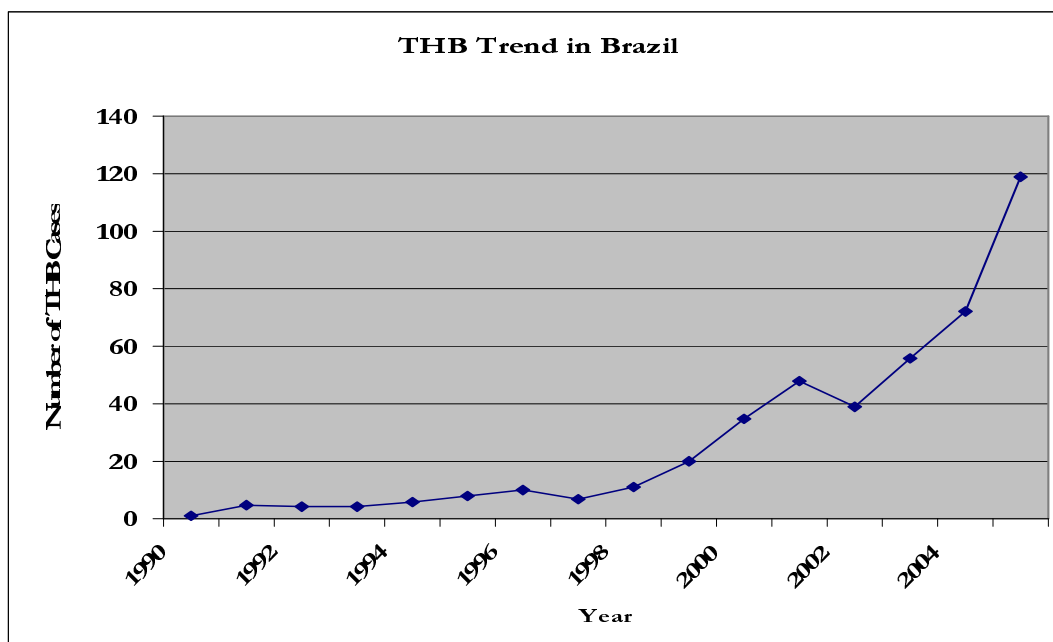
Source: Author's elaboration of the Federal Police data set
Note: Data from calendar year 2006 is not included in this graph as it only covers the period from January to March 2006.

3.3.3   Transparency International (TI) and the Corruption Perception Index (CPI)

The CPI, released annually by TI,[117] is a composite index of polls based on surveys of attitudes about corruption-related crimes carried out by a variety of independent and reputable institutions.[118] Considering the difficulty of obtaining hard data on actual levels of

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[117] Transparency International is a leading NGO on corruption issues.

[118] The surveys used in compiling the CPI ask questions that relate to the misuse of public power for private benefit. Examples of this include, e.g. bribery of public officials, kickbacks in public procurement, embezzlement of public funds. Questions also examined the strength of anti-corruption policies, and cover both administrative and political corruption (TI, Methodology of the Corruption Perception Index: 5-6). The index ranks countries around the world according to their perceived levels of corruption. The ranking ranges from 10.0 ("highly clean") to 0.0 ("highly corrupt") (TI, 2005). The higher a country score on the index, the lower its perceived level of corruption.

During the process of selecting sources, guidelines and criteria are established. To be included in the index, sources must meet the prerequisites of providing a ranking of nations, as well as a unified methodology for all selected countries. Each survey employs its own methodology. However, to be considered by the CPI, a survey conducted in more than one country must employ the same methodology in each country surveyed. Sources must also measure the overall extent of corruption (e.g. frequency and size of bribes), and rather than differentiating between various types of corruption (e.g. administrative, political, petty, grand, etc.), they should measure corruption as a total phenomenon. Each year, a variety of sample designs are employed, the data from which are then standardized to determine a country score.

corruption in any given country, surveys on perceptions is considered a credible means for ranking nations according to their perceived levels of corruption (TI, 2005). As such, the CPI data provide a measurement of corruption based on the perceptions of residents and non-residents in any given country.

Over the years, the CPI has become a valuable tool for statistical comparison with other sources of data. However, this author is fully aware of the limitations of the CPI index (e.g. measuring perceptions instead of real corruption cases, respondents not representing the whole population and the change in methodology over the years). Nevertheless, it is useful, especially as a starting point for further and in-depth statistical analysis, to compare CPI data with the data provided by the Federal Police in order to test the general relationship between both concepts (THB and corruption) longitudinally. Using seven annual indexes of perceived corruption and the total number of investigated THB cases in Brazil during the same period, from 1999 to 2005, this analysis provides an indication that THB and corruption are strongly interrelated.

Table 3.3.2 (on the following page) compares Brazil's scores in the CPI from 1999 to 2005 with the total number of investigations from the same period of the Federal Police data set. Brazil has scored poorly in recent years, "a significant worsening in perceived levels of corruption" (TI, 2006:2).

Year-to-year comparisons of a country's score do not result only from a change in perception of a country's performance but also from changes of both sample and methodology. However, trends in actual perception can nevertheless be identified (TI, 2005). It is essential to note that there is no year-to-year consistency of the CPI assessment as sources change. According to the CPI: "the only reliable way to compare a country's score over time is to go back to individual survey sources, each of which can reflect a change in assessment" (TI, 2006).
The CPI concept assumes that multiple data sources taken into a sample index strengthen the reliability of the score. For a country to be listed, at least three sources must be available to balance out the potential "non-performance" of an individual source, thus reducing the probability of misrepresentation. Since 1998, the CPI has used an average of 9 sources per year to determine Brazil's score (1998:10 sources; 1999:11; 2000:8; 2001:9; 2002:10; 2003:12; 2004:11; 2005:10). The higher the number of sources, the higher the reliability of the score. With at least eight sources every year since 1998, five more than the minimum of three required by the CPI, we can be fairly certain of the accuracy of the score.

Table 3.3.2 TI's CPI scores and Incidents of International THB in Brazil: 1999-2005 (Absolute Numbers)

Calendar Year	Brazil's CPI Scores[119]	Total Number of Investigations into THB incidents
1999	4.1	20
2000	3.9	35
2001	4.0	48
2002	4.0	39
2003	3.9	56
2004	3.9	72
2005	3.7	119

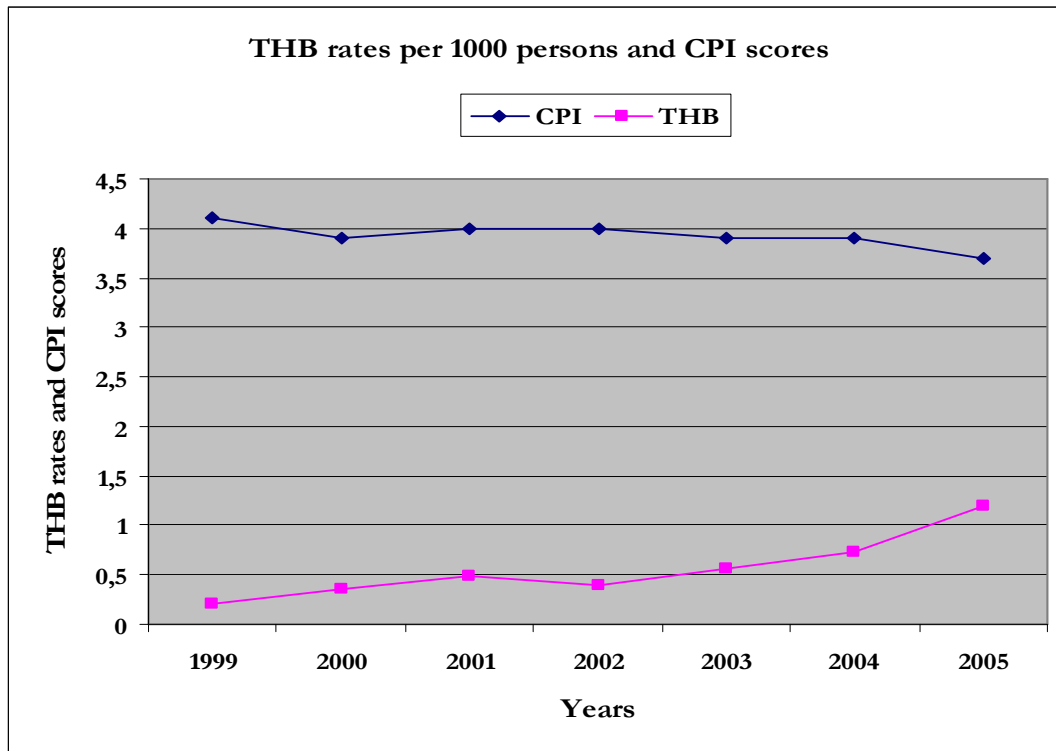*Source:* Author's elaboration of the TI's CPI indexes from 1999 to 2005 and Brazilian Federal Police data set
Note: Only data from full calendar years are used.

The yearly CPI scores show a strong negative correlation with the annual number of investigations into THB (the coefficient of the correlation is -.91). The inverse correlation suggests that the number of investigations into THB may be related to a general perception of rampant corruption. Although it is not possible to establish the direction of causation, whichever way causation runs, the public perception of corruption has significantly increased during the same period as have cases of THB according to the Federal Police statistics. This finding is reinforced by the findings of the survey in which respondents perceives both phenomena to be increasing in Brazil.[120] Once again, it must be stated that this simple correlation does not imply a definite relationship and hence, dependency; this simple analysis does not exclude any rival causal factors that might have influenced both growth patterns. The multiple regression analysis, in section 3.5 will provide stronger answer to this problem. Figure 3.3.2 (on the following page) shows both growth patterns of THB and corruption in comparison.

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[119] Brazil's score in 2006 (not used in this analysis) was even lower than it had been in the precedent years. At 3.3, it dropped 0.4 decimals. Available at [http://transparency.org]
[120] Cf. sec. 3.6

Figure 3.3.2 Growth Pattern of THB and Corruption in Brazil: 1999-2005

**THB rates per 1000 persons and CPI scores**

Figure 3.3.2 (above) shows not only the relationship between THB and perception of corruption (CPI index), but also reveals the fact that the interrelationship might be very strong.[121] This appearance of strength together with the theoretical base that THB and corruption are interrelated phenomena, result in a starting point for later analysis (multiple regression analysis, cf. sec. 3.5).

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[121] This result is not any statistical proof of the strength of the interrelationship between the two concepts, but the appearance of both patterns strongly suggests that the interrelationship exist and is strong.

3.3.4   Regional Analysis

Figure 3.3.3 (below) ranks Brazil's geographical regions in descending order according to the number of THB cases investigated from 1999 to 2005. The calculated rate for each region represents the average rate of all included federal states. A weight factor is used to balance differences in the number of states in each region.

**Figure 3.3.3 THB Investigations per Region in Brazil: 1999-2005 (Rate per 100,000 Persons)**
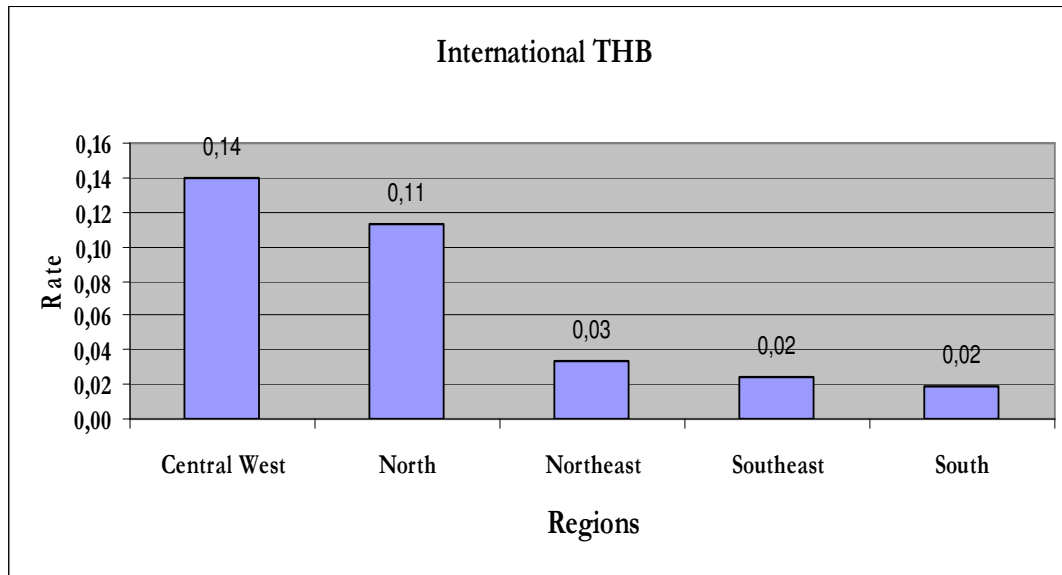
Source: Author's elaboration of the Federal Police data set

According to the Federal Police data, the Central West is the region with the highest number of THB investigations, followed by the North. Conversely, the South Region has the lowest rate. While CPMI report (Figure 3.2.2) places the North at the top of the list with the highest rate of THB, followed by the Central West, the data from the Federal Police statistics classifies the Central West as the region with the highest number of THB investigations, followed by the North. Both reports rank the South at the bottom of the list with the lowest rate. The differences in the top ranking of both reports may be due to regional differences in law enforcement initiatives (a rival causal factor) as strong emphasis on combating THB has been put in Goiás, for example, in the Central West region.[122]

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[122] From 2002 to 2005, the UN Office against Drug and Trafficking (UNODC, 2005) joined the Ministry of Justice in Brazil in the first project to combat THB. This program focuses on four federal states: Rio de Janeiro, São Paulo, Goiás and Ceará. The first two were selected due to the presence of international airports which serves as exit centers for international THB. The latter two were chosen because they had, at the time, the highest number of trafficked persons. Observing

Similarly to the considerations in the regional analysis of the CPMI data (cf. sec. 3.2.6), population density needs to be eliminated as a potential rival explanatory factor. For this purpose, a slightly different calculation has been done. The result is shown in Figure 3.3.4 (below).

Figure 3.3.4 THB Investigations per Region in Brazil: 1999-2005 (Number of Incidents per Population Density)
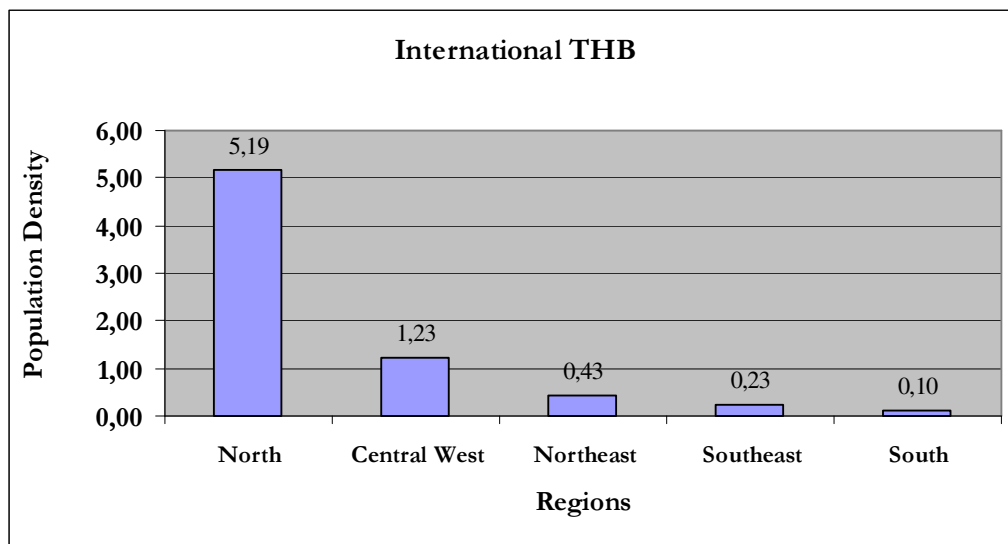
Source: Author's elaboration of the Federal Police data set

The result shown in Figure 3.3.4 demonstrates that population density seems to change once again only the rank of the two most vulnerable regions to THB incidents. Taking regional population density into consideration, the North region appears to present the highest level of THB incidents followed by the Central West. The South and the Southern regions remain in the same position

Table 3.3.1 attentively, it is possible to identify a particular increase in the number of trafficked victims from the states of Goiás and São Paulo. Without specific focus on these states, the Federal police statistics, in keeping with the CPMI report, would have likely indicated the North as the region most vulnerable to THB.

3.3.5 Summary

- The data of the Federal Police reveal the increase in rates of THB in Brazil. The findings show that the North, the Central West and Northeast are the regions with the highest number of investigated cases. The data classify the Southeast and South as having the lowest number of investigations into THB.

- Despite marginal differences in the order of ranking regions between the CPMI report and the Federal Police statistics, both place the North, Northeast and Central West at the top of the list and the South and Southern at the bottom, indicating mutual agreement and overall consistency.

- The investigations into THB from 1999 to 2006 are correlated with the scores of Brazil in the CPI. This simple correlation suggests a positive relationship between corruption and THB as interrelated phenomena.

3.4 FINDINGS FROM THE MUNICIPAL CORRUPTION REPORT

3.4.1 Background and Relevance of the Data Set

The Municipal Corruption report is a cross-sectional and longitudinal data, in which multiple incidents of corruption were observed in each federal state during the period between 2003 and 2005. The data show the differences of corrupt behavior in the different regions of Brazil.

This report comes from a federal government anti-corruption program initiated by Brazil's Ministry of Control and Transparency in April 2003. Employing the random auditing of municipal government expenditures, the program had two primary objectives: to use the threat of future audits to discourage public administrators from abusing public funds, and to ensure the transparency of public expending, thereby encouraging an active interest of the general population in fiscal/ financial matters.[123] The program, which is still active, seeks to inhibit corrupt practices, strengthen institutions, and engage the public in the monitoring and scrutinizing of the government's decision-making process, as well as its allocation of public funds. Even in those regions where no irregularity is encountered, the effect of the process is to instigate stricter controls of public practices, accountability and transparency. By restricting opportunities for corrupt practices, the program seeks to insure the regularity and proper distribution of public funds.[124]

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[123] For further discussion on investigation and prevention of systematic municipal corruption, cf. Klitgaard et al, 1998.

[124] Although at one point corruption was generally considered beneficial and even necessary for development (Huntington, 1968, *in* Abbott and Snidal, 2002:158), in the beginning of the 1980s, development experts began to change their views. By the late 1990s, anti-corruption initiatives dominated the international agenda as major international organizations began adopting anti-corruption policies, especially the United Nations (UN), International Monetary Fund (IMF), the Organization of American States (OAS), the Council of Europe (CE), the European Union (EU) and Organization for International Co-operation and Development (OECD). This was mainly a response to the extreme levels of corruption in African countries, in many of which despots were siphoning off public resources, providing an endless source of conflict and in many cases leading to protracted civil wars (Abbott and Snidal, 2002).

The auditing, which was conducted by the "Controladoria-Geral da União" (CGU),[125] began in April 2003, with the random selection of one municipality in each region (five municipalities in total). A second lottery was conducted a month later, this time selecting one municipality from every state, excluding the Federal District, bringing the total to 26. Over the following 11 months, seven more lotteries were conducted, each one selecting a sample of 50 municipalities. Nine additional lotteries were carried out between May 2004 and September 2005 (the date of the most recent accounting), using a sample of 60 municipalities representing all the federal states, except the Federal District. In 2003, the lotteries summed seven and comprise 281 cities; in 2004, seven lotteries were carried out in 400 cities and in 2005, four more lotteries were carried out in 240 cities. To meet its objectives of transparency and accountability, the results of the program's audits were published on the internet and handed over to media organizations.

The data set covers the period from 3 April, 2003, to 27 September, 2005, and provides data from 921 audits. Seven lotteries comprise the data for 2003 and 2004; four lotteries comprise the data for 2005.

The lottery required that municipalities have a population under 450.000 inhabitants to ensure the audits were completed in a timely fashion. To insure fairness, the lotteries, which were held monthly at the "Caixa Econômica Federal"[126] in Brasília, and were conducted simultaneously with the national lotteries, were supervised by the press as well as representatives of political parties and were open to the public.

Once selected by lottery, a municipality was then audited according to the following process: (1) all federal funds transferred to the municipal government from 2001 onwards were thoroughly audited; (2) a team of 10 to 15 auditors performed an on-site review of the government's public works projects, regardless of their state of completion, and assessed the quality of public services; (3) all official accounts and documents were reviewed and verified; (4) local community councils and individual community members were interviewed for information regarding inappropriate acts.

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[125] The "Controladoria-Geral da União" (CGU) is the part of the federal executive branch responsible for advising the President on financial matters, along with implementing the government's anti-corruption program. The Transparency Council is an institution within the CGU whose purpose is to initiate debate and implement administrative transparency programs and strategies for combating corruption and impunity.
[126] Caixa Econômica Federal is a parastatal finantial institution in Brazil.

Each audit took approximately a week, at the end of which all irregularities were reported to the CGU headquarters, then posted in summary on the internet and given to the media. If deemed necessary, reports were also sent to public prosecutors and the municipal legislature for further action.

Among the abuses of the public trust uncovered by auditors during the 2003-2005 period were cases of improper spending, undisclosed bank transfers, illegible record keeping, phantom purchases, unauthorized bank withdraws, unauthorized access of funds, forged expense documentation, non-bid contracting; as well as different kinds of frauds related to procurements, including non-bid contracting, the illegal sale of public lands, simulated payments, improper deviation of resources, and non-existent beneficiaries. It was undetermined whether these were methods used by corrupt officials to siphon off public funds for personal use or to procure favors for others.

In each report, the auditors list the total amount of federal funds transferred to the current government alongside a list identifying each irregularity and, when possible, the specific amount of funds involved. A separate list in the same report detailed any irregularities of the previous government, if uncovered by the audit of the current government.

This data set, which presents reliable evidence, covered all Brazilian federal states, with the exception of the Federal District which is not considered a municipality. Using cross-sectional analysis, the data are compared with the CPMI report and Federal Police statistics via descriptive statistics. For the reason of comparability, the Federal District has been assigned a value of zero (0) in the field listing the number of corruption incidents. Following the descriptive analysis in this section, inferential statistics will be applied using this data set (sec. 3.6) in which four independent variables will be tested against human trafficking as a dependent variable. As an independent set of data, the Municipal Corruption report highlights the strength of the impact of corruption on THB.

3.4.2 Overall Findings

Using descriptive statistics, Table 3.4.1 (on the following page) shows the incidents of corruption in municipalities detected by the auditors over a consecutive three-year period -

time series (2003, 2004, and 2005). The incidents recorded neither distinguish the degree of corruption present (whether petty corruption or large-scale corruption involving public funds), nor provide the position of the public officers in question.

Table 3.4.1 Corruption Incidents in Brazilian Municipalities per Federal State: 2003-2005 (Absolute Numbers)

Federal States	2003	2004	2005	Total
Acre	26	9	7	42
Rondônia	28	12	16	56
Amazonas	35	32	26	93
Roraima	27	11	18	56
Pará	71	75	50	196
Amapá	30	12	7	49
Tocantins	28	72	45	145
Maranhão	55	75	45	175
Piauí	60	83	43	186
Ceará	73	81	56	210
Rio Grande do Norte	55	65	51	171
Paraíba	66	61	45	172
Pernambuco	47	73	44	164
Alagoas	36	33	30	99
Sergipe	28	37	18	83
Bahia	81	176	138	395
Minas Gerais	90	247	131	468
Espírito Santo	53	30	16	99
Rio de Janeiro	31	60	28	119
São Paulo	60	172	107	339
Paraná	35	105	70	210
Santa Catarina	45	88	58	191
Rio Grande do Sul	72	130	80	282
Mato Grosso do Sul	36	43	11	90
Mato Grosso	39	56	46	141
Goiás	44	95	49	188
DF	0	0	0	0
Total	1251	1933	1235	4419

Source: Author's elaboration of data from the "Controladoria Geral da União (CGU) (Federal Government, Brazil)

The data indicates that the overall number of corrupt incidents increased during this period, with the largest recorded increase (54.5%) between 2003 and 2004. Although fewer incidents were recorded when the number of lotteries was reduced in 2005, the number of corruption incidents nevertheless shows a tendency towards growth, as shown in Figure 3.4.1 (on the following page). This finding confirms TI's finding that Brazil's general corruption score has been deteriorating over the last several years (cf. sec.3.3).

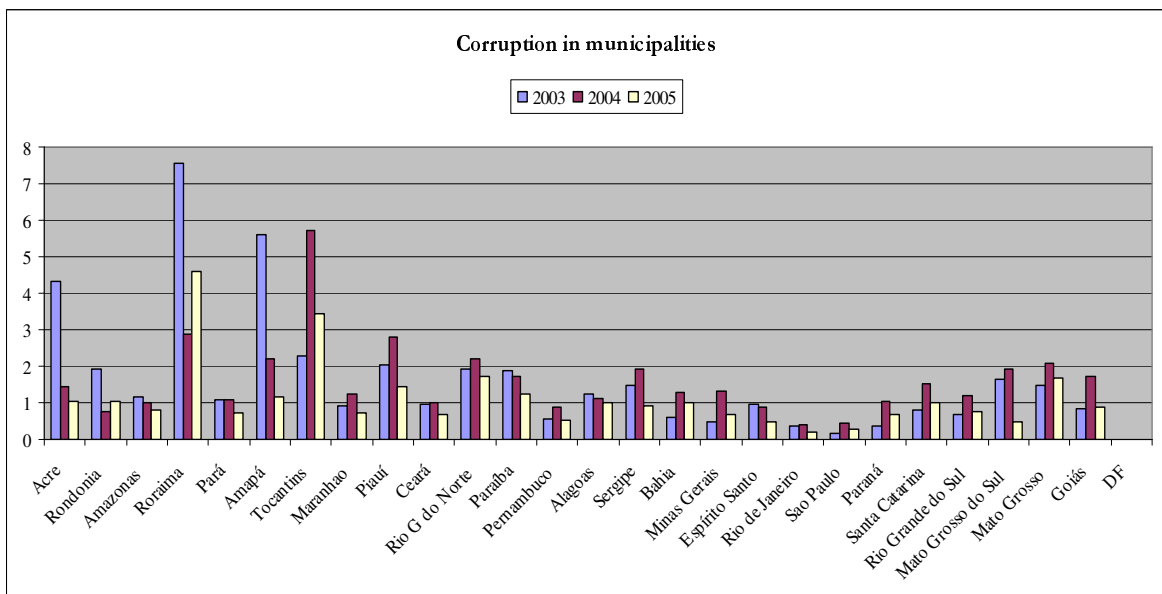**Figure 3.4.1 Corruption in Brazilian Municipalities 2003, 2004, 2005**
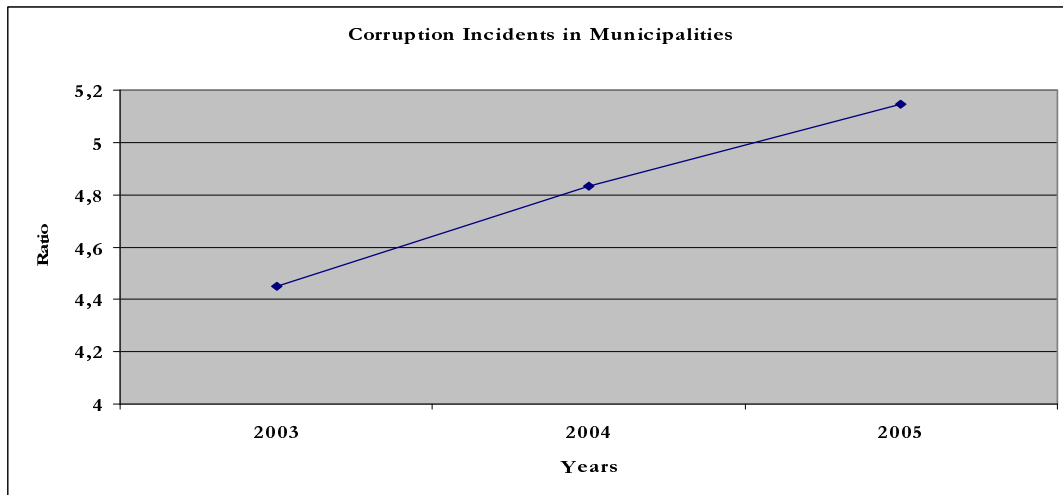
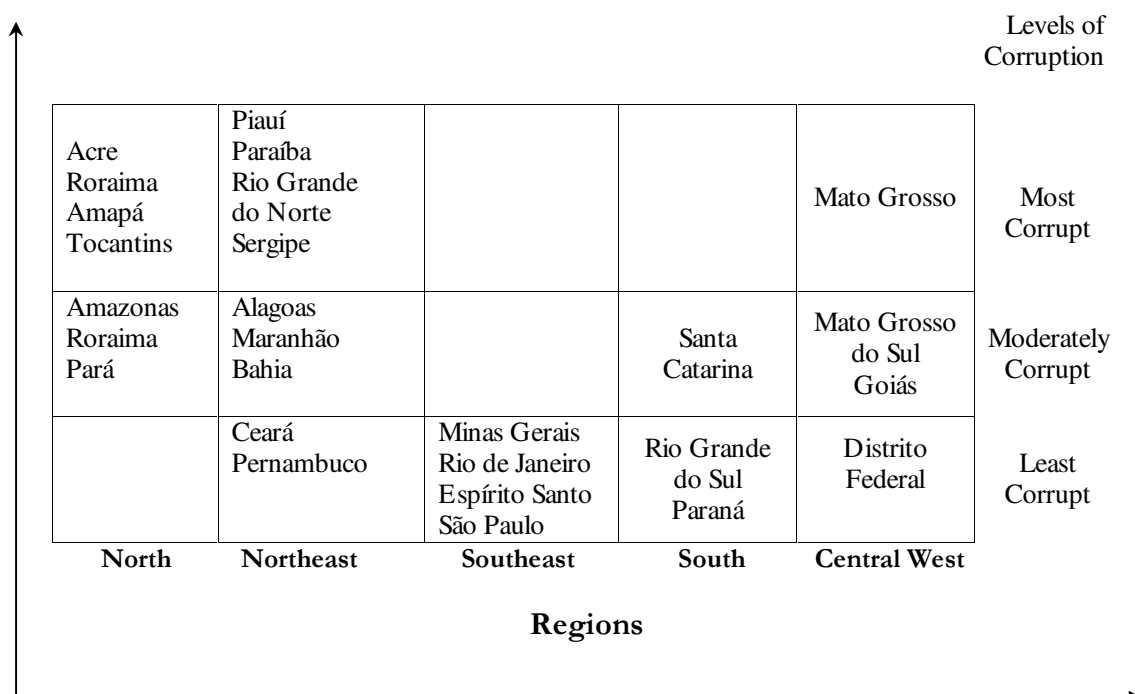*Source:* Author's elaboration of data from the "Controladoria Geral da União (CGU) (Federal Government, Brazil)
Note: The ratio of corruption incidents in municipalities has been calculated by means of dividing the total number of corruption incidents in each year by the number of cities involved in the respective audits.

Figure 3.4.2 (below) graphs the distribution of corruption incidents per federal state in Brazil.

Figure 3.4.2 Corruption Incidents in Brazilian Municipalities per Federal State: 2003-2005 (Rate per 100,000 Persons)

Source: Author's elaboration of data from the "Controladoria Geral da União (CGU) (Federal Government, Brazil)

The average distribution between 2003 and 2005 shows the Northern federal states as having the highest numbers of incidents of municipal corruption. Roraima, Tocantins, Amapá and Acre lead all other states in relative numbers of incidents. The North is followed by the Northeast and the Central West. The Southeast and South have the lowest rates of incidents of corruption.[127]

The Figure 3.4.3 (below) positions each federal state according to its level of corruption in Brazilian municipalities.

Figure 3.4.3 Regional Distribution of Federal States according to levels of Corruption; Brazil: 2003-2005

	North	Northeast	Southeast	South	Central West	Levels of Corruption
Most Corrupt	Acre Roraima Amapá Tocantins	Piauí Paraíba Rio Grande do Norte Sergipe			Mato Grosso	Most Corrupt
Moderately Corrupt	Amazonas Roraima Pará	Alagoas Maranhão Bahia		Santa Catarina	Mato Grosso do Sul Goiás	Moderately Corrupt
Least Corrupt		Ceará Pernambuco	Minas Gerais Rio de Janeiro Espírito Santo São Paulo	Rio Grande do Sul Paraná	Distrito Federal	Least Corrupt
	North	**Northeast**	**Southeast**	**South**	**Central West**	

Regions

Source: Author's elaboration of data from the "Controladoria Geral da União (CGU) (Federal Government, Brazil)
Note: Classification is based on Rate per 100,000 Persons.

Only one federal state from the Central West, Mato Grosso, competes with those from the North and Northeast in relative numbers of incidents. While no states in the South can be

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[127] For further discussion on the cultural dimensions of corruption in Latin American countries, cf. Hustead (2002).

classified as highly corrupt, no federal state belonging to the Southeast region can be classified as even moderately corrupt.[128]

The number of incidents of municipal corruption in each federal state (Municipal Corruption report of 2003) correlates with the number of public prosecutors, judges[129] and police officers, showing that in 2003 incidents of corruption occurred at a higher rate in federal states with higher rates of public prosecutors, judges and police officers.[130] The same can be said about the calendar year of 2004.[131] One possible explanation is that public prosecutors and judges are unaware of the "business" of public administrators; administrative processes are so complex that prosecutors and judges, who are normally on the receiving end of investigations, are unable to initiate inquiries on their own into the bureaucratic thicket. Another possible explanation is that corrupt practices are more common in places with higher crime rates (higher populated area with high anonymity), which in turn result in higher numbers of law enforcement and court officials.[132] Buscaglia and Van Dijk (2003), found a positive correlation between the number of police personnel and prosecution services and levels of organized crime.[133] In their analysis, Brazil is included.

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[128] Treisman (2000:401) found that federal states are more corrupt than unitary ones, "presumably because [of] the competition between autonomous levels of government to extract bribes."

[129] Data on public prosecutors and judges were provided by a publication distributed to all public prosecutors in Brazil. The publication is called "Diagnóstico Ministério Público dos Estados" (2006). The data available comprises 2003 and 2004.

[130] The Municipal Corruption data set, in 2003, positively correlates with the number of public police officers by federal state. The coefficient of the correlation is 0.46. If we apply the simple correlation subtracting the Federal District, which has too many police officers in comparison with other regions, the coefficient of the correlation is even higher: 0.88. One can say that in 2003 higher incidents of corruption occurred in federal states with higher rates of public prosecutors, judges and police officers. The number of police officers comprises the civil police, military police, technical police and fire department. The number of police officers comprises the civil police, military police, technical police and fire department (Secretaria Nacional de Segurança Pública, 2003).

[131] For 2004, the coefficient is 0.6 for public prosecutors and 0.6 for judges. The correlation between the number of public prosecutors and judges per federal state (including the Federal District) is almost perfectly correlated in 2003 and 2004. The coefficients of the correlation are 0.96 and 0.87, respectively. This is due to the fact that public prosecutors and judges are almost evenly distributed across the federal states.

[132] The Federal Police data set on international THB also demonstrates a positive correlation with the number of prosecutors and judges per federal state.

[133] The factor used to explain the correlation is crime rate.

3.4.3 Regional Analysis

Using descriptive statistics, Table 3.4.2 (below) places each region in descending order according to the number of incidents of corruption between 2003 and 2005. The calculated rate for each region represents the average rate of all included federal states. A weight factor is used to balance differences in regional numbers of federal states. The data show that the North and the Northeast have the highest rates of corruption, while the South and Southeast have the lowest. This result reflects exactly the same regional pattern as in the case with THB (cf. sec. 3.2.6).

Table 3.4.2 Incidents of Municipal Corruption per Region; Brazil: 2003-2005.

Region	*Rate per 100,000 Persons*
North	4.48
Northeast	3.89
Central West	0.63
Southeast	0.33
South	0.3

Source: Author's elaboration of data from the "Controladoria Geral da União (CGU) (Federal Government, Brazil)

Since both types of crime (e.g. corruption and THB) appear to have the same regional distribution in Brazil, it is useful to provide some additional explanatory information. Table 3.4.3 (on the following page) compares the level of crime (measured by corruption and THB rates) with the amount of judicial and executive power (measured by number of public prosecutors, judges and police officers) in the same regions during 2003.[134] In order to eliminate the possible rival explanatory effect of population density on the results both rates of crime (corruption and THB) and judicial and executive power (prosecutors, judges and policemen) are expressed in relation to population density.

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[134] In 2004 and 2005 corruption incidents were highest in the Northeast, followed by the North, Central West, South and Southeast.

Table 3.4.3 Corruption Incidents, Public Prosecutors, Judges, Police Officers, and THB per Region in Brazil: 2003.

Number of Incidents/Public Officials in relation to Population Density

Region	Corruption	THB (CPMI)	Judges	Public Prosecutors	Police Officers*
Northeast	16.29	0.04	77.29	75.02	4.172
North	7.54	0.47	18.03	16.68	1.203
Central West	1.42	0.26	7.11	6.21	2053
Southeast	0.84	0.02	6.86	6.13	1008
South	0.67	0.01	6.49	5.93	272

Source: Author's elaboration of data from the "Controladoria Geral da União (CGU) (Federal Government, Brazil); Ministry of Justice/SENASP;[135] the CPMI report (total number of THB incidents involving corruption)

Note: *"Police Officers" includes all branches of law enforcement: Military Police, Civil Police, forensics and fire department.[136]

The data show that the Northeast, the North and the Central West regions have the highest rates of municipal corruption, as well as the highest rates of trafficking, public prosecutors judges and police officers. Conversely, the South region has the lowest rates on all counts. Although the traditional hypothetical relationship logically holds that the higher the numbers of law enforcement in a given region, the lower the overall level of corruption and THB should be, this data seems to reflect an inverse relationship between the crime rate (for corruption and THB) and the level of executive and judicial power in place to combat it.

The result offers three very different interpretive possibilities. Either the high occurrence of corruption and THB in the northern regions of Brazil triggered the government to increase the numbers of executive and judicial powers to combat these crimes, or the high presence of police officers and judges in the Northern regions allowed for the discovery and disclosure of more cases of corruption and THB than would have normally followed. In this case, the direction of causality cannot be clearly identified without additional qualitative information. A third hypothetical explanation is that the high proportion of public officials in the region generated an atmosphere of susceptibility to corruption that allowed it to be both more easily distributed and concealed within the system. However, in light of other findings from Brazil´s Northern regions, it is this author´s belief that other

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[135] Available at [http://www.mj.gov.br/senasp/estatisticas/efetivo/estat_efetivos1.htm]

[136] Using only the total number of the Military Police and Civil Police has no impact on the classification of regions.

factors, such as the geographical placement of these border regions, which favors international trafficking, results in a high level of criminality that makes officials in these regions more susceptible to corruption. As a result, the rate and degree of corruption of public officials is higher in the northern regions and central west than in the South."

Figure 3.4.6 (below) highlights the regional correlation between municipal corruption and THB incidents.

Figure 3.4.6 Corruption in Municipalities and THB (CPMI) per Regions in Brazil (Rate per 100,000 Persons)
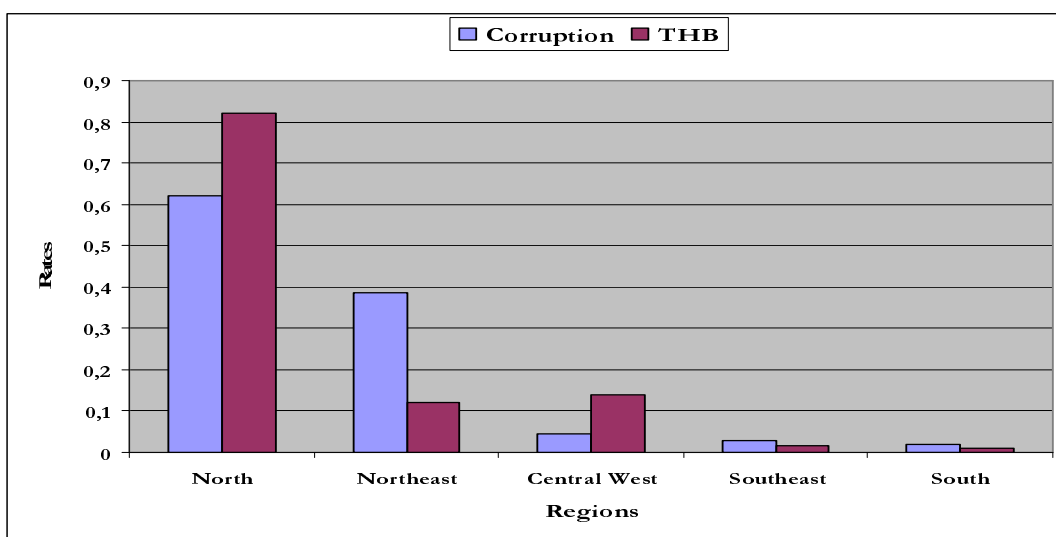
Source: Author's elaboration of data from the the "Controladoria Geral da União (CGU) (Federal Government, Brazil)
Note: Municipal corruption report (2003) and total THB incidents from the CPMI report (1994-2003)

Regions with higher rates of corruption in municipalities are also the regions with higher rates of incidents on THB. Both reports (Municipal Corruption and CPMI) place the North as the most vulnerable region to THB and corruption, while the South is identified as having the lowest number of incidents of THB and municipal corruption. This finding once more emphasizes the interrelationship of THB and corruption in Brazil, reaffirming the research hypothesis of this study.

After three years of auditing, the North, Northeast and Central West ranked highest in corruption incidents, confirming the findings of the CPMI report and the Federal Police statistics. The data of the CPMI report place the North, Northeast and Central West as the regions most vulnerable to THB and THB-related corruption. The North in both reports

(CPMI and Corruption in Municipalities) remains the region with the highest rates of THB and municipal corruption.

While the CPMI ranks the North highest, the Federal Police statistics show that the Central West is the region most vulnerable to THB (international THB). This may due to the fact that in both regions extensive official programs have been undertaken to raise awareness of THB providing a causal factor for the difference.[137] Nonetheless, the Federal Police place the North and Northeast regions as the second and third in number of THB incidents, with minimal differences between the top three.

All three reports (the CPMI, Federal Police, and Municipal Corruption) show that the South and the Southeast are the regions least vulnerable to both THB and corruption.

3.4.4   Summary

This data set of the Municipal Corruption report is extremely important. It shows not only the perceived level of municipal corruption in each federal state but also presents an objective measure of corrupt practices of public official in a cross-sectional comparison. As direct measures of corruption are rather scarce in anti-corruption research, the results of this data set have an added scientific value. The results already presented are as follows:

- Corruption in municipalities is a growing phenomenon (Figure 3.4.1), reflecting Brazil's deteriorating score in TI during the same period (2003-2005).[138]

- The figures of the Municipal Corruption report correlate with those of the CPMI report and the findings of the Federal Police official statistics, which identify the Northern regions as the most vulnerable, and the southern regions as the least vulnerable to THB and THB-related corruption, emphasizing the strong connection between THB and corruption in Brazil.

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[137] Disproportionate emphasis was placed in specific federal states (Goiás, São Paulo, Rio de Janeiro and Ceará), and this emphasis may have had an impact on the findings (rival causal factor).
[138] Cf. sec. 3.3

3.5   ADVANCED STATISTICAL ANALYSIS: THE DEPENDENCE OF THB ON CORRUPTION IN BRAZIL

So far, all empirical findings of the previously discussed data sources have been analyzed using descriptive statistical methods, providing simple correlations between the different variables. The results were presented mainly in terms of rates and percentages.

These data were also positively correlated to sufficiently demonstrate the interrelationship between THB and corruption. Qualitative analysis of the CPMI data revealed, in addition, the causal effect of corruption on THB. This simple analysis allows identifying the direction of the relationship between THB and corruption and demonstrating the strength of the dependence of THB on corruption in a heuristic manner.

However, simple correlation between variables does not reveal the truth about the relationship between them. Two variables may appear correlated due to the fact that a third hidden variable to which the investigated variables are interrelated may influence the relationship masking the results. In order to identify the correct relationship between THB and corruption it is necessary to fix or partial out the effect of other relevant variables by conducting multiple regression analysis.

To formulate the predictive potential of corruption's influence on THB (dependency), multiple regression was conducted using two different (independent) data sets (Federal Police statistics and Municipal Corruption report). The concepts of THB and corruption were operationalized into variables directly measuring incidents of THB and corruption. This allows for the application of more advanced statistical methods, such as multiple correlation and multiple regression analysis in order to stipulate a positive causal effect of one variable on another (predictive effect), while simultaneously controlling for the effects of other potential predictors and their interrelationship (multiple inter-correlations).

Although in social sciences no result can be absolutely (100%) certain or valid, as rival causal factors (situational variables) may always be present and exert influence, the statistical findings achieved by this thesis nevertheless present the most reliable and strongest results on 1) the linkage between THB (outcome variable) and corruption (explanatory variable) and 2) the strength of their interrelationship.

3.5.1 Relationship between THB and Corruption: strength and predictability

The major question is what could be a predictor of THB in Brazil. The classical predictors for THB are considered to be poverty, unemployment, official corruption, and illiteracy.[139] The variable to be explained in the regression equation is THB for the purpose of sexual exploitation. The explanatory variables (causal factors), based on scientific literature[140] are:

- Household income[141]
- Gini coefficient[142]
- Illiteracy Rate per 100,000 Persons[143]
- Municipal Corruption incidents

Poverty is measured by household income and considered to be one of the main drivers of THB (Bales, 2005). Gini coefficient, demonstrating the unequal distribution of income among the population, can also be expected to be predictor of unbalanced societies, where serious crimes, such as THB for the purpose of sexual exploitation, occur. The illiteracy rate represents the educational weaknesses of the federal states within Brazil; moreover, it demonstrates the failure of the state to provide basic services for the population. It can be expected that illiterate minors are much more vulnerable to be trapped into the traffickers' acquisition campaigns and become victims of trafficking rather than educated people that have the necessary educational background. All explanatory variables (except corruption and THB) represent figures from all Brazilian federal states and were taken from a government website.[144] The data on THB were drawn from the

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[139] CPMI, 2004; PESTRAF 2002; UN Protocol to Suppress, Prevent and Punish Trafficking in Persons, Article 9; 4.

[140] Bales, 2005; Hughes, 1999; Hojman, 2004:47; Morris, 2004; UN Commission on Human Rights, Integration of the Human Rights of Women and the Gender Perspective (2000).

[141] The variable "household income," refers to the calculated average income of all persons sharing a single residence.

[142] The variable coefficient "Gini" measures the degree of inequality in the distribution of persons relative to per capita household income. Its value ranges from 0, when there is no inequality (the salary of all persons have the same value), to 1, when inequality is at its highest. "Brazil is one of the world's most unequal countries. In 2001, whereas the top 10 per cent of households controlled 47.2 per cent of the nationwide household per capita income, the bottom 40 per cent accounted for just 8.5 per cent" (Hinton, 2005:81).

[143] The variable used for illiteracy measures the illiteracy of all persons 15 years of age or older.

[144] The variables used in the multiple regression (household income, Gini coefficient and illiteracy rate (15+ years of age) were drawn from the Brazilian Institute of Applied Economic Research, IPEA. Available at [http://www.ipeadata.gov.br/ipeaweb.dll/ipeadata?10117671]

Federal Police statistics of THB incidents and the data on corruption from the Municipal Corruption report.

Potential predictors such as poverty (measured by poverty rate), infrastructure (measured by the extent of paved roads and number of exit points), population density and regional economic success (measured by federal state income) were all tested without showing any significant effect on THB and were therefore excluded from further analysis. Other economic variables such as GDP or GNP per capita measuring the wealth/ poverty of each federal state were not available for all federal states in the period of investigation and therefore, unable to be used.

Following the main hypothesis that THB for the purpose of sexual exploitation depends on corruption in Brazil, a positive partial causal effect of corruption on THB is expected.

The regression function is as follows:

$$lr\_thb = \beta_0 + \beta_1\ lcor\_mun + \beta_2 lhincome + \beta_3 lgini + \beta_4 lg\_ilit15 + \beta_5 lpop\_totpo + \beta_6 d2004 + \beta_7 d2005$$

whereas:

lr_thb = logarithmic trafficking variable (dependent variable)

β_0 = constant
β_{1-7} = partial coefficients
lcor_mun = logarithmic corruption incidents variable

lhincome = logarithmic income variable

lgini = logarithmic Gini variable

lg_ilit15 = logarithmic illiteracy rate (15 years of age or more) variable

lpop_totpo = logarithmic total population variable

d2004, d2005 = dummy variables

The regression model uses combined cross-sectional and time-series data from three consecutive years, 2003-2005.[145] Each variable was sequenced by federal state (27 federal states) and by year. As a result, 81 observations[146] were obtained. Logarithmic

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[145] The statistical software STATA was used to run the regression.
[146] Observation is the number of observed frequencies. Each federal state is observed 3 times.

transformation was then applied in order to reduce multi-co-linearity. Two time dummy variables and one constant variable were used to control for time variations.

$$d2004_{it} = \begin{cases} 1 & if & t = 2004 \\ 0 & otherwise \end{cases}$$

$$d2005_{it} = \begin{cases} 1 & if & t = 2005 \\ 0 & otherwise \end{cases}$$

The constant stood for 2003 and the two time dummies for 2004 and 2005.

Based on the model, a random and fixed effect were estimated. In order to test whether the fixed or random effects model should be used, the classical Hausman specification test was applied. Since no significant correlation between unobserved person-specific random effects and the regressors could be found the Hausman specification test suggests the appropriateness of the random effect model (Yaffee, 2003; Hausman, 1978).

The results are as follows:

Multiple Regression

```
    lg_ilit15 = General population: illiteracy rate 15 years of age or more
    cor_mun = incidents of corruption in municipalities
    lpop_totpop = Population/total population
    d2004 = dummy variable for year 2004
    d2005 = dummy variable for year 2005
    cons = constant for year 2003

    Number of obs       =         81
    Number of groups    =     27
    Obs per group: min  =      3
               Avg  =    3.0
               Max  =      3

    Wald chi2 (8)    = 135.21
    Prob > chi 2     = 0.0000


    ------------------------------------------------------------------------------
             |               Robust
       lr_thb |    Coef.   Std. Err.     z    P>|z|    [95% Conf. Interval]
    ------------+-----------------------------------------------------------------
      lcor_mun |  1.078055  .2345989    4.60   0.000    .6182493    1.53786
      lhincome | -.2413271  .9565328   -0.25   0.801   -2.116097   1.633443
         lgini |  8.267898  3.458304    2.39   0.017    1.489747   15.04605
     lg_ilit15 | -.3980403  .6520112   -0.61   0.542   -1.675959   .8798782
   lpop_totpop |  .0040013  .0474309    0.08   0.933   -.0889616   .0969641
         d2004 |  .0416262  .3789521    0.11   0.913   -.7011063   .7843587
         d2005 |  .2015261  .3891073    0.52   0.605   -.5611102   .9641625
         _cons |  5.189809   7.82794    0.66   0.507   -10.15267   20.53229
    ------------+-----------------------------------------------------------------
```

Two variables proved to be predicting and potentially causing THB: corruption and Gini coefficient.[147] The other two variables (household income and illiteracy rate) proved to be insignificant.

Multiple regression demonstrated that the coefficient of corruption is statistically significant at any reasonable level ($p \leq 0.01$) and has the expected positive sign. In other words, the higher the number of incidents of corruption, the higher the number of incidents of THB. At first sight, it seems that the Gini coefficient is also a statistically significant predictor at any reasonable level. However, the value of Gini coefficient is very high (8.27). One possible explanation for this is the fact that the Gini coefficient is a compound variable which means that it is itself dependent on several different factors, one influencing the other. This internal interdependency may have had a negative impact on the outcome of the multiple regression. This can be seen in the lower level of the statistical significance of Gini coefficient which is half the level of corruption (z value of 2.39 versus 4.60). The other remaining variables (household income and illiteracy rate) had the expected sign, but were not significant direct predictors of THB. They were introduced as explanatory variables based on scientific literature (PESTRAF 2002; Bales, 2005; Hughes, 1999; Hojman, 2004; Ades and Di Tella, 1997).

The relationship between corruption and THB appears to be linear (estimated parameter is 1.08), indicating that a one per cent increase in corrupt practices will lead to an increase of 1.08% in occurrences of THB. This result underlines the major hypothesis of this thesis that THB strongly depends on corruption in Brazil, reinforcing the results drawn from existing scientific literature (Bales, 2005).

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[147] The levels of inequality in Latin America are such that the ratio between "incomes in the top quintile and in the lowest quintile (Q5/ Q1) in a Western European country is about 5 or 6, but in Latin America this ratio is never less than 10, and in some cases it may be as high as 30" (Hojman, 2004:34). Also found in Ferranti et al., 2003. For further discussion of the relationship between inequality and corruption cf. Jon-Sung and Khagram (2005).

3.5.2   The Impact of Corruption on THB

The World Bank (2003) identifies corruption "as among the greatest obstacles to economic and social development," undermining development by "distorting the rule of law and weakening the institutional foundation on which economic growth depends. The harmful effects of corruption[148] are especially severe on the poor, who are hardest hit by economic decline, are most reliant on the provision of public services, and are least capable of paying the extra costs associated with bribery, fraud, and the misappropriation of economic privileges."[149] Most studies (Davis and Ruhe, 2003; Mauro, 1985; Tanzi, 1998) recognize the negative impact of corruption on society.[150] Mauro (1985) demonstrates that countries with high rates of corruption have less GDP directed to investment resulting in slower growth rates.

Multiple regression in this thesis establishes that corruption is a strong predictor of THB. The result implies that corruption generates the means for THB via its social consequences. According to the international literature presented, corrupt public officials, especially those elected, contribute to the general societal conditions identified as comprising the root causes of THB.[151] Corruption often manifests itself publicly as an overall failure of social services, often resulting from withdrawn government involvement in the welfare of its populace, and can lead to a general acceptance of sub-standard conditions as norms. In such an environment, where employment and economic opportunities are scarce,

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[148] The impact of the negligence of public officials with regard to the public welfare ranges from a lack of functioning government services to social instability, lower public welfare, class inequality, underdevelopment, lack of equal opportunity, economic impoverishment, unequal treatment under the law, and is often caused by "misallocation of resources that disrupts economic development, distortion of public policy and the degrading of integrity of the business system" (Davis and Ruhe, 2003:2). Corrupt practices demonstrate the shift in focus on the need of a state toward "delivering the fundamental services to society – health, education, economic development, public safety, etc (Doig and Marquette, 2005:211). If "governance is defined as the manner in which power is exercised in the management of a country's economic and social resources for development" corrupt practices goes beyond legality and "sound development management" (World Bank definition of governance *in* Marquette, 2001:399).

[149] Available at: [http://www1.worldbank.org/publicsector/anticorrupt/]

[150] Montinola and Jackman (2002) found that in recent democracies, as is the case of Brazil, corruption is higher than in dictatorships; countries with complete democratization experience lower levels of corruption. Also found in Sung (2004). For further discussion in controlling corruption in democracies, cf. Philp (2001).

[151] UN Protocol to Prevent, Prevent and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime establishes in Article 9 (4) that States Parties shall take or strengthen measures to alleviate the factors that make persons vulnerable to THB, such as poverty, underdevelopment and lack of equal opportunities.

organized crime often fills the void left by government, providing the illusion of "services" and gainful opportunities while exploiting the vulnerabilities of the people dependent on them. Buscaglia and Van Dijk (2003) provide cogent analysis of the capacity of organized crime to take advantage of poor socio-economic conditions within a country. Figure 3.5.1 (below) illustrates the indirect impact of corruption on THB. The consequences of corrupt practices are, at the same time, the root causes of THB.

Figure 3.5.1 Consequences of Corruption[152] and the Root Causes of THB
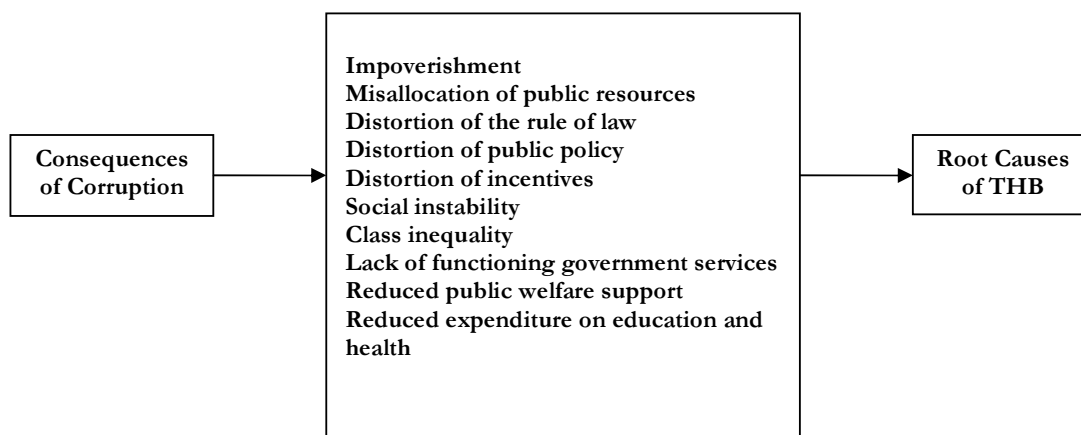
Source: International literature (e.g. Davis and Ruhe, 2003; Buscaglia and Van Dijk, 2003; Mauro, 1985; Tanzi, 1998; Glaeser and Saks, 2004; Gatti et al. 2003; Morris, 2004; Abbott and Snidal, 2002; Ades and Di Tella, 1997). Author's elaboration

The Multiple regression analysis establishes that to combat THB, Brazil must also tackle corruption. Effective anti-corruption measures are likely to have a demonstrable impact on actual levels of THB among federal states in every region in Brazil. According to the findings from the multiple regression one can infer that when corruption rates fall, THB rates are expected to drop accordingly. By lowering the overall rate of corruption and strengthening the integrity of public officials will automatically reduce the incidences of THB.

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[152] "Corruption is a significant drain on the resources of health delivery systems… depriving the most vulnerable populations of desperately needed resources…From 1998-1990 an estimation of 40% or resources being lost to corrupt practices by Brazilian health providers" (Breuning et al. 1999:16).

**3.6   FINDINGS FROM THE SURVEY ON CRIMINAL JUSTICE AGENTS'
PERCEPTIONS TOWARDS THE RELATIONSHIP BETWEEN THB
AND CORRUPTION IN BRAZIL**

3.6.1   Survey Background

To bolster the findings of previous quantitative analyzes, an additional data gathering
strategy (survey) was employed.

The survey was employed to provide data on the perceptions of corruption among law
enforcement and court officials (including members of the Civil Police, Federal Police,
public prosecutors, and judges), as well as from employees of relevant government
institutions and NGOs, following the model of Transparency International. Because each
respondent was deemed to possess in-depth knowledge of criminal phenomena through
his/ her professional context, the questions interrogated the respondent's knowledge and
opinions of the present state of THB and corruption in Brazil.

As defined by Hagan (2003:111), "social surveys are means of data gathering in which a
segment of the population reports their attitudes and/ or behaviour." They are also
"powerful tools for obtaining quantitative data for both descriptive and inferential studies"
(Hagan, 2003:111), and have been used in Criminology and in Criminal Justice Systems to
measure criminal phenomena, as well as perceptions about the severity of crime (Hagan,
2003:112). As such, this method helps enhance the understanding of how law enforcement
assesses the degree to which corruption acts as a determinant of THB. In the section of the
research survey concerning the interrelationship between trafficking and corruption, no
question explicitly asked the respondent to state the direction of causality. However, taken
as a whole the questions implied such a direction. The findings show that throughout the
trafficking process, corruption is inevitably present as an issue which all levels of law
enforcement must be aware of as well as prepared for. It is fair to say that without the
involvement of public officials, THB would be much less prevalent.

3.6.2 Characteristics of the Survey and its Methodology

The survey was conducted in the form of a self-administered questionnaire which was administered over e-mail. The advantages of the self-administered questionnaire, as noted by Corbetta (2003:146), are its low costs, the fact that it can be filled in at any time, and the elimination of the interviewer's bias.[153] Another advantage is that through e-mail, the questionnaire can be sent to a population that is difficult to reach due to distance, especially those who cannot be directly interviewed.

The theoretical procedure (sample design), and its implementation, as well as the collection of data and analysis of results were done by this author. All responses were received between June, 2006, and November, 2006.

Designed to be simple and straightforward,[154] the questionnaire conformed to Corbetta's (2003:146) stipulation that a "self-administered questionnaire must be as brief, concise and simple as possible."[155] Some of its questions were derived from the PACO Networking approach (chap. II) which proved to be an efficient way of identifying corruption in the trafficking chain. As observed by Sudman and Bradburn (*in* Corbetta, 2003:125), "copying questions from other questionnaires is not plagiarism. On the contrary, from the scientific viewpoint, it is recommended practice, in that it enables knowledge to be accumulated and comparisons to be made." The PACO Networking did not result in a questionnaire presented by the member nations; however, its guidelines have been used by other researchers (i.e. Richards, 2004:158-159; Schimmel and Pech, 2004:13) investigating corruption as a trafficking issue.

After the questionnaire was submitted to the pool of potential respondents, reminders were sent via e-mail and telephone.[156]

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[153] Cf. Fox et al., 2003

[154] Specific socio-demographic data, for example, were requested at the beginning of the questionnaire. Respondents were asked to provide their names, job positions, federal state in which they were employed, including the number of years in their current positions.

[155] Corbetta (2003: 137) further advises that "questionnaires must not be too complex; both questions and instructions must be simple (e.g. filter questions such as 'if you answer 'yes,' go on to the next question; if 'no,' go to question 25,' etc. should be avoided)."

[156] For a discussion on whether personal contacts "have a derogatory effect on the quality of the results obtained in using mail surveys," cf. Rada (2005).

The questions addressed the opinions, evaluations, judgements and sensitivity to criminal phenomena in general,[157] and were designed to access the perceived interrelationship between THB-related corruption among respondents and to determine how well-informed and/ or interested the professional was in specific criminal phenomena.[158]

Because of the nature of law enforcement work in Brazil (from the continuous exchange of ideas and knowledge to the rotational structure of most positions), most professionals, even those not currently involved in investigations and/ or prosecutions of corruption and THB, can be expected to have an essential awareness of these issues.

For most of the questions, the respondents were presented with a range of answer choices (multiple choice), then asked to choose the most appropriate. Although the use of multiple choice questionnaires has invited disagreement among scholars (most notably Cicourel), this method was determined to be the most suitable in this circumstance.[159] There are several reasons.

Firstly, because the criminal phenomena under consideration are not highly personal in nature. As such, of primary importance was the respondents' perceptions and awareness of facts rather than their knowledge of either its "meaning" or its behavioural causes. Thus, it was determined that the process of classification of the respondents' thoughts and perceptions would be more effectively demonstrated by the respondents themselves rather than by the researcher in the coding process. Allowing respondents to provide open answers in their own words would also inhibit precise classification.

Secondly, all respondents possessed advanced professional or post-graduate degrees which ensured their ability to understand the terms and concepts used in the questionnaire. These terms and concepts hold common currency and allow for general agreement as to their definitions or interpretive meanings. Additionally, the questions, as structured, were without ambiguity and did not require too much interpretation. As such, the use of fixed-

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[157] As stated by Heidenheimer (2004:101), "since hard data such as corruption convictions were difficult to gather and compare, ingenious minds turned towards utilizing selected opinion and perceptual data." Cf. Thurstone, 1928.

[158] For a discussion on translating concepts into questions cf. Saris and Gallhofer (2004).

[159] Cicourel argues that "the questionnaire with fixed-choice response categories precludes the possibility of obtaining unanticipated definitions of the situation which reveal the subject's private thoughts and feelings" (*in* Corbetta, 2003).

choice response categories allowed this researcher to directly compare the respondents' answers and to subsequently quantify the data.

Thirdly, before the questionnaire was submitted to the population of prosecutors and the sample of other professionals, a sub sample was selected from the same category of respondents to fill out and evaluate the questions' substance, acceptability and effectiveness.[160] This was done to ensure that all relevant options were included in the selection of an answer to each question. No significant problems were identified.

Lastly, a comment space was provided at the end of the questionnaire for respondents to add any additional information they might have had.[161] However, few respondents elected to use this opportunity to provide further information.

Although some of the questions pursued subjective data, the majority of questions called for respondents' professional judgement and evaluation of the issue, classified according to the most suitable choice provided. Additionally, when a question requested concrete data, such as the percentage of a phenomenon's occurrence, the answer choices provided the full range of numeric values (from 0% to 100%).

Three follow-up telephone interviews with public prosecutors who had previously participated in the survey were completed one month after the arrival of their respective responses.

The primary aim was to assess the "extent to which respondents report similar answers to the same question when repeatedly asked" (Farral and Ditton, 1999).[162] As the interview questions involved the percentages of cases that had been either investigated, brought to trial, prosecuted or resulted in convictions, respondents were asked whether their answers had been based on prior knowledge or were the results of subsequent research. All three replied that they had given answers after a period of thought, ultimately expressing their

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[160] A pre-test version was sent to a sub sample of 5 professionals.

[161] Garcia et al. (2004) describes a variety of ways in which free-text comments can be used.

[162] It was not necessary to address the interpretation issue as the responders rarely demonstrated difficulties related to interpretation. Respondents who expressed either a lack of understanding or provided contradictory responses were excluded from consideration.

personal opinions without concern for statistical evidence, in keeping with the general tendency to disregard the value of hard data in Brazil.

The secondary aim of the follow-up interviews was to assess the design of these questions in particular. Respondents were asked whether the questions related to percentages were properly presented, or if they had difficulties choosing responses and how relevant they considered these questions to be from the point of view of criminal justice system. All three viewed these questions as relevant only to statistical interests, and not of practical value. The responses to the follow-up interviews were consistent with those of the survey.

The questionnaire is composed of 30 questions divided into five parts. The first one is related to trafficking itself. The second part deals with corruption independently from trafficking. The third part is related to the relationship between trafficking and corruption. The fourth part focuses on sexual exploitation involving public officials, and the last part deals with the efficiency of the Brazilian criminal justice system. All questions and answers were standardized and nominal, ordinal and interval variables were used.

The answer rate was 10.8%. However, considering that some of the questionnaires were dismissed, the rate of validity represents 7.9%. The response rate is representative of all Brazilian regions.[163] Prosecutors represent all regions; the judge represents the Southeast region; Federal Police represents the Northeast, Southeast and South; the remaining respondents represent the North, Northeast and Southeast regions.

3.6.3 Characteristics of the Sample

Out of a potential pool of approximately 1000 state employees, 109 experts actually responded to the questionnaire. This result presents a response rate of 10.8%. 89.2% of the population was not available for observation.[164] Of those 109, however, 36 respondents were subsequently dismissed as ineligible due to contradictions in their responses, leaving the final number of respondents at 73. The sample of respondents is composed of 59

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[163] The federal states that didn't participate in answering were: Rio Grande do Norte, Paraíba, Piauí (Northeast region) and Acre, Rondônia, Amazonas, Amapá (North region). The heavy workload of public prosecutors in some federal states, such as Rio Grande do Norte, provided a measure of explanation for the lack of responses.

[164] For a discussion on incorporating the unobserved part of a population into an analysis cf. Rudas (2005).

criminal prosecutors, 10 federal police officers, two members of government institutions, one expert of a NGO and one judge.[165]

Because the sample pool was limited mostly to public prosecutors and police officers, the sample survey does not represent a complete reflection of the phenomena of trafficking and corruption. A more expansive survey would have needed a sample pool of respondents engaged in all aspects of these phenomena, including traffickers, enablers and the victims themselves. However, because surveying victims and traffickers would be a challenge, as they are part of a 'hidden population,' "it is almost impossible to establish a sampling frame and draw a representative sample of the population" (Laczko, 2005:5). The sample used in the present study represents the perspectives of a selected group with informed knowledge of the crime, but outside its sphere of influence. As such, the sample shows the perceptions of a group of professionals who neither participated in nor directly observed the commission of these crimes. Instead, their perception was derived from critical analysis of investigations, interrogations, evidentiary procedures, victim's statements, as well as evidence disclosed during trials. In addition to respondents' general expertise in matters relating to criminal phenomena almost half (47%) had worked directly with cases of THB.

Criminal prosecutors were chosen because they are responsible for the analysis of all formal investigations, as well as the initiation of trials. Another reason for sampling them was partly based on their accessibility. Unlike judges, who must maintain the appearance of an absolute lack of bias, prosecutors are under no such constraints. Likewise, prosecutors serve as an interface between the public and judicial branch. As such, they are the ones most likely to be sensitive to the criminal phenomena under investigation.

Because each federal state has its own institution of prosecutors, the questionnaire was sent to all of them, state by state. This was possible because all of them have web sites, some providing the prosecutors' personal e-mails as well.[166]

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[165] The initial idea was to also send the questionnaire to judges from each federal state. However, the idea was withdrawn due to difficulty in contacting them.

[166] It is assumed that the e-mailed questionnaire was received by all Brazilian prosecutors in every state, even those not currently working on criminal cases. Because prosecutors in Brazil typically represent the state in criminal cases and specific interests in civil cases, the questionnaire was e-mailed either directly to public prosecutors or to their administrative offices for dissemination, regardless of whether or not they were currently working in the criminal justice system. It was assumed, based on the rotational nature of a Brazilian prosecutor's assignments, that every respondent would have had prior experience in criminal cases and therefore, would possess relevant

Eight out of ten police officers were chosen though snowball sampling.[167] The other two respondents were selected through direct contact by this author/ researcher.[168] The purpose for having chosen them was due to their roles in the investigations of international trafficking.

Two out of three respondents were from governmental-related departments and chosen through snowball sampling.[169] The other one is an expert from an NGO,[170] selected through internet and telephone contact. The reason why these professionals were chosen was due to their work in the defence of victims of violent crimes, as well as their involvement in combating THB and giving support to trafficked women. Therefore, they have direct contact with victims and have a deep knowledge of their situations and life stories. The judge was chosen due to personal contact with this researcher and the judicial branch.

3.6.4   Complications Identified During Analysis

Three main problems were identified during the analysis of the responses. The first concerned the presence of non-attitudes. Many of the respondents assigned "I do not know" in response to some of the questions. The term "non-attitude" was coined by Philip Converse to describe respondents' lack of opinions (*in* Corbetta, 2003:124).

As Corbetta observes, "It is likely that some subjects have never thought seriously about some of the issues raised, and therefore do not have an opinion about them (2003:124)."[171]

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perceptions of the thesis subject. When potential respondents could not be reached by e-mail, a subsequent e-mail was sent to the headquarters of the selected institutions, requesting that the survey be distributed internally. However, despite this precaution, it is necessary to note the possibility of coverage error.

[167] Snowball sampling is a subcategory of purposive sampling. For a better understanding in applied research, cf. Farquharson (2003).

[168] These contacts were made in a one-week course (São Paulo, December, 2003), focused on trafficking in women, with the incentive of United Nations Office (UNODC) in Brasília and the Brazilian Ministry of Justice.

[169] The contact through the internet was made through the site called "Núcleo de Atendimento às Vítimas de Crimes Violentos," Belo Horizonte-MG, Secretaria de Direitos Humanos.

[170] The NGO is called "República de Emaús," a human rights NGO in Pará.

[171] In some cases, respondents were not able to choose among a given set of answers, especially those dealing with percentages, and left all fields blank. The pattern of non-attitude responses ("missing" data) was far from random and reflects both the lack of data in Brazil and the lack of

Because the questionnaire was conducted over e-mail, respondents had sufficient time to consider their answers. Since the respondents were not under pressure, as in a person-to-person interview, their opinions were not formed on the spot (Corbetta, 2003:124). This problem, however, does not warrant dismissal.[172]

The second problem involved contradictory responses. The most significant of these occurred when respondents answered that corruption was not linked to THB, and then subsequently indicated those points in the trafficking and criminal justice chain which they saw as being the most vulnerable to corruption. The contradiction in this case concerns both a lack of recognition of inherent linkage, on one hand, and ability to specify the linking points on the other.

In order to clarify this discrepancy, the questionnaire was returned to the respondents with the request that they review the instructions and reconsider those answers. In the end, of the 45 questionnaires resubmitted only 9 recognized their contradictions and clarified their responses. As a result, 36 questionnaires were eliminated from further consideration.

The third problem related to the part that dealt with the efficiency of the criminal justice system in Brazil. Several questions were aimed at gathering data about the inefficiency of the judicial apparatus. However, due to the lack of enough responses, the data could not be grouped into categories, which could have led to more precise analysis. Nonetheless, an attempt was made to compare the perceived percentages of cases that were investigated, prosecuted and tried, and finally led to conviction.[173]

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awareness among professionals of the importance of data gathering and analysis (Franses et al., 1999).

[172] Grounds for dismissal included contradictory responses, incomplete responses and undue bias, such as a perception not based on the premise of the law's legitimacy; i.e. the belief that illegal activity is excusable. One respondent's questionnaire was dismissed from evaluation because he claimed no corruption takes place when a policeman involved in THB is off duty.

[173] Cf. Tables 3.6.10, 3.6.11 and 3.6.12

3.6.5 Findings Related to THB

THB as an Increasing Phenomenon in Brazil

On the questionnaire, 81% of respondents endorsed the perception that THB is an increasing phenomenon in Brazil. This result is consistent with the trend observed in the data of the Federal Police statistics (cf. sec. 3.3). Regarding the seriousness of THB, 90% of respondents considered it to be a very serious crime, with 85% endorsing stronger response from law enforcement.

Domestic and International Trafficking as Interconnected Phenomena

Domestic and international trafficking in Brazil are strongly connected criminal phenomena. For traffickers, the domestic market is the first step towards the international market. For victims, however, the domestic market is not necessarily a pre-requisite for involvement in international trafficking (Figueiredo and Hazeu, 2006). The following findings show the extent to which domestic and international trafficking are perceived to be interconnected, as well as the perceived strengths of their interconnectedness.

Table 3.6.1 Interrelationship between Domestic and International Trafficking in Brazil (2006)

Absolute Numbers and Percentages of Respondents

Interrelationship	Percentage	Total N
Yes	79	58
No	21	15
Total	100	73

Source: Author's elaboration of survey respondent's data
Note: Figures may not add to total shown due to rounding.
All five regions are represented, with respondents drawn from 19 federal states.

79% of respondents perceived domestic THB and international THB to be interrelated. This finding corresponds with the finding of the CPMI report in which 21% of international THB incidents were also characterized as incidents of domestic THB.

Table 3.6.2 Strength of the Interrelationship between Domestic and International Trafficking in Brazil (2006)

| | *Absolute Numbers and Percentages of Respondents* | |
	Percentages	Total N
Weak	8	6
Medium	33	24
Strong	40	29
Not answered	19	14
Total	100	73

S*ource:* Author's elaboration of survey respondent's data
Note: Figures may not add to total shown due to rounding.
All five regions are represented, with respondents drawn from 19 federal states.

When asked about this interrelationship, 79% of respondents considered domestic and international trafficking to be interconnected; moreover, 73% considered their interrelationship to be either medium or strong (33% and 40%, respectively). Because Brazil is not thought of as a recipient country (UNODC, 2006), this result suggests that domestic THB, when connected to international THB, likely precedes international trafficking in Brazil. One reason for this could be that traffickers need to prepare victims for international trafficking by testing their potential in domestic territory first as the internal market continuously requires new "products." As such, traffickers must always be on the look out for potential victims; and, due to the globalization, "sex markets have few borders or limits (Cordero and Facio, 2001, *in* Kelly, 2002)." The most likely reason for such an interconnection is economical; traffickers who are already engaged in domestic trafficking expect to gain higher proceeds from the international market. As such, domestic trafficking is a logical gateway for international trafficking.

3.6.6   Findings Related to Corruption

64% of the respondents considered corruption to be an increasing phenomenon in Brazil. This finding is consistent with Transparency International's Corruption Perception Index (TI's CPI) over the last 7 years.[174] While the majority of respondents (64%) found corruption more likely to occur in the public sector, a small minority (5%) still saw the potential for corruption in the private sector.

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[174] Cf. chap. III, sec. 3.3

3.6.7   Findings Related to the Relationship between THB and Corruption

General Findings

The relationship was measured by questioning whether or not respondents considered corruption and THB to be correlated. The answers were measured through a nominal variable, of "yes"/"no."   Table 3.6.3 (below) shows the percentages of "yes" to "no" answers.

Table 3.6.3 Correlation between THB and Corruption in Brazil (2006)

	Absolute Numbers and Percentages of Respondents	
	Percentages	Total N
Yes	89.04	65
No	11.95	8

Source: Author's elaboration of survey respondent's data
Note: Figures may not add to total shown due to rounding.
All five regions are represented, with respondents drawn from 19 federal states.

The result supports the hypothesis that corruption is perceived as being correlated to trafficking.[175] As stated at the beginning of this section, THB would be less prevalent without corruption. This finding is consistent with the Brazilian report on migration and human trafficking to Suriname and the Netherlands (Figueiredo and Hazeu, 2006:6), as well as with the CPMI report (cf. sec. 3.2). The follow-up question asked respondents about the perceived strength of the relationship between THB and corruption.

Table 3.6.4 Strength of the Correlation between THB and Corruption in Brazil (2006)

	Absolute Numbers and Percentages of Respondents	
	Percentages	Total N
Weak	10.95	8
Medium	38.35	28
Strong	36.98	27
Not answered	13.69	10
Total	100	73

Source: Author's elaboration of survey respondent's data
Note: Figures may not add to total shown due to rounding.
All five regions are represented, with respondents drawn from 19 federal states.

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[175] One of the respondents even mentioned that trafficking cannot occur without corruption.

The majority of respondents found the interrelationship between corruption and trafficking to be either medium (38%) or strong (37%), resulting in a total of 75% of all respondents assigning the relationship as having a medium-strong level. The percentage of respondents who found the relationship to be weak (10.95%) numbered less than the percentages who declined to answer the question.

Regional Findings

The finding related to the link between THB and corruption is grouped in this section according to the respondents' regions of employment. Because almost 90% of the respondents perceived THB and corruption to be correlated, there was no significant difference between regions, as shown below:

Table 3.6.5 Region of Employment and Percentage of Survey Respondents who Perceived THB and Corruption to be Correlated in Brazil (2006)

Region	Percentages
North	100%
Central West	100%
Southeast	91%
South	89%
Northeast	80%

S*ource:* Author's elaboration of survey respondent's data
Note: Figures may not add to total shown due to rounding.
All five regions are represented, with respondents drawn from 19 federal states.

Respondents from the North and Central West regions are more convinced about the interrelationship between THB and corruption. This finding is confirmed by the data from the Federal Police statistics of 2004 and 2005, which classified these regions as the two most susceptible to THB.[176]

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[176] The ranking of regions in descending order according to the relative number of THB cases by population per federal state are: North, Central West, Northeast, Southeast and South.

3.6.8 Findings Related to the Trafficking Chain

Domestic Trafficking

Nominal variables were used to determine the points in the trafficking chain perceived as being the most vulnerable to corruption. The phase of preparation of documentation was assigned by respondents as a high risk for corruption in both domestic and international trafficking. However, respondents generally found greater susceptibility in the control and exploitation phase of the domestic trafficking chain, while the logistics phase was seen as most vulnerable in the international trafficking chain. Table 3.6.6 (below) shows the most vulnerable points for corruption in the domestic trafficking chain in absolute numbers and percentages.

Table 3.6.6 Most Vulnerable Points for Corruption in the Domestic Trafficking Chain in Brazil (2006)

	Absolute Numbers and Percentages of Respondents	
	Percentages	Total N
1) Recruitment	13.69	10
2) Preparation of documents	26.02	19
3) Logistics	8.21	6
4) Control and exploitation of the trafficked victim	28.76	21
5) Unable to answer	23.28	17
Total	100	73

S*ource:* Author's elaboration of survey respondent's data
Note: Figures may not add to total shown due to rounding.
All five regions are represented, with respondents drawn from 19 federal states.

In the domestic trafficking chain, the preparation of documents and control of trafficked victims were the two most frequently selected points of risk (26% and 29%, respectively). The percentage of non-attitude responses was also quite high (23%), which suggests that even when respondents claimed to be aware of the correlation between corruption and THB many were reluctant to pinpoint the most vulnerable points. Consequently, the conclusion can be made that there has been a non-systematic attempt to either register or coordinate responses to various types of crimes inextricably linked with trafficking. Failing to obtain concrete information, government offices demonstrate the weakness of the

information-gathering process, as well as the absence of a systematic method for registering Brazilian judicial procedures.

International Trafficking

Table 3.6.7 Most Vulnerable Points for Corruption in the International Trafficking Chain in Brazil (2006)

	Absolute Numbers and Percentages of Respondents	
	Percentages	Total N
1) Recruitment	10.95	8
2) Preparation of documents	23.28	17
3) Logistics	38.35	28
4) Unable to answer	20.54	15
5) Double answer [177]	4.10	3
6) Not answered	2.73	2
Total	100	73

S*ource:* Author's elaboration of survey respondent's data
Note: Figures may not add to total shown due to rounding.
All five regions are represented, with respondents drawn from 19 federal states.

As Table 3.6.7 (above) shows, the greatest number of respondents assigned "logistics" as the most vulnerable point in the international trafficking chain. Respondents found the preparation of documentation phase to be the second highest (23%), while 23% gave non-attitude responses or did not answer at all. Control and exploitation of trafficked victims was not considered due to the fact that Brazil is generally the country of origin rather than the destination for the trafficked victims. As such, no comparative analyses could be completed for this factor between the domestic and international trafficking chains. Within the international trafficking chain the logistics phase was likely ranked highest as a point of vulnerability due to the involvement of border control officers and the higher necessity of their participation. In terms of perception, if not in fact, we can conclude that corruption is a major factor in the trafficking of victims across national boundaries.

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[177] 2.73% of respondents assigned two answers to this question: the preparation of documentation and logistics.

3.6.9   Findings Related to the Criminal Justice Chain

Domestic Trafficking

Table 3.6.8 Domestic Trafficking in Brazil: most vulnerable points for corruption in the criminal justice chain (2006)

Absolute Numbers and Percentages of Respondents

	Percentages	Total N
1) Drafting and adoption of legislation	0	0
2) Crime prevention measures	9.59	7
3) Preliminary investigations and investigations into related crimes	49.32	36
4) Prosecution, conviction, enforcement of sanctions	9.59	7
5) Unable to answer	28.77	21
6) Double answer	1.37	1
7) Not answered	1.37	1
Total	100	73

S*ource:* Author's elaboration of survey respondent's data
Note: Figures may not add to total shown due to rounding.
All five regions are represented, with respondents drawn from 19 federal states.

Regarding domestic trafficking, preliminary investigations, as well as investigations into specific offences, were assigned as the most vulnerable to corruption. The enactment of legislation was not perceived by respondents as a potential point of corruption in the criminal justice chain, perhaps due to a lack of direct participation in the legislative process. Likewise, the phase of prosecution and trial was also not highly perceived as vulnerable, perhaps due to the respondents' personal sense of integrity.

International Trafficking

Table 3.6.9 International Trafficking from Brazil: most vulnerable points for corruption in the criminal justice chain (2006)

	Absolute Numbers and Percentages of Respondents	
	Percentages	Total N
1) Enactment of legislation	1.37	1
2) Crime prevention measures	12.33	9
3) Preliminary investigations and investigations into related crimes	46.58	34
4) Prosecution, conviction, enforcement of sanctions	9.59	7
5) Unable to answer	28.77	21
6) Not answered	1.37	1
Total	100	73

S*ource:* Author's elaboration of survey respondent's data
Note: Figures may not add to total shown due to rounding.
All five regions are represented, with respondents drawn from 19 federal states.

Similar findings appear in international THB. Respondents assigned the preliminary investigation and investigation into related crimes as being the most vulnerable for corruption in the criminal justice chain (47%), followed by crime prevention measures (12%). Again, almost one third (30%) of respondents were either unable to answer or did not answer at all. This shows that criminal justice agents in Brazil are either not aware of the importance of the problem or are indifferent demonstrating the weakness of the criminal justice system in general.

No questions directly addressed the "search and seizure of proceeds" or the "confiscation of proceeds"[178] for the reason that "trafficking is not a major profit source for trafficking groups in Latin America as is the drug trade" (Shelley, 2003). Due to the fact that trafficking differs from country to country, this author adjusted the questions to better fit the reality of the situation in Brazil.

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[178] Expressions employed by PACO Networking, 2002

3.6.10 Perceptions of the Efficiency of the Criminal Justice System

Three sets of questions dealt with the respondents' degree of awareness to the effectiveness and efficiency of the criminal justice system as a whole. The first set related to the involvement of public officials in THB; the second set with the involvement of public officials in sexual exploitation; and the third set dealt with general cases of THB independently of official involvement. The first two sets asked respondents to indicate the percentages of cases they knew of which had: involved public officials; been formally investigated; been brought to trial; resulted in convictions. The last set dealt with cases that were investigated, prosecuted and convicted. Separate percentages were requested for each of the above three.

The high percentage of respondents who provided non-attitude responses to each of these questions indicates that there is both an endemic lack of awareness in the criminal justice system of law enforcement data, as well as an absence of concrete and integrated analysis which the respondents could have referred to.

In reality, few cases are investigated and fewer still go to trial. The Criminal Justice System is completely ill equipped to deal efficiently with serious crimes like THB, especially when they involve corruption. This conclusion is supported by the findings of both the questionnaire and the CPMI report (cf. sec. 3.2).

Public Officials, THB and the Criminal Justice System

The first set of questions detailed in this section concerned the perceived percentages of public officials who were investigated, prosecuted, or convicted for their involvement in THB.

Perceived Involvement (Figure 3.6.1)

In response to the question of perceived involvement by public officials in THB, 33% of respondents answered in the negative, while 10% indicated their belief that public officials were always present in cases of THB. The largest block of respondents, however, provided non-attitude responses (42%), selecting either "I don't know" or leaving all fields blank. For simplicity reasons, all non-attitude responses are grouped together.

Figure 3.6.1 Involvement of Public Officials in THB in Brazil (2006)
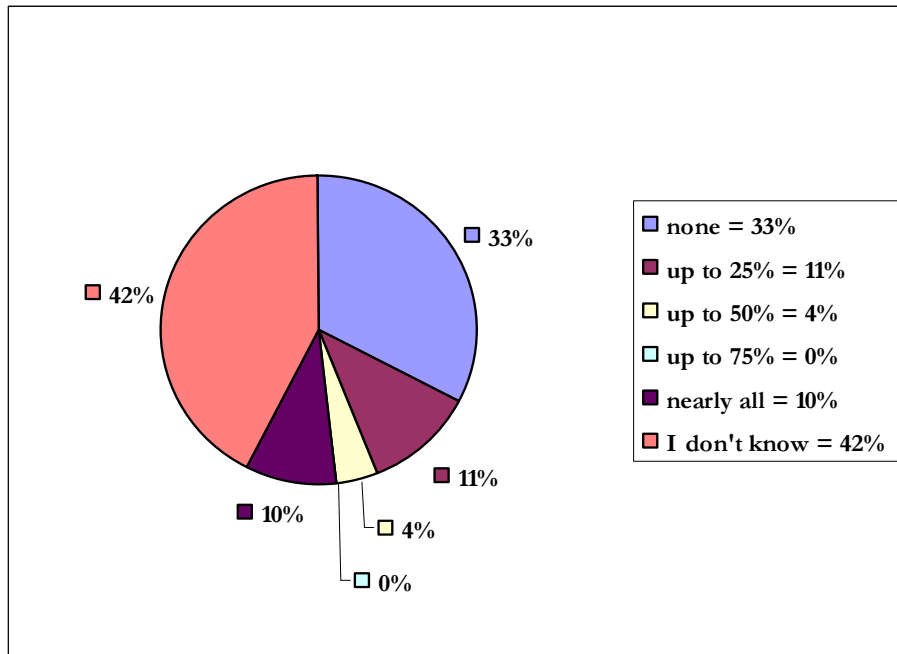
Source: Author's elaboration of survey respondent's data
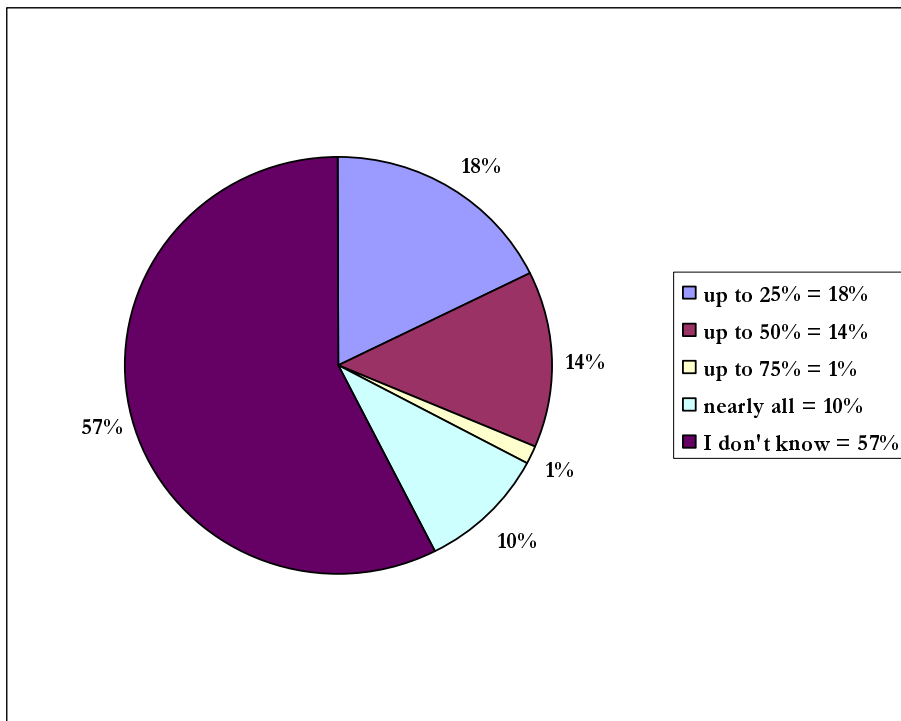*Note:* All five regions are represented, with respondents drawn from 19 federal states.

Investigations (Figure 3.6.2)

From the above results, respondents were asked to estimate the percentage of those public officials involved in THB who were subsequently investigated. 22% estimated that of the cases involving public officials none were investigated while only 3%estimate that all were investigated. The largest block (70%) provided non-attitude responses, indicating a substantial lack of awareness.

Figure 3.6.2 Percentage of Public Officials Investigated for Involvement in THB in Brazil (2006)
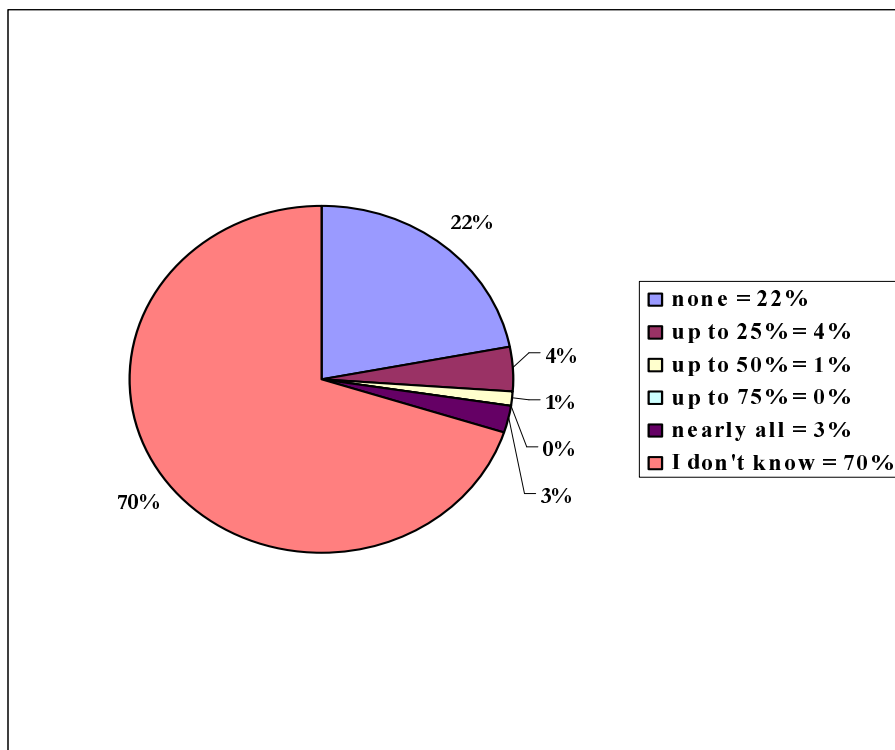
Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

Prosecution and Trial (Figure 3.6.3)

Of those cases investigated, respondents were asked to estimate the percentage they believed had been prosecuted and tried. While 4% estimated that nearly every cases investigated had resulted in a trial, 22% estimated that none had. However, as with the responses to the previous questions, the largest block (71%) provided non-attitude responses.

Figure 3.6.3 Percentages of Public Officials Prosecuted for THB in Brazil (2006)
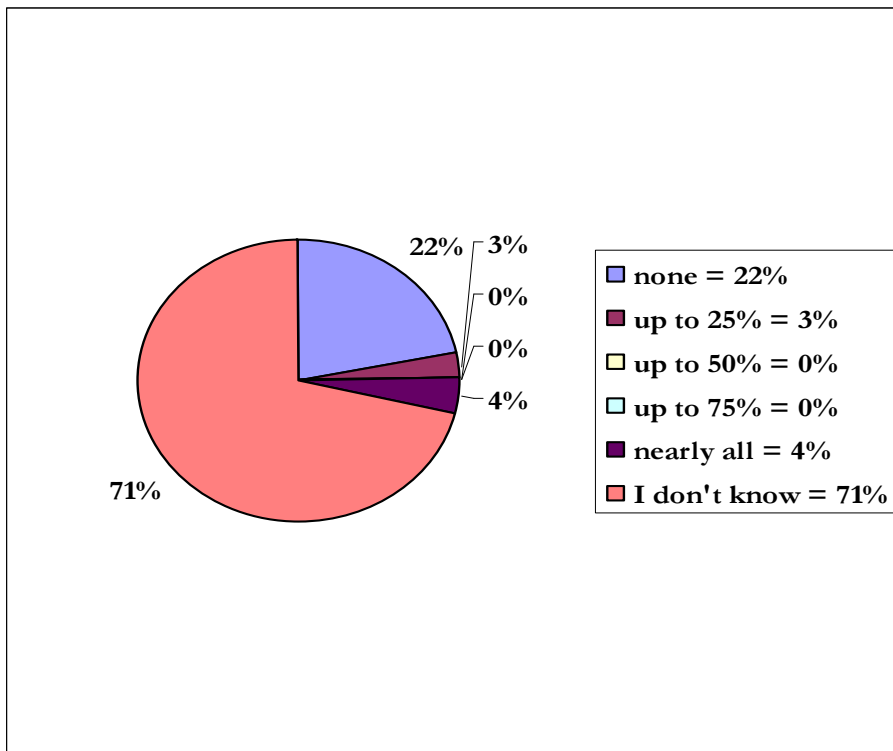
Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

Conviction (Figure 3.6.4)

Of the percentage of cases prosecuted and sent to trial, respondents were asked to estimate the percentage they believed had led to convictions. As with previous questions, the largest block (75%) once again provided non-attitude responses, while nearly a quarter of respondents believed none of the prosecutions were successful. A meagre 1%, however, believed they had.

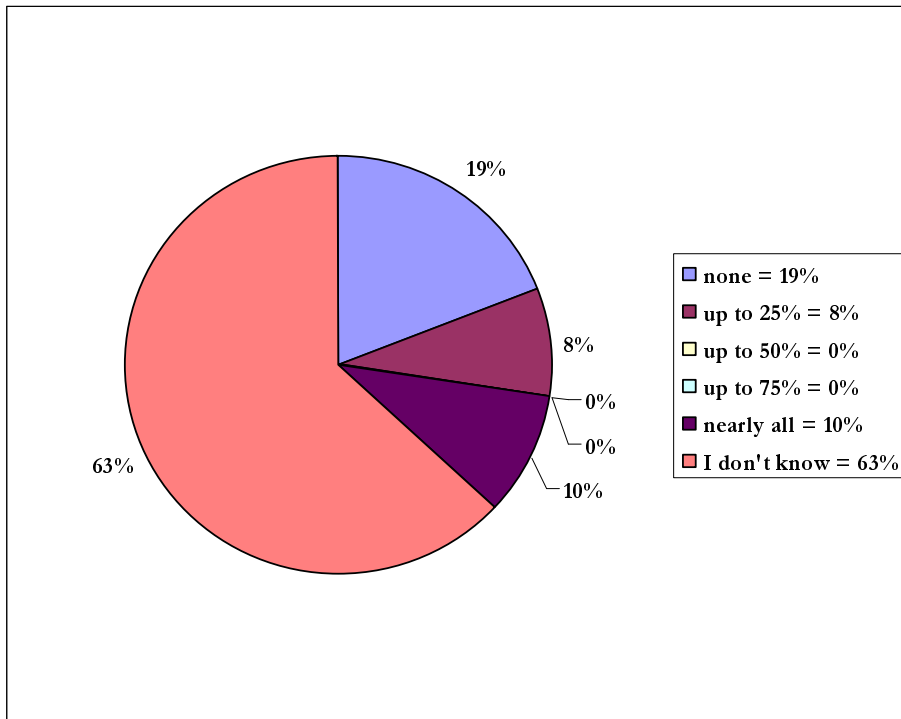**Figure 3.6.4 Percentages of Public Officials Convicted for THB in Brazil (2006)**
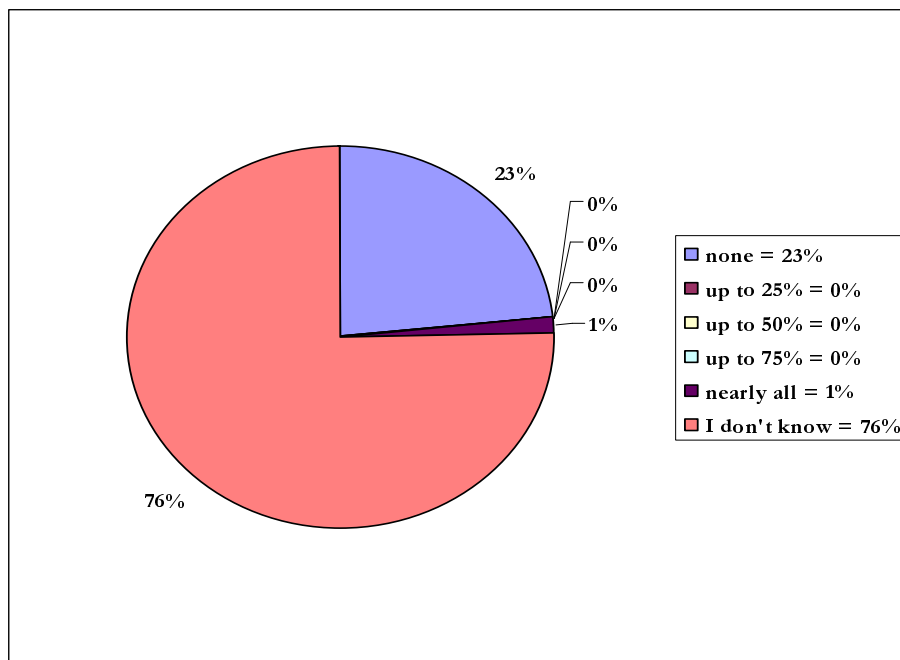
Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

Public officials, Sexual Exploitation and the Criminal Justice System

Following the same method, a second set of questions dealt with the involvement of public officials in the sexual exploitation of minors. This subject is particularly important because sexual exploitation is the final stage of THB. Therefore, sexual exploitation is the end of the line for both domestic and international trafficking, and is inextricably linked to them. The following findings confirm the consistency of the research hypothesis.

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Perceived Involvement (Figure 3.6.5)

Respondents were asked to indicate whether they thought public officials were involved in the sexual exploitation of minors. A dichotomous nominal variable ("yes"/ "no") was used to measure response. The positive response rate was high, as shown in the Figure 3.6.5 (below).

Figure 3.6.5 Public Official Involved in the Sexual Exploitation of Minors in Brazil (2006)
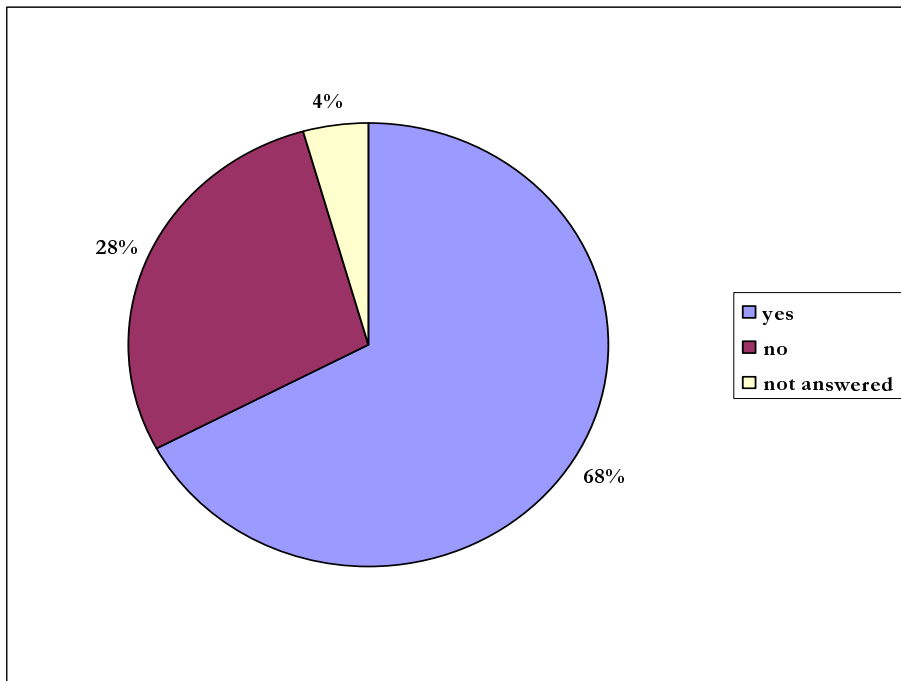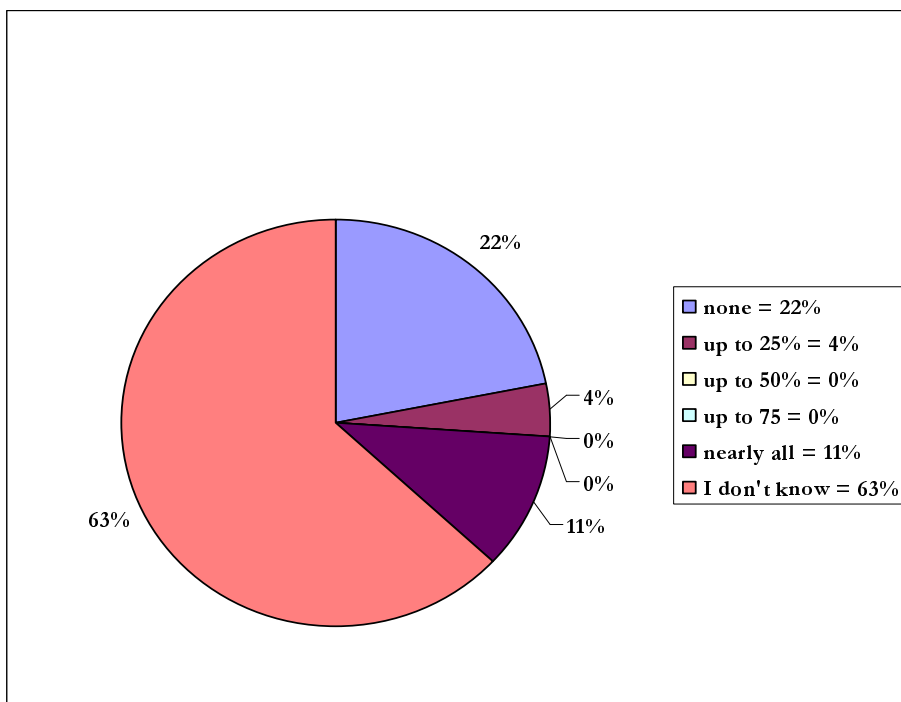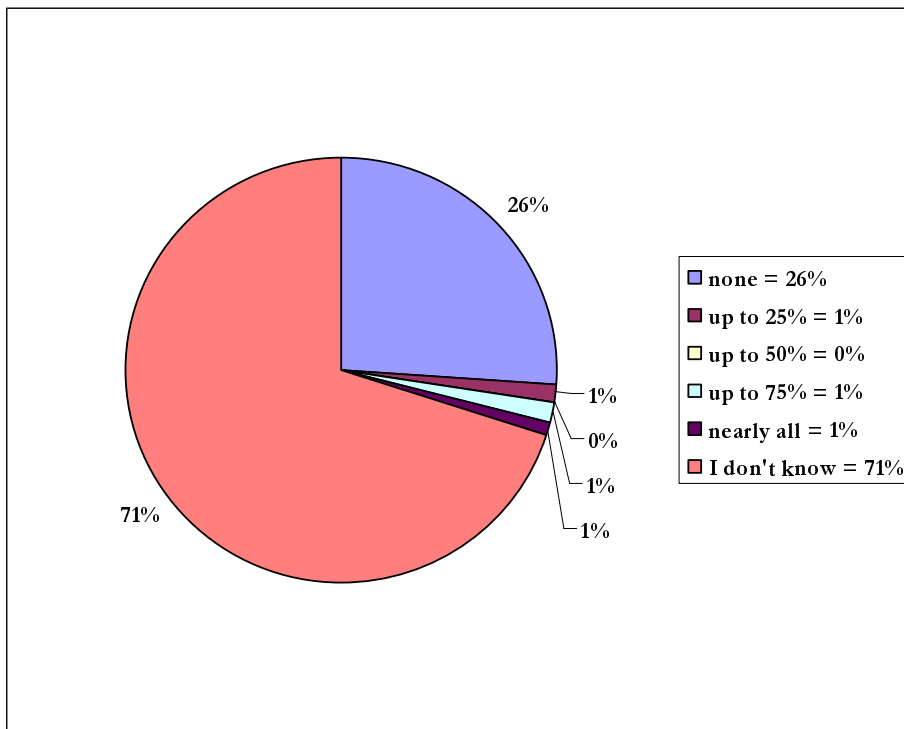

Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

The largest block of respondents (68%) perceived public officials to be involved in the sexual exploitation of minors in Brazil. 28% answered in the negative, while 4% provided non-attitude response. The authorities involved, as cited by respondents are as follows: public officials who works in the administrative branch; politicians such as mayors, city deputies, state deputies, federal deputies and their assistants; judges, prosecutors and their assistants; civil, military and federal police officers, no matter what rank/ degree/ position they occupy. This finding reflects the data gathered by the CPMI report. The number of sexual exploitation cases involving public officials is quite high: 68%**.**

Perceived Involvement in Percentages (Figure 3.6.6)

When asked about the percentage of cases where public officials were involved, the respondents showed a resistance to answer. While in the previous question the absence of answers was only 4%, here 57% of the respondents provided non-attitude answers. However, 10% indicated a belief that public officials were involved in almost all cases of sexual exploitation, while others estimated their participation in lower percentages.

Even when aware of the involvement of public officials in the sexual exploitation of minors, as shown in Figure 3.6.5, there is a probability that some of the respondents were not involved with this subject and were thus cautious to provide an answer.

Figure 3.6.6 Percentages of Public Officials Involved in the Sexual Exploitation of Minors in Brazil (2006)

Source: Author's elaboration of survey respondent's data
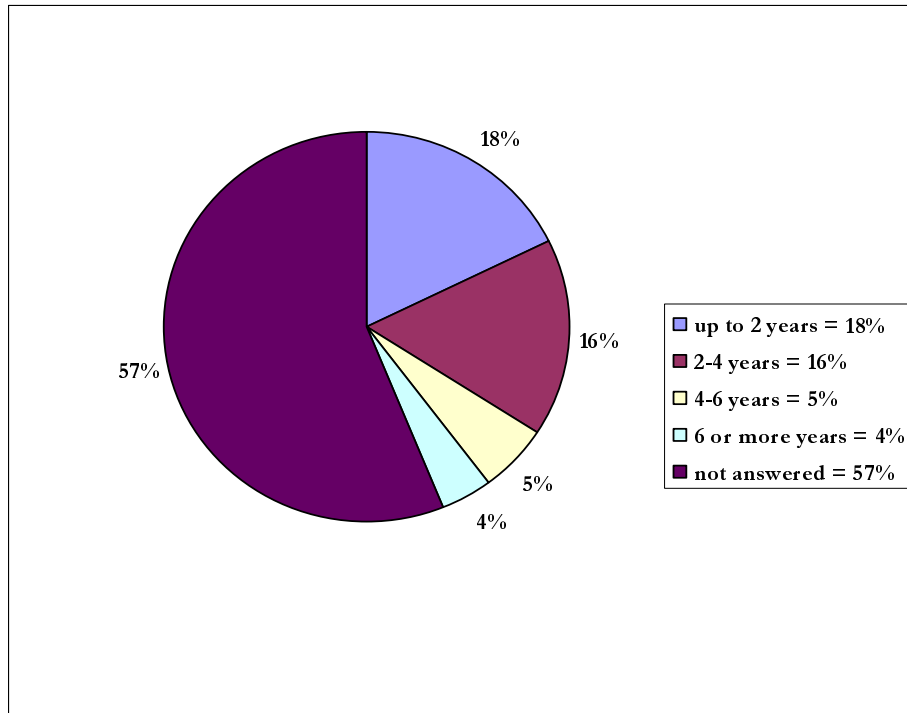*Note:* All five regions are represented, with respondents drawn from 19 federal states.

Investigations (Figure 3.6.7)

From the above results, respondents were asked to estimate the percentage of those public officials involved in sexual exploitation who were subsequently investigated. While 10% estimated that nearly all were subsequently investigated, 19% estimated that none of the public officials were investigated.

Figure 3.6.7 Percentages of Public Officials Investigated for Involvement in the Sexual Exploitation of Minors in Brazil (2006)
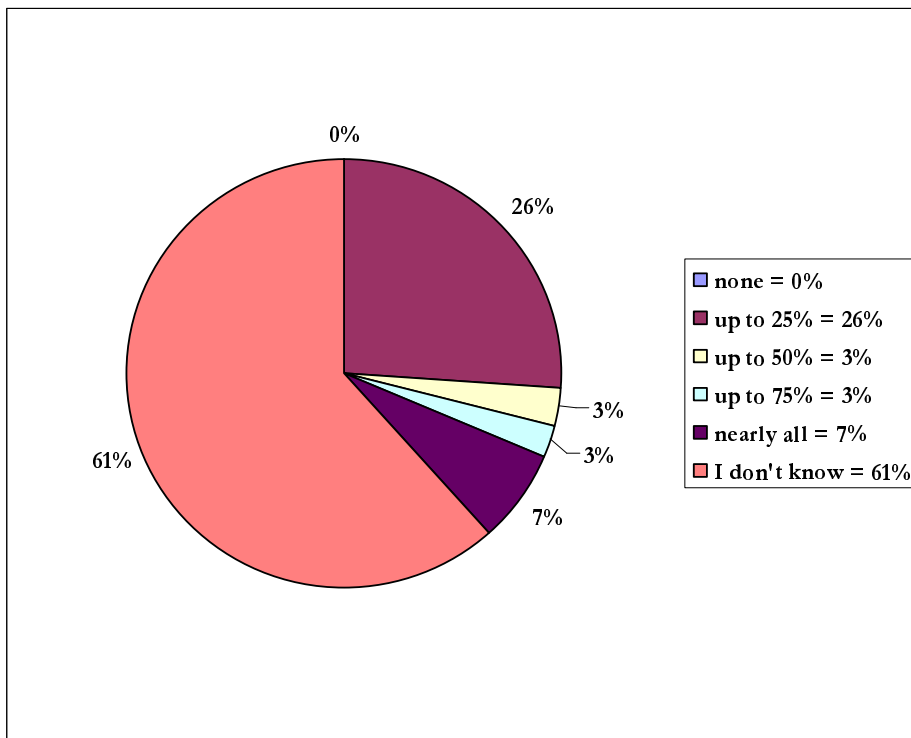

Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

Prosecution and Trial (Figure 3.6.8)

Of those cases investigated, respondents were asked to estimate the percentage they believed had been prosecuted and tried. While 11% estimated that nearly every case investigated had resulted in a trial, 22% estimated that none had. However, as with the responses to the previous questions, the largest block (63%) provided non-attitude responses.

Figure 3.6.8 Percentages of Public Officials Prosecuted for Involvement in the Sexual Exploitation of Minors in Brazil (2006)
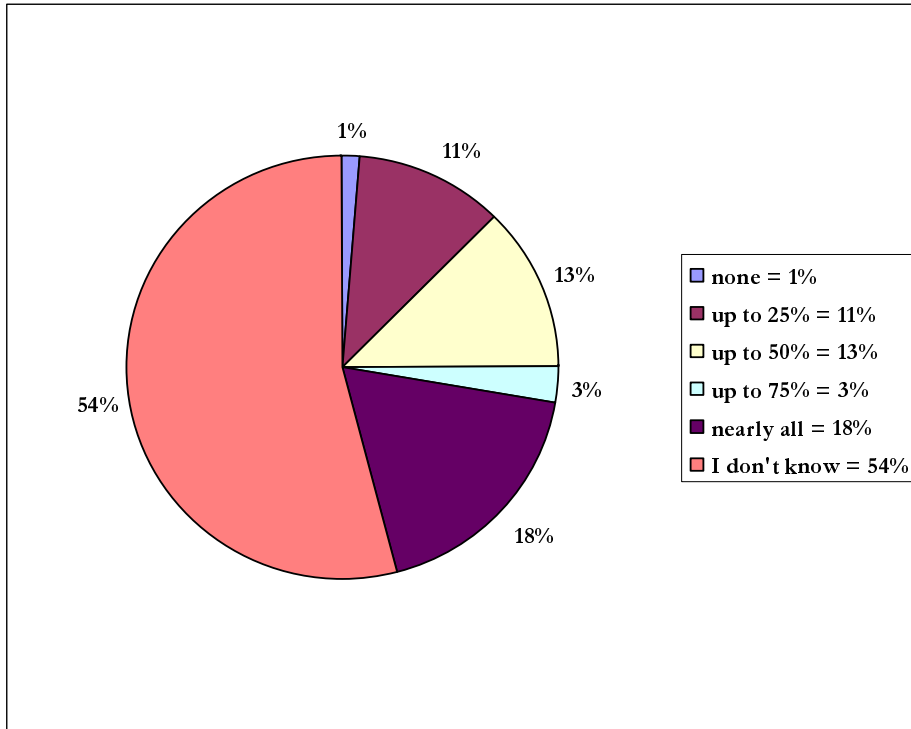

Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

Conviction (Figure 3.6.9)

Following the sequence of investigation-trial-conviction, respondents were asked about the percentage of those prosecuted who were convicted. While 1% estimated that nearly every case prosecuted had resulted in a conviction, 26% estimated that none had. However, the largest block (71%) provided non-attitude response.

Figure 3.6.9 Percentages of Public Officials Convicted for Involvement in the Sexual Exploitation of Minors in Brazil (2006)
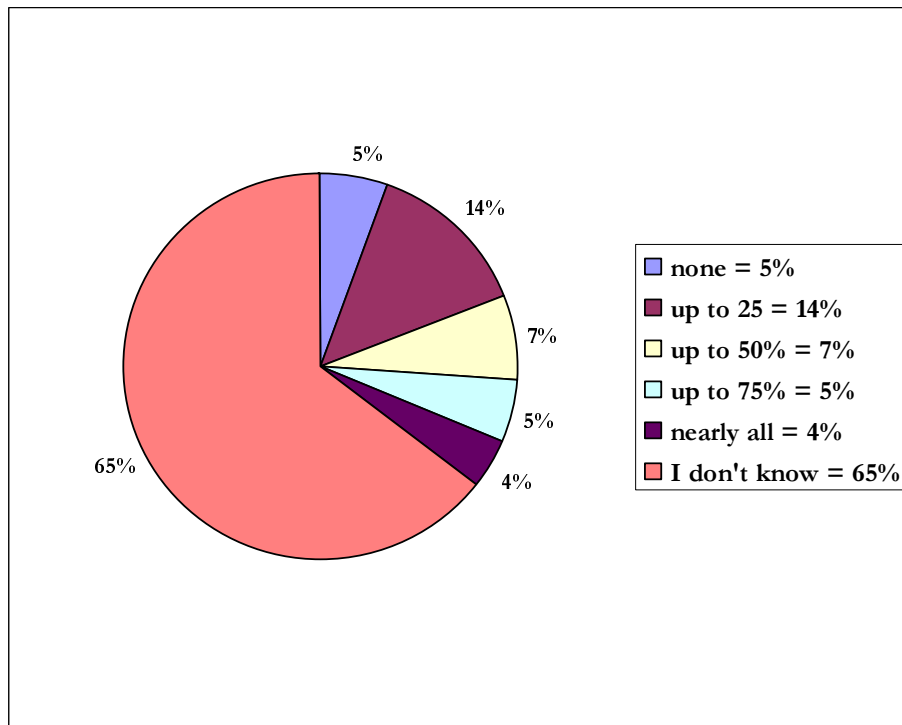

Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

THB and the Efficiency of the Criminal Justice System

The first set of questions detailed in this section concerned the average duration of an investigation of THB, as well as the percentage of THB cases that were investigated and subsequently led to prosecution, trial and conviction.

Duration of a THB Investigation (Figure 3.6.10)

The pie chart below shows the percentages of the estimated duration of an investigation on THB. Once again, the largest block of respondents (56%) provided non-attitude responses.

Figure 3.6.10 Percentages of the Estimated Duration of THB Investigative Procedures in Brazil (2006)

Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

Percentage of THB Investigated Cases in General (Figure 3.6.11)

Respondents were asked about their perception on the percentages of cases that occurred and were brought to the attention of the relevant authorities in order to be investigated. 26% indicated their belief that 25% of all cases were subjected to investigations, while 6% of the respondents indicated between 25 to 75% of the cases were investigated. An optimist group (7%) believed that almost all cases that occurred were investigated. The largest group (61%) gave non-attitude towards the question.

Figure 3.6.11 Number of THB Cases that were Subject to Investigation in Brazil (2006)

Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

Percentage of THB Cases that Result in an Indictment (Figure 3.6.12)

Of those cases investigated, respondents were asked to estimate the percentage they believed result in trial. While 18% estimated that nearly all cases investigated result in a trail, 1% believed that none did. The largest block (54 %) provided non-attitude response.

Figure 3.6.12 Number of THB Cases that Result in an Indictment in Brazil (2006)

Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

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Percentage of THB Cases that Result in a Conviction (Figure 3.6.13)

Once again, in the same set of questions, respondents were asked the percentage of those prosecuted who were convicted. 64% of all respondents were completely unaware of the issue, providing non-attitude response. While 4% believed that nearly all who were prosecuted were also convicted, 5% believed that none of the prosecuted was convicted.

Figure 3.6.13 Number of THB Cases that Result in Conviction in Brazil (2006)

Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

According to the Trafficking in Persons Report (2006) the "Government of Brazil made marginal progress in bringing traffickers to justice during the reporting period [2005]. There was only one reported prosecution in Brazil that resulted in a conviction at the national level for a trafficking-related crime during the reporting period - a decrease from three convictions obtained in 2004."[179]

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[179] In 2004, Brazilian courts handed down only three international THB convictions (Trafficking in Persons Report, 2005).

Tables 3.6.10, 3.6.11 and 3.6.12 (on the following page) aggregate respondents' perceptions of the percentages of public officials involved in THB and sexual exploitation, as well as the efficiency of the criminal justice system. The results suggest the dismal view held by country experts of the Brazilian criminal justice system's inability to investigate, prosecute and convict public officials and traffickers for trafficking crimes and sexual exploitation. Moreover, the significant perceived differences in the number of crimes investigated and those resulting in convictions suggest the negative view held by country experts of the impact of public officials on legal procedures and law enforcement in Brazil, supporting the data provided in the CPMI report (illustrative cases). This finding suggests a serious weakness in the Brazilian judicial system. More notable, however, is the high percentage of non-attitude responses, which underscores the impact poor record keeping has on the general knowledge of country experts. Without a reliable system of data collection and verification, even those in the best position to speak from a position of knowledge are at a loss to postulate sound opinions or, at a minimum, provide educated guesses.

Table 3.6.10 Percentage of Public Officials Involved, Investigated, Prosecuted and Convicted for Involvement in THB in Brazil (2006)

Involvement in THB	Under Investigation	Under Prosecution and Trial	Convicted
33% none	22% none	22% none	23% none
25% yes, to an extent	8% yes, to an extent	7% yes, to an extent	1% yes
42% non-attitude response	70% non-attitude response	71% non-attitude response	76% non-attitude response

Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

Table 3.6.11 Percentage of Public Officials Investigated, Prosecuted and Convicted for Involvement in the Sexual Exploitation of Minors in Brazil (2006)

Involvement in Sexual Exploitation	Under Investigation	Under Prosecution and Trial	Convicted
-	19% none were investigated	22% none were prosecuted	26% none were convicted
43% yes, to an extent	18% yes, to an extent	15% yes, to an extent	3% yes, to an extent
57% non-attitude response	63% non-attitude response	63% non-attitude response	71% non-attitude response

Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

Table 3.6.12 Percentage of THB Cases in General that are Subjected to Investigation, Prosecution and Conviction in Brazil (2006)

General cases under Investigation	Investigations Led to Indictment and Trial	Cases Lead to Conviction
25% none	1% none	5% none
13% yes, to an extent	45% yes, to an extent	30% yes, to an extent
61% non-attitude response	54% non-attitude response	65% non-attitude response

Source: Author's elaboration of survey respondent's data
Note: All five regions are represented, with respondents drawn from 19 federal states.

3.6.11 Summary

The conclusions to be drawn from the findings of the questionnaire are various. Many concern the need for a thorough re-evaluation of the Brazilian criminal justice system's essential methods and attitudes, while others reinforce the findings of previous studies. All of these taken together support the main hypothesis of this thesis. The findings are summarized as follows:

- Although the findings of the survey do not establish a causal relationship between corruption and THB, it confirms the main hypothesis and international literature that both criminal phenomena is correlated, and are increasing in Brazil. 81% of respondents perceive THB to be increasing and 61% perceives corruption to be an increasing phenomenon, which reinforces the conclusion of other findings (Federal Police statistics and the corruption in Brazil's municipalities report).

- Public officials are likely participants in crimes involving the sexual exploitation of minors, which reinforces the data provided by the CPMI report (cf. sec. 3.2). Due to the strength of the connection between THB and sexual exploitation, it is difficult to combat THB when the participants include law makers, law enforcers, and others charged with protecting societal rights. When those authorities are mayors, city deputies, state deputies, federal deputies, judges and prosecutors, it becomes clear that THB is not only a moral but a public order issue (Kelly, 2002).

- Domestic trafficking is connected with international trafficking, which is further supported by international literature: "internal trafficking has also been largely ignored, but there are mounting indications that it has strong links with cross-border trade in women (Hughes, 2000)." This finding reinforces the findings of the CPMI report as it shows that in 48 incidents of international THB, domestic THB was also present (21%).

  This finding supports the findings of the Federal Police data set (cf. sec. 3.3) which correlates the data set with TI's CPI index suggesting the increasing of both THB and corruption.

- In order to develop precise and immediate measures to combat both THB and corruption, it is necessary to locate the points, in both the trafficking and the criminal justice chains, where corruption and THB intersect. While the most vulnerable points have been described by scientific literature in other countries (PACO Networking, 2002; Bales, 2005), no such analytical work has been done in Brazil, since "the information gathered is partial or even inaccurate, intervention will not be effective [and] one of the key elements in any successful counter-trafficking strategy has to be law enforcement targeting all levels of the system: recruitment, transportation, false documentation, sexual exploitation and corruption (Kelly, 2002)." Worse still, because law enforcement agents in Brazil must work without proper access to complete and consistent data, they are forced to view criminal phenomena in a non-complex manner and target their responses on case-by-case bases, without a larger sense of context.

  The purpose of this questionnaire was in part to provide a scientific document which describes those points of vulnerability for Brazil. Based on the responses, it is generally perceived that the most vulnerable points for corruption in the Brazilian trafficking chain are those concerning the "control and exploitation of victims" and the "preparation of documents." This finding stands in contrast to international trafficking, for which "logistics" was identified as the most vulnerable point.

- In the criminal justice chain, the point of "preliminary investigation and investigation into related crimes" was perceived as the most vulnerable in both the domestic and international trafficking chains.

- The findings demonstrate a general failure of criminal justice agencies to investigate, prosecute and convict public officials involved in trafficking, sexual exploitation, as well as the traffickers themselves. Tables 3.6.10, 3.6.11 and 3.6.12 show significant disparity between the number of investigations initiated and the number of convictions reached. It provides strong circumstantial evidence of the negative perception that public officials have on legal procedures and law enforcement in Brazil, and the detriment to the rule of law. This finding supports the data provided by the CPMI report (illustrative cases).

CHAPTER IV – SUMMARY OF RESULTS AND CONCLUSIONS

Trafficking for the purpose of sexual exploitation, as well as corruption, has become an issue for the government of Brazil in recent years. Although various initiatives have been proposed to separately combat each phenomenon, no policy currently approaches both in tandem. The purpose of this thesis was to demonstrate the dependence of THB on corruption in Brazil through detailed analyses of relevant data from Brazil, as well as the premises stipulated by international literature, especially Lyday (2001), PACO Networking (2002) and Bales (2005). International literature cited in this thesis established the overall existence of a link between THB and corruption on a macro level. However, the measurement of both phenomena applied in previous research, appears to be rather problematic. Instead of taking genuine and actual indicators of registered THB cases and real corrupt behavior of public officials as variables, the studies uses estimates of THB and perceptions of corruption. In contrast to research method and focus of the previous studies, this thesis represents the first clear statistical tests of the linkage between THB and corruption within a given country.

The data used in this thesis were taken from three existing data sets and a survey. Taken together, the data sets provide clear evidence of the magnitude of the link between corruption and THB, and illustrate the consequences of public officials' involvement in THB. The demonstration of the dependence of THB on corruption allows for the formulation of more precise and comprehensive recommendations, better policies, as well as greater focus on the development of further research.

4.1 EMPIRICAL SUPPORT FOR THE RESEARCH HYPOTHESIS AND RELATED FINDINGS

Research Hypothesis: THB IS DEPENDENT ON CORRUPTION IN BRAZIL

Findings of the CPMI report

The CPMI findings represent the first set of data to show the linkage between THB and corruption as well as the causal mechanism of THB and corruption in Brazil.

The report demonstrates the direct involvement of public officials in THB, with corruption being present in 70.79% of THB case files, showing their involvement in illegal activity, demonstrating "patent negligence" towards trafficking as well as acceptance of potential bribery by traffickers and exploiters.

The qualitative analysis of the CPMI report also demonstrates, in accordance with international literature, that corruption precedes THB as an enabling (causal) factor. The role of public officials involved in the THB process (recruitment of minors, procurement of official documentation, patent negligence, influence peddling, and the engagement in the sexual services of trafficked victims) highlights how corruption causes THB in Brazil.

Findings of the statistical analysis

Advanced statistical analysis (multivariate techniques) has been performed in order to precisely reveal the reality behind the relationship between corruption and THB.

The Federal Police statistics and the Municipal Corruption report are used in multiple regression analysis in order to establish the dependency between THB and corruption, including its level of strength, and to determine the predictability of THB based on a certain level of corruption while controlling for other potential predicting factors.

Based on the multiple regression model performed, corruption came out as the major predictor of THB in Brazil. The result is statistically significant at any reasonable level ($p \leq 0.01$), and reveals a linear relationship between the rate of change of municipal corruption (explanatory variable) and THB (variable to be explained) wherein a one per cent increase in corrupt practices leads to an increase of 1.08 per cent in occurrences of THB reinforcing

that the link is very strong. This finding confirms the conclusion reached by several scholars, including Shelley (2003:6) that THB does not exist independently of corruption. Because statistical regression also determines predictability, one can say that any percentage increase in corruption will be mirrored by an almost equivalent percentage increase in THB cases.

Findings of the survey

The findings of the survey reveal the perceptions of experts in Brazil concerning the interrelationship between THB and corruption. Although the questionnaire does not establish causality, it confirms the interconnectedness of both criminal phenomena. A majority of respondents (79%) confirmed the main hypothesis that THB and corruption are interrelated phenomena. The single largest block (40%) ascribed a high degree of strength to the interrelationship, while the second largest (33%) described the degree of strength as moderate.

THE MAGNITUDE OF THB AND CORRUPTION IN BRAZIL AND THEIR UNDELYING TRENDS

The data show that all five regions are affected by THB, some more than others. The findings of the Federal Police data set and Municipal Corruption report show that THB and corruption in Brazil are increasing phenomena. TI's CPI index, used in combination with the rate of international THB in the Federal Police statistics (cf. sec. 3.3), also suggests the same trend. Likewise, respondents from the survey perceive both phenomena to be increasing in Brazil.

REGIONAL DIFFERENCES IN LEVELS OF THB-RELATED CORRUPTION IN BRAZIL

From a regional perspective, the North ranks highest in incidents of both THB and corruption, while the South ranks lowest. All three reports support this conclusion. The report of Municipal Corruption, which measured corruption exclusively, showed that in 2003, the North region had the highest incidents of corruption, while the South had the lowest. Likewise, the CPMI report which measured THB and corruption in case files, similarly identified the North as having the highest rates of THB-related corruption, while the South has the lowest rate. Although the Federal Police statistics, which measured incidents of international THB exclusively, identified the Central West as the region with

the highest rate, it placed strong, consistent emphasis on the North as a region highly susceptible to THB. Taken together, all three reports clearly indicate the interrelatedness of THB and corruption as corollary phenomena. In keeping with this finding, all survey respondents from the North region perceived corruption as being interconnected with THB.

The CPMI findings show that the North region has the highest rate[180] of THB-related corruption (0.57) followed by the Central West (0.10), Northeast (0.07), Southeast (0.0128) and South (0.0055).[181]

Findings of the Federal Police and Municipal Corruption Reports

Both data sets show a strong correlation between aggregated rates of international THB and aggregated rates of municipal corruption per federal state in the same period (2003-2005).[182] Both reports rank the North region as first, and the South as last, in terms of THB and corruption in municipalities.

Regional differences in rates of THB and corruption demonstrate that some regions have more incidents of corrupt practices than others. As corruption favors THB, the regions with a higher incidence of corruption have a higher incidence of THB. The North, for example, has the highest incidence of corruption and THB.

DIFFERENT TYPES OF THB (DOMESTIC AND INTERNATIONAL) HAVE DIFFERING POINTS OF VULNERABILITY TO CORRUPTION IN THE TRAFFICKING AND CRIMINAL JUSTICE CHAINS

Findings of the survey related to the trafficking chain

The perceptions of law enforcement officials and prosecutors were aggregated to classify the perceived most vulnerable points for corruption in the trafficking chain. For domestic THB, the largest block of respondents (29%) identified the control and exploitation of the victims phase as the point most vulnerable to corruption. For international trafficking, however, the largest block of respondents (38%) perceived logistics as the most vulnerable point.

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[180] All decimal values represent rates per 100,000 Persons
[181] All decimal values represent rates per 100,000 Persons
[182] Simple correlation is applied. The coefficient is 0.6.

Findings of the survey related to the criminal justice chain

In the criminal justice chain, the point identified as most vulnerable to corruption for both domestic and international THB was the preliminary investigation phase. This result was reinforced by the CPMI report (illustrative cases). It highlighted the vulnerability factor of law enforcement while investigating those either directly or indirectly involved in THB. The CPMI shows how top public officials are able to inhibit the initiatives of law enforcement, resulting in an inefficiency that leads to low conviction rates. Because law enforcement officials, particularly police officers, perform their duties through a direct, fluid engagement with the public, their exposure to corrupting influences (opportunities) are significantly higher than for court officials like judges and prosecutors, whose engagement is more static and whose exposure is therefore more limited.

PUBLIC OFFICIALS INVOLVED IN THE THB PROCESS IN BRAZIL AND THEIR SPECIFIC ROLES

The CPMI report demonstrates that public officials involved in THB include police officers (military, federal and civil police), city deputies, mayors, federal deputies, persons of influence on criminal justice agents, judges; and their assistants. Additionally, the CPMI report highlights the range of corrupt behaviour engaged by public officials, including the recruitment of minors, procurement of official documentation, patent negligence, influence peddling, and their direct engagement in the sexual services of trafficked victims.

CONSEQUENCES OF PUBLIC OFFICIALS' INVOLVEMENT IN THB IN BRAZIL

The CPMI report is particularly useful in that it indicates the high level of involvement by politicians and persons of influence (trading in influence/ influence peddling) in the sexual services of trafficked minors, a key aspect of THB-related corruption. The CPMI outlines the three most serious consequences of this kind of corruption: (1) hindering the application of the law; (2) discrediting public officials and the criminal justice system; and (3) interfering with the enforcement of sanctions.

4.2 LIMITATIONS OF THE STUDY

This study had to tackle three major limitations. One concerns the use of official sources of data; the second relates to data available to the criminal justice system; the third relates to the identification of the most vulnerable points to corruption.

The lack of data in Brazil limits the identification of the number of case files in which public officials have been investigated, prosecuted and tried for THB and THB-related crimes. Even those law enforcement agents and public prosecutors who participated in the survey were unable to provide answers to questions regarding percentages of public officials investigated, prosecuted and convicted for these kinds of crimes. For this reason, this thesis does not detail the number of cases either investigated or resulting in convictions. The quality of the data on THB, corruption and other THB-related crimes also represents some limits to the findings from statistical analysis including the multiple regression. However, despite these limits, the findings are robust.

The most vulnerable points to corruption identified in the trafficking chain and in the criminal justice chain were determined by means of the survey, which measured the perceptions of respondents rather than actual occurrences of THB-related corruption. As those points of vulnerability could not be verified by hard data, perceptions presented the approximations for such variables.

4.3 INDICATIONS AND DIRECTIONS FOR FURTHER RESEARCH

Although international literature has already provided recommendations for research on THB and THB-related crimes, this thesis points specifically to several issues derived from the data for further research.

- Domestic THB in Brazil needs to be further explored. The CPMI findings demonstrate how widespread domestic THB is in Brazil. However, research should coordinate focus on all federal states, individually and nationwide, to better understand the specific realities of THB in each federal state and provide comparison among them.

- On-site research into the THB networks operating in different federal states, as they differ in size and modus operandi, is crucial. As asserted by Shelley (2003:8), "the business of human trafficking closely resembles the trade patterns of businesses and cultures of the region where trafficking operations are based [and] far from being a homogeneous phenomenon, the trade in human beings operates very differently in different cultural and political contexts." As such, research must both identify the specific THB networks operating in Brazil and determine the intensity of the interrelationship between domestic and international THB networks, as questions about the degree of dependency among networks still remain. Additionally, further study must be made into the interrelationship between THB, corruption and other kinds of business, both legal and illegal. Research into criminal groups must also focus on the range of criminal activity to determine their relative sizes, scales of organization and ranges of influence (Romani, 2006).

- A special longitudinal study must be conducted in order to verify and follow up on investigations, identifying the most common problems encountered by law enforcement agents during investigations and trials. The ultimate goal of such a study would be to determine the reason why so few cases of THB in Brazil are reported, investigated or prosecuted. The CPMI report requires continuing study of the case files presented.[183]

- Research is necessary on the way victims of THB and sexual exploitation are treated by the criminal justice system and law enforcement agents, as well as how the reintegration in society has been done for victims of THB. Exploring specific cases individually may illustrate the actual treatment received by victims of THB.

- Research in Brazil should focus on other forms of THB such as forced labor,[184] organ trafficking, illegal adoption.

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[183] As asserted by Farrington (1978, *in* Hagan, 2003:92), in lamenting shortcomings of studies is that few studies make use of both before and after measures, or compare sentenced with unsentenced groups, thus difficulting the identification of real causes of changes in behavior whether due to criminal punishment, sentences or any social changes.

[184] Bales, 2004

- Brazil has no evaluation research. It is extremely important to evaluate the impact of programs and new legislation to measure their effectiveness.[185] "Without such research it is difficult to identify best practices and assess which countries [which federal state] have been the most successful in their efforts to combat trafficking" (Laczko, 2005:9). Moreover, it is necessary to examine the extent to which policy is being translated into practice in each federal state.[186] Research should also focus on the implementation of Brazil's own commitments under international law (Oxman-Martinez, et al., 2005; Gozdziak and Collett, 2005).

4.4 POLICY RECOMMENDATIONS

Many studies, whether focused on THB,[187] THB-related crimes,[188] or on corruption,[189] have promoted policy recommendations ranging from improved law enforcement strategies and more efficient inter-governmental communication to re-defining codes of conduct for public officials. Because many of the causes of THB are structural in character and require long-term solutions, governments "must be prepared for immediate and rapid response, timely measures, and the flexibility to rethink and change direction where necessary."[190]

Below is a list of concrete policy recommendations which are considered particularly relevant to the issues presented in this thesis.

- Promote research on human trafficking and corruption both as independent and dependent phenomena.

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[185] UNODC Toolkit to Combat Trafficking in Persons, 2006
[186] Also found in Munro, 2005
[187] PACO Networking, 2002; Shelley, 2003; Richards, 2004; Report of the Experts Group on Trafficking in Human Beings (European Commission, 2004); IOM, Migration Research Series № 15, 2003; Langseth, 2001; Caharrón, 2005; Petit, 2004; Schimmel and Pech, 2004; Oxman-Martinez et al., 2005; Movimento República de Emaús, 2002; Savona et al., 2004; Hughes, 2004; Volpicelli, 2004; Anderson and Davidson (2003); Swedish Government Offices, 2003; UNODC Toolkit to Combat Trafficking in Persons, 2006; UN Division for the Advancement of Women (2002); Newman, 2006; ECPAT, 2006; Ministério da Justiça, Projeto de Enfrentamento ao Tráfico de Pessoas e ao Contrabando de Migrantes no Brasil (2006); Di Nicola, et al., 2005.
[188] Lezertua, 2003, Workshop report.
[189] Cf. Kavran and Wyman, 2001; Levin, 2002; Johnston, 1997; Andvig et al, 2001; Lindgreen, 2004; Buscaglia, 2001; Gatti et al. 2003; Hauk and Saez-Marti, 2002; Van Duyne (2001). Also found in Assis, 2000; TI, Czech Republic, 2001; ICAC, 1997.
[190] Swedish Government Offices, 2003

- Condemn all forms of corruption[191] regardless of their apparent "seriousness."[192]

- Establish means of enforcing ethical codes of conduct among public officials in every branch of government. This is especially important as the CPMI report clearly demonstrates the high rate of sexual offences against minors (trafficked or not) by public officials (especially elected officials) in Brazil.

- Address the root causes of trafficking in Brazil, such as poverty, social exclusion and inequality, by creating jobs opportunities for young people and improving working conditions and education.[193]

- Tightening the rules, closing loopholes and increasing the potential of punishment are factors that may help deter THB and corruption (Tanzi, 1998).[194] Yet, measures to combat THB and corruption in tandem must focus on the reduction of the supply of potential as well as the enforcement of good governance.

- Strengthen the data gathering infrastructure in Brazil by expanding the resources, manpower and technology available to law enforcement agencies and the criminal justice system.[195] This point specifically touches on one of the greatest obstacles

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[191] European Commission, 2002.

[192] As asserted by Lindgreen (2004), fighting corruption requires increased public awareness, strong support for public programs and law enforcement, as well as a general change in attitudes towards corruption. Additionally, Collier (2002:2) in his analysis shows that the only way to address corruption is through grassroots action addressing "a state's political, economic, and cultural institutions – changes that are not only technical but also social in nature."

[193] Cf. United Nations Economic and Social Council (2000); Swedish Government Offices, 2003; European Commission, 2001; United Nations Integration of the Human Rights of Women and the Gender Perspective (2002); Also found in Oxman-Martinez et al., 2005.

[194] Only by enforcing the deterrent effect (risk potentialities) (Savona, 1995; Muller, 2005) and lowering the supply side numbers can THB be efficiently combated. On the other hand, corruption must be stemmed so that its direct impact as an enabling mechanism is eliminated. It is this author's contention that penal legislative measures in and of themselves are insufficient; issues of vulnerability must be concretely addressed (ex ante approach) in parallel with good governance on a social and judicial level. As asserted by Buscaglia and Van Dijk (2003:15), "the effectiveness and efficient functioning of the criminal justice system should affect corruption levels" because "corruption is a crime involving the rational assessment of potential costs and benefits by those who commit such acts." These authors also found that "higher output-related effectiveness of the criminal justice system was correlated with lower levels of corruption." For a discussion on the elements of rationality, cf. Krausz (2004) and Vollmer (2004).

[195] In 2003, only 34.1%, and in 2004, 40.5% of police units tasked with crimes against women ("Delegacias Especializadas de Atendimento à Mulher") have access to the Internet (SENASP,

facing all institutions involved in the fight against THB. Without the implementation of a solid database, the situation remains one of highly effective trafficking networks operating counter to a highly ineffective criminal justice system hampered by inadequate informational resources (Long, 2004:24). Only with comprehensive and consistent information can law enforcement, NGOs and researchers establish policy positions with solid foundations.

- Establish a single agency to act as a central point for the collection and collation of data on THB-related crimes. This effort has already begun in Brazil, but is not yet uniformed and includes data from only four federal states.[196]

- Increase information-sharing generally among law enforcement jurisdictions within Brazil (municipal, federal), as well as within the criminal justice system.

- Encourage knowledge sharing among government and civil organizations with relevant expertise in Brazil, to enhance the quality of information on THB and THB-related crimes.

- Establish long term preventive measures to change discriminatory attitudes towards victims of THB and THB-related crimes by promoting gender equality and human dignity as institutional values.

- Promote training, education of law enforcement, judges and prosecutors with specific focus on issue awareness.[197]

2004:11). As Cain correctly asserts, "improvements in record keeping ... needs to be an explicit reform objective" (Cain et al. 2001:410).

[196] The Brazilian government has implemented a national database to be managed by the Ministry of Justice which comprises data collected by the Federal Police and organizations dealing with THB. However, this data collection comprises only the federal states of Goiás, Ceará, Rio de Janeiro and São Paulo (UNODC, 2005). Although Brazil is indeed a unified country, in reality it functions more as a continent, with each federal state acting as its own mini country, independently and without a strong federal authority.

[197] Found also in IOM, Migration in the Americas, № 1, 2006.

- Promote social support services (physical, psychological, and social rehabilitation) and protection program for victims of trafficking.[198]

4.5   CONCLUSIONS

This thesis proposes to demonstrate the linkage between corruption and THB as well as explaining the way in which corruption causes THB in Brazil. This author analyzes data from government institutions, official statistics, as well as from a survey. The comprehensive analyses of the data show not only the existence of a close interrelationship (a strong positive correlation) between both phenomena, but also the causal mechanism between both variables. Corruption in Brazil is a strong enabler/facilitator for THB. As this thesis makes use of many sources of data and differing methods (triangulation), the consistency of the findings significantly increases the reliability of this study.

The linkage between THB and corruption is established directly and indirectly. The causal relationship is derived from the direct link, which is discussed in detail and is quite clear: corrupt officials, through their behavior, establish openings for criminals (traffickers and exploiters) to conduct their activities, functioning as a strong enabler and facilitator for THB. This finding is illustrated in the CPMI report which highlights the presence of corruption in THB case files.

The indirect link is proven via multiple regression involving two independent sets of data on corruption and THB as well as other potential explanatory factors. The regression model demonstrates that corruption is a strong predictor of THB at any reasonable level of significance.[199]

The survey provides additional insight into the points most vulnerable to corruption in both the trafficking chain and the criminal justice chain, thus facilitating the identification of specific policies to combat both crimes at specific points of vulnerability.

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[198] "Victims protection programs are costly but crucial" (Long, 2004:22). Also found in Mignone, 2006.
[199] Cf. sec. 3.6

By affirming the linkage through concrete statistical analyses, as well as case files in which public officials are directly involved in THB, this thesis provides sufficient evidence to support policies aimed at combating both THB and corruption in combination. As Lyday correctly observes, "if strong linkages between corrupt societies and high incidences of trafficking in persons can be made, the attitude of the public may become more amenable to change, and generating public opposition to corruption becomes considerably easier (2001:3)."

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APPENDIX 1:   SURVEY QUESTIONNAIRE

Questionnaire on THB and Corruption

Preliminary information

The following questionnaire is an integral part of my PhD thesis in Criminology at the Catholic University of Milan, Italy. The study concerns the interrelationship between different types of criminal phenomena particularly corruption, international trafficking, domestic trafficking and sexual exploitation. Your valuable input will help me analyze the ways these phenomena are perceived and how they reflect the general situation in Brazil. Please complete the survey by choosing the best answer for each question. The respondents' personal information, such as name, address, etc., will not be disclosed. Your answers will only be used in qualitative and quantitative analyses.

Thank you for taking the time to complete the survey.

Best Regards,

Andrea Sacco
PhD Candidate
Tutor: Professor Andrea Di Nicola

I – Corruption and the trafficking chain (Project Paco: Slovenia, 2002)

Offices/Persons susceptible to corruption: police officials; customs/ border control officers; immigration services, including visa officers and embassy staff; regional and local government officials; parliamentarians; federal government officials; prosecutors and judges; intelligence and security services personnel; armed forces; private sector (travel agencies, airlines, transportation companies, financial institutions); and private persons, groups, parties with "influence" (financial and political).

- **Opportunities for corruption in the trafficking chain**: recruitment; provision of documentation (identity cards, birth certificates, visas, permits); transportation within countries and/ or across borders; continued control and exploitation of victims, and laundering of proceeds.

  Conduct in the trafficking chain: passive (enabling), or active (abetting).

- **Opportunities for corruption in the criminal justice chain**: drafting and adoption of legislation, crime prevention measures, preliminary investigations and investigations into specific offences, the search and seizure of proceeds, prosecution, trail and verdict, confiscation of proceeds, and enforcement of sanctions.

  Conduct in the criminal justice system: active obstruction of investigations, prosecutions and judicial proceedings; unauthorized or illegal discosure and sale of information.

It is important to note that while these areas present opportunities for corruption, corruption is not necessarily present or prevalent among all the institutions mentioned. Moreover, lack of action does not necessarily indicate corruption but rather a lack of awareness. Additionally, measures against THB can only be adopted and prioritize when sufficient resources are available.

II – Specific concepts

1. "Trafficking in human beings" (THB) in this questionnaire refers to the domestic and international trafficking in women for the purpose of sexual exploitation.
2. "Corruption," according to the Brazilian Penal Code (Articles 297, 299, 317, 318, 319 and 332), involves not only the types of crimes specified in the preface, but also complex matters of ethical and moral responsibilities among public officials and law enforcement. However, for the sake of this survey, we may follow the definition prescribed by Transparency International: "corruption is the misuse of public office for private gain."
3. "Public official" is defined as a person who provides a public service,[200] as defined in Article 327 of the Brazilian Penal Code.

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[200] The provision of a public service comprises temporarily services, as well as services without remuneration. It includes also officials in state companies since the activities are typical of the

Please complete the form below. Personal details will not be disclosed at any time. All data and personal information will be used for statistical purposes only.

Your name:

Professional position:

Number of years in this position:

Federal State where you work:

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public administration. This definition is in accordance with the definition of the 2000 Convention on Organized Crime, Article 9.

Questionnaire

I – Questions about the trafficking in human beings (THB)

1. How many cases of THB for the purpose of sexual exploitation have you worked with in the last 5 years?

    (   ) none
    (   ) 1 – 3
    (   ) 4 – 6
    (   ) 7 – 9
    (   ) 10 or more

    If your answer is more than 10, please specify how many, approximately:

2. Do you think the phenomenon is increasing?

    (   ) yes
    (   ) no

3. Do you consider domestic trafficking and international trafficking to be a:

    (   ) distinct phenomena
    (   ) interrelated phenomena

4. If interrelated, which of the following best describes the interrelationship?

    (   ) weak
    (   ) medium
    (   ) strong

5. The trafficking of human beings is:

    (   ) not a serious crime
    (   ) serious but no more so than any other crime
    (   ) a very serious crime but adequately controlled by law enforcement
    (   ) a very serious crime requiring much stronger law enforcement

II – Questions about corruption

6. Do you think that corruption is an increasing phenomenon in Brazil?

    (   ) yes
    (   ) no

7. Do you think women are less susceptible to corruption than men?

    (   ) yes
    (   ) no

8. How do you view corruption in Brazil?

    (   ) not a problem
    (   ) an isolated phenomenon
    (   ) more common in the private sector
    (   ) corruption is more frequent in the public sector
    (   ) equally frequent in both the public and private sector

III – Questions about THB and Corruption

9. How do you personally perceive corruption and THB in your state?

    (   ) separate phenomena
    (   ) interrelated phenomena

10. If interrelated, would you describe their relationship as:

    (   ) weak
    (   ) medium
    (   ) strong

11. Where in the **domestic trafficking** chain do you think corruption occurs most frequently?

    (   ) recruitment of victims
    (   ) preparation of documents (birth certificates, identity card)
    (   ) logistics (victims' transportation)
    (   ) continued control and exploitation of trafficked persons
    (   ) I do not know

12. Regarding **domestic trafficking**, where in the criminal justice chain does corruption occur most frequently?

    (   ) enactment of legislation
    (   ) crime prevention measures
    (   ) preliminary investigations and investigations into related crimes
    (   ) prosecution, trail and verdict, enforcement of sanctions
    (   ) I do not know

13. Where in the **international trafficking** chain do you think corruption occurs most frequently?

    (   ) recruitment of victims
    (   ) preparation of necessary documents (birth certificates, identity card, passport, visa)
    (   ) logistics – sea ports, airports, border control, customs, immigration
    (   ) I do not know

14. Regarding **international trafficking** where in the criminal justice chain does corruption occur most frequently?

    (   ) enactment of legislation
    (   ) crime prevention measures
    (   ) preliminary investigations and investigations into related crimes
    (   ) prosecution, trial and verdict, enforcement of sanctions
    (   ) I do not know

15. To your knowledge, in the last 5 years, what percentage of all trafficking cases have involved a public official?

    (   ) none
    (   ) up to 25%
    (   ) up to 50 %
    (   ) up to 75%
    (   ) nearly all
    (   ) I do not know

If possible, please identify what public sectors they worked in.

16. Considering your answer to the previous question, what percentage of those cases were subsequently formally investigated?

    (   ) none
    (   ) up to 25%
    (   ) up to 50%
    (   ) up to 75%
    (   ) nearly all
    (   ) I do not know

17. Considering your answer to the previous question, what percentage of those cases resulted in a trial?

    (   ) none
    (   ) up to 25%
    (   ) up to 50%
    (   ) up to 75%
    (   ) nearly all
    (   ) I do not know

18. Considering your answer to the previous question, what percentage of those cases led to a conviction?

    (   ) none
    (   ) up to 25%
    (   ) up to 50%
    (   ) up to 75%
    (   ) nearly all
    (   ) I do not know

19. Have you ever been threatened as a result of your role in the investigation/ prosecution of THB and/ or related crimes?

    (   ) yes
    (   ) no

20. Have you ever been the target of a vendetta as a result of your role in the investigation/ prosecution of cases involving THB or related crimes?

    (   ) yes
    (   ) no

21. Has anyone under investigation or associated with the subject of THB or related crimes ever offered you or suggested a bribe in exchange for the obstruction of an official proceeding?

    (   ) yes
    (   ) no

IV – Questions about sexual exploitation

22. Are you aware of any cases in which public officials were involved in the sexual exploitation of a child or adolescent?

   (   ) yes
   (   ) no

23. If yes, in what percentage of cases were they involved?

      (   ) up to 25%
      (   ) up to 50%
      (   ) up to 75%
      (   ) nearly all
      (   ) I do not know

      If possible, please specify in which public sector they worked.

24. Considering your answer to the previous question, in what percentage of cases were they formally investigated?

      (   ) none
      (   ) up to 25%
      (   ) up to 50%
      (   ) up to 75%
      (   ) nearly all
      (   ) I do not know

25. Considering your answer to the previous question, what percentage was prosecuted?

      (   ) none
      (   ) up to 25% of them
      (   ) up to 50% of them
      (   ) up to 75% of them
      (   ) nearly all
      (   ) I do not know

26. Considering your answer to the previous question, what percentage was convicted?

      (   ) none
      (   ) up to 25%
      (   ) up to 50%
      (   ) up to 75%
      (   ) nearly all
      (   ) I do not know

V – Questions related to the efficiency of the Criminal Justice System

27. What is the average duration of an investigation of THB?

        (   ) up to 2 years
        (   ) 2-4 years
        (   ) 4-6 years
        (   ) 6 or more years
        (   ) I do not know

28. In your opinion, what percentage of cases involving THB result in formal investigations?

        (   ) none
        (   ) up to 25%
        (   ) up to 50%
        (   ) up to 75%
        (   ) nearly all
        (   ) I do not know

29. In your opinion, what percentage of THB investigated cases generally lead to an indictment?

        (   ) none
        (   ) up to 25%
        (   ) up to 50%
        (   ) up to 75%
        (   ) nearly all
        (   ) I do not know

30. In your opinion, what percentage of THB cases result in a conviction?

        (   ) none
        (   ) up to 25%
        (   ) up to 50%
        (   ) up to 75%
        (   ) nearly all
        (   ) I do not know

Is there any other information related to the questionnaire as a whole that you think might be of relevance?

APPENDIX 2: COUNTRY PROFILE

Figure 1 Brazil's Federal States and Regions

North Region	
Northeast Region	
Southeast Region	
South Region	
Central West Region	
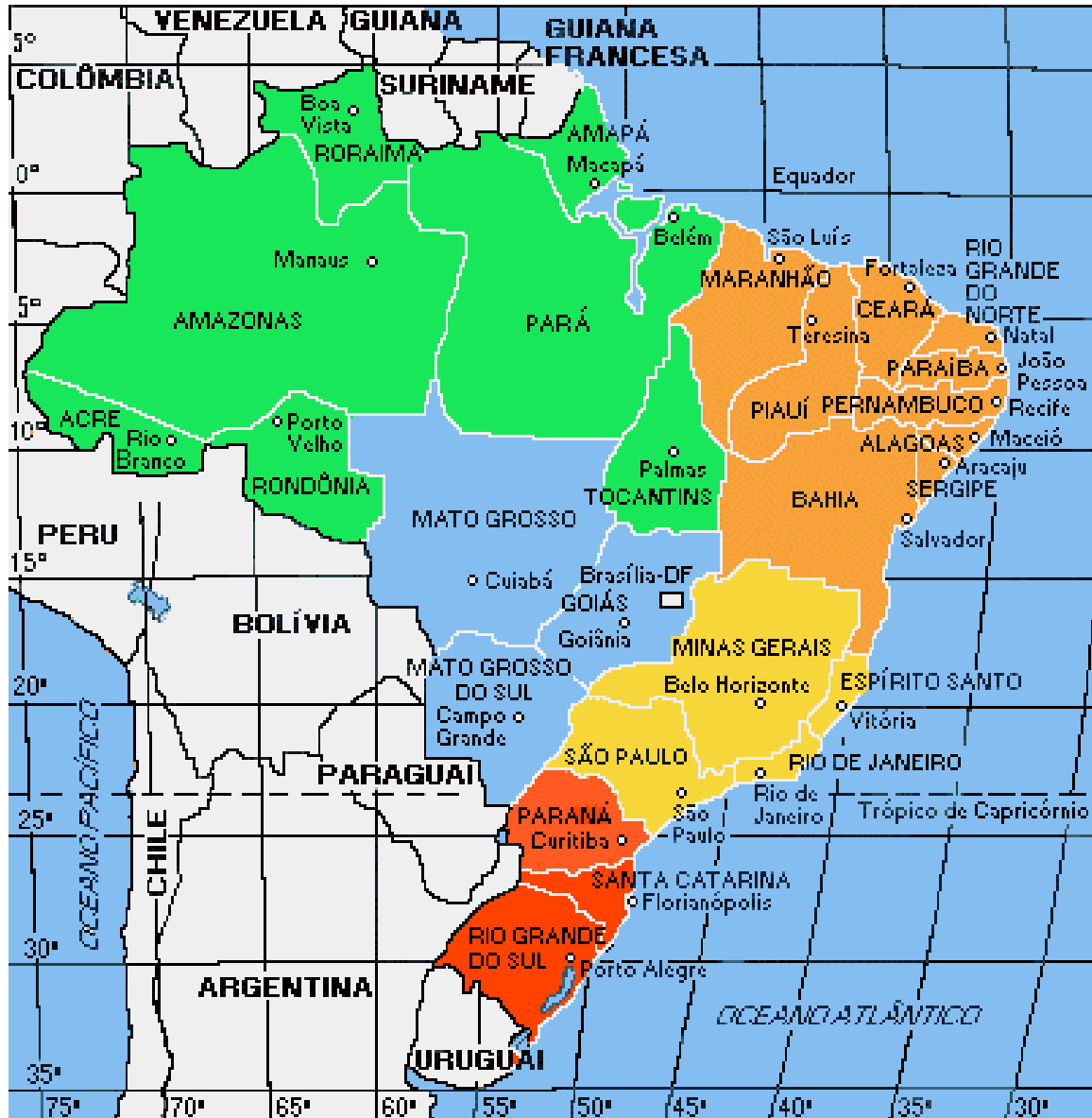
Source: http://www.guianet.com.br/guiacidades/

Figure 2 Brazil's Official Territorial Area: 8.514.876.599 km²

Federal State	State Capital	Area (Km²)
Acre	Rio Branco	152,581,39
Rondônia	Porto Velho	237,576,17
Amazonas	Manaus	1.570,745,68
Roraima	Boa Vista	224,298,98
Pará	Belém	1.247,689,52
Amapá	Macapá	142,814,59
Tocantins	Palmas	277,620,91
Maranhão	São Luís	331,983,29
Piauí	Teresina	251,529,19
Ceará	Fortaleza	148,825,60
Rio Grande do Norte	Natal	52,796,79
Paraíba	João Pessoa	56,439,84
Pernambuco	Recife	98,311,62
Alagoas	Maceió	27,767,66
Sergipe	Aracajú	21,910,35
Bahia	Salvador	564,692,67
Minas Gerais	Belo Horizonte	586,528,29
Espírito Santo	Vitória	46,077,52
Rio de Janeiro	Rio de Janeiro	43,696,05
São Paulo	São Paulo	248,209,43
Paraná	Curitiba	199,314,85
Santa Catarina	Florianópolis	95,346,18
Rio Grande do Sul	Porto Alegre	281,748,54
Mato Grosso do Sul	Campo Grande	357,124,96
Mato Grosso	Cuiabá	903,357,91
Goiás	Goiânia	340,086,70
Distrito Federal	Brasília	5,801,94

Source: Brazilian Institute of Geography and Statistics (IBGE). Available at:
[http://www.ibge.gov.br/estadosat/perfil.php?sigla=ro]

Figure 3 Brazil Vital Statistics

Geography

Area: 8,511,965 sq. km. (3,290,000 sq. mi.); slightly smaller than the US
Cities: *Capital*--Brasília (pop. 2.3 million). *Other cities*--São Paulo (10.8 million), Rio de Janeiro (6.1 million), Belo Horizonte (2.4 million), Salvador (2.6 million), Fortaleza (2.3 million), Recife (1.5 million), Porto Alegre (1.4 million), Curitiba (1.7 million)
Terrain: Dense forests in northern regions including Amazon Basin; semiarid along northeast coast; mountains, hills, and rolling plains in the southwest, including Mato Grosso; and coastal lowland
Climate: Mostly tropical or semitropical with temperate zone in the South

People

Nationality: Brazilian
Annual growth rate: 1.1%
Ethnic groups: Portuguese, Italian, German, Spanish, Japanese, Arab, African, and indigenous
Dominant Religion: Roman Catholic (74%)
Language: Portuguese
Education: *Literacy:* 86% of adult population
Health: *Infant mortality rate*: 27.5/ 1,000. *Life expectancy*: 71.3 yrs
Work force: 96.3 million

Government

Type: Federative republic
Independence: September 7, 1822
Constitution: Promulgated October 5, 1988
Branches: *Executive:* president (chief of state and head of government popularly elected to no more than two 4-year terms). *Legislative:* Senate (81 members popularly elected to 8-year terms), Chamber of Deputies (513 members popularly elected to 4-year terms). *Judicial:* Supreme Federal Tribunal (11 lifetime positions appointed by the president).
Political parties: Workers' Party (PT), Brazilian Democratic Movement Party (PMDB), Brazilian Social Democratic Party (PSDB), Liberal Front Party (PFL), Social Democratic Party (PSD), Democratic Workers' Party (PDT), Brazilian Labor Party (PTB), Liberal Party (PL), Brazilian Socialist Party (PSB), Communist Party of Brazil (PC do B), Brazilian Progressive Party (PP). Popular Socialist Party (PPS), Green Party (PV), the Social Liberal Party (PSL), the National Mobilization Party (PMN), National Workers Party (PTN), Humanistic Solidarity Party (PHS), and the Party for the Re-edification of the National Order (PRONA).

Economy (2006)

GDP: $943 billion (official exchange rate)
GDP: $1.616 trillion (purchasing power parity)
Annual real growth: 3.7%
Per capita GDP: $8,600 (purchasing power parity)
Natural resources: Iron ore, manganese, bauxite, nickel, uranium, gemstones, oil, wood, and aluminum. Brazil has 14% of the world's renewable fresh water
Agriculture (8% of GDP): *Products*: coffee, soybeans, sugarcane, cocoa, rice, livestock, corn,

oranges, cotton, wheat, and tobacco
Industry (38% of GDP): *Types*: steel, commercial aircraft, chemicals, petrochemicals, footwear, machinery, motors, vehicles, auto parts, consumer durables, cement, and lumber
Services (54% of GDP): *Types*: mail, telecommunications, banking, energy, commerce, and computing
Trade: *Trade balance 2006*: $46 billion surplus. *Exports:* $137.4 billion. *Major markets*: European Union 25.0%, United States 19.2%, and Mercosur 20.4%. *Imports*: $91.4 billion. *Major suppliers*: European Union 25.4%, United States 17.2%, Argentina 8.5%, and China 7.3%.

Source: US Department of State. Available at: [www.state.gov] Author' representation.

Currency Unit: Real (plural: reales) and is made up of 100 'centavos.' It is written using the symbol R$

Figure 4 Brazil's Total Population and World's Total Population

Brazil Population (estimate for June, 2007)	189,086,460
World Population (estimate for June, 2007)	6,602,385,249

Source: http://www.ibge.gov.br/home/disseminacao/online/popclock/popclock.php

Figure 5 Brazil's Border Countries

Borders	**Km**
Total	23,102
Neighboring countries	15,735
Guiana	1,298
Venezuela	1,819
Suriname	593
Guiana Francesa	655
Uruguai	1,003
Argentina	1,263
Paraguay	1,339
Bolívia	3,126
Peru	2,995
Colombia	1,644
Atlantic Ocean	7,367

Source: [http://www.geomundo.com.br/geografia_dados_do_brasil1.html]. Year 2000

Table 1 Brazil's Total Population and Population by Sex, Urban and Rural Areas, and Literacy Rate.

Federal States	Population, sex and Domicile					Population resident more than 10 years of age or more		
	Total	Men	Women	Urban area	Rural area	Total	Literacy	Literacy Rate (%)
Acre	557,.526	280,983	276,543	370.267	187,259	409,152	314,640	76.9
Rondônia	1,379,787	708,140	671,647	884.523	495,264	1,065,242	942,903	88.5
Amazonas	2,812,557	1,414,367	1,398,190	2.107.222	705,335	2,059,326	1,745,162	84.7
Roraima	324,397	166,037	158,360	247.016	77,381	238,380	209,807	88.0
Pará	6,192,307	3,132,768	3,059,539	4.120.693	2,071,614	4,650,618	3,891,029	83.7
Amapá	477,032	239,453	237,579	424.683	52,349	347,992	309,099	88.8
Tocantins	1,157,098	591,807	565,291	859.961	297,137	888,253	735,535	82.8
Maranhão	5,651,475	2,812,681	2,838,794	3.364.070	2,287,405	4,279,999	3,142,789	73.4
Piauí	2,843,278	1,398,290	1,444,988	1.788.590	1,054,688	2,238,583	1,597,527	71.4
Ceará	7,430,661	3,628,474	3,802,187	5.315.318	2,115,343	5,804,948	4,370,897	75.3
Rio Grande do Norte	2,776,782	1,359,953	1,416,829	2.036.673	740,109	2,212,602	1,687,670	76.3
Paraíba	3,443,825	1,671,978	1,771,847	2.447.212	996,613	2,750,112	1,992,075	72.4
Pernambuco	7,918,344	3,826,657	4,091,687	6.058.249	1,860,095	6,319,507	4,851,306	76.8
Alagoas	2,822,621	1,378,942	1,443,679	1.919.739	902,882	2,164,033	1,476,614	68.2
Sergipe	1,784,475	874,906	909,569	1.273.226	511,249	1,393,407	1,065,369	76.5
Bahia	13,070,250	6,462,033	6,608,217	8.772.348	4,297,902	10,385,720	8,138,193	78.4
Minas Gerais	17,891,494	8,851,587	9,039,907	14.671.828	3,219,666	14,597,420	13,012,173	89.1
Espírito Santo	3,097,232	1,534,806	1,562,426	2.463.049	634,183	2,524,265	2,256,979	89.4
Rio de Janeiro	14,391,282	6,900,335	7,490,947	13.821.466	569,816	11,974,872	11,223,917	93.7
São Paulo	37,032,403	18,139,363	18,893,040	34.592.851	2,439,552	30,672,612	28,800,475	93.9
Paraná	9,563,458	4,737,420	4,826,038	7.786.084	1,777,374	7,752,774	7,088,061	91.4
Santa Catarina	5,356,360	2,669,311	2,687,049	4.217.931	1,138,429	4,373,138	4,122,809	94.3
Rio Grande do Sul	10,187,798	4,994,719	5,193,079	8.317.984	1,869,814	8,445,151	7,929,511	93.9
Mato Grosso do Sul	2,078,001	1,040,024	1,037,977	1.747.106	330,895	1,658,760	1,491,897	89.9
Mato Grosso	2,504,353	1,287,187	1,217,166	1.987.726	516,627	1,981,816	1,761,966	88.9
Goiás	5,003228	2,492,438	2,510,790	4.396.645	606,583	4,033,691	3,598,044	89.2
Distrito Federal	2,051,146	981,356	1,069,790	1.961.499	89,647	1,658,742	1,571,906	94.8

Note: Total Population; population by sex; population resident with 10 years of age or more.
Source: Brazilian Institute of Geography and Statistics (IBGE).[201] Available at:
http://www.ibge.gov.br/home/estatistica/populacao/censo2000/universo.php?tipo=31&uf=22

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[201] "Instituto Brasileiro de Geografia e Estatística"

Figure 6 Brazil's Status of Ratification of Treaties and Protocols:

1. UN Convention against Transnational Organized Crime. Available at
   [http://www.mj.gov.br/drci/default.asp]

2. UN Protocol to Prevent, Suppress and Punish Trafficking in Persons. Available at
   [http://www.unodc.org/unodc/en/crime_cicp_signatures_trafficking.html

3. UN Convention against Corruption.
   Available at [http://www.mj.gov.br/drci/default.asp]

4. UN Convention on the Elimination of all Forms of Discrimination against Women, 1979.
   Available at [http://www.ohchr.org/english/law/cedaw.htm]

5. ILO Convention 182 (Convention on the Worst Forms of Child Labor). Available at:
   [http://www.ilo.org/iloex/english/newratframeE.htm]

6. Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children,
   Child Prostitution, and Pornography. Available at:
   [http://www.oohchr.org/english/countries/ratification/11_c.htm]

7. Optional Protocol to the CRC on the Involvement of Children in Armed Conflict.
   Available at: [http://www.unhchr.ch/html/menu2/6/crc/treaties/status-opac.htm]

8. National Plan of Action Against Commercial Sexual Exploitation of Children. Available at:
   [http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/national_plan.asp#5]