

Corruption as a Facilitator of Smuggling of Migrants and Trafficking in Persons in the Bali Process Region with a focus on Southeast Asia

Research Brief
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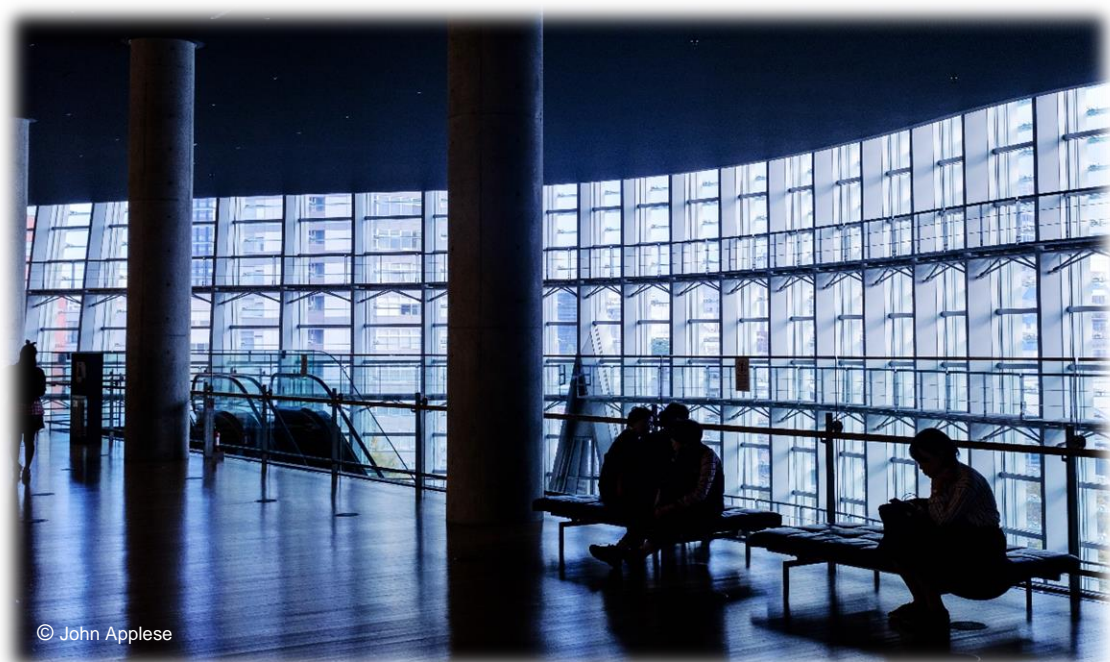
Overview

Smuggling of migrants and trafficking in persons are major concerns throughout the Bali Process region. Yet, despite the extent of these crimes, both remain under-researched. The role of corruption as a facilitator of both crimes is particularly overlooked and undocumented. This research, carried out by the United Nations Office on Drugs and Crime (UNODC) Regional Office for Southeast Asia and the Pacific, sheds light on the ways in which corruption facilitates smuggling of migrants and trafficking in persons, the actors involved, and the contexts in which such corruption occurs.

Nine 'contexts' are identified where corruption is most likely to occur, with a focus on the public sector. These are:

- (1) the recruitment of smuggled migrants and victims of trafficking;
- (2) the production, procurement, and use of fraudulent documents;
- (3) border crossings;
- (4) transportation;
- (5) the movement of smuggling migrants and victims of trafficking through airports;
- (6) accommodation;
- (7) law enforcement and investigation of smuggling and trafficking;
- (8) prosecution and trial of smugglers and traffickers; and
- (9) interactions between service providers and smuggled migrants and victims of trafficking.

This research seeks to inform cooperation between agencies and practitioners involved in anti-corruption, counter-smuggling, and anti-trafficking efforts, leading to better detection, evidence gathering, and reporting of cases. The information set out in the full report serves to inform the development of evidence-based strategies to prevent and combat the interlinked phenomena of corruption, trafficking in persons and smuggling of migrants. This Research Brief offers a snapshot summary of the main findings and recommendations of the full report.



Understanding corruption



Corruption encompasses a range of illicit activities. The *United Nations Convention against Corruption (UNCAC)*, which is the only legally binding universal anti-corruption instrument, requires the establishment of a range of offences associated with corruption including, inter alia, bribery, embezzlement, trading in influence, abuse of functions, illicit enrichment, and money laundering. Corruption can occur in the public and private sectors.

Main Findings

1. Corruption is a common facilitator of smuggling of migrants and trafficking in persons. The majority of the available evidence concerns its role in:
 - recruitment of smuggled migrants and victims of trafficking
 - production and procurement of fraudulent documents;
 - border crossings (at land and maritime borders and in airports); and
 - preventing investigation
2. People in certain positions are particularly vulnerable to be targeted by traffickers and smugglers and offered bribes, including:
 - local law enforcement officials, especially those in border areas;
 - officials responsible for travel documentation
 - immigration officials stationed in airports and at land borders; and
 - officials and authorities interacting with labour recruitment agencies.
3. Conflicts of interest and secondary employment of public officials can create and increase the risk of corruption.
4. Bureaucratic hurdles and high-costs associated with regular migration channels encourage smuggling of migrants and trafficking in persons and associated corruption.
5. Officials found to accept bribes or abuse their position are often only transferred to other posts or temporarily suspended from their duties rather than being prosecuted.
6. Low-level officials are more likely to face consequences than superiors.
7. Corruption in private organisations may play a role in facilitating smuggling of migrants and trafficking in persons.
8. Corruption compromises the protection of smuggling migrants and victims of trafficking. It facilitates the recruitment and transport of vulnerable persons, prevents the investigation of exploitative situations, and creates impunity for offenders.
9. While there is significant evidence of corruption as a facilitator of smuggling of migrants and trafficking in persons, its true extent and impact remains under-researched. There is a lack of official reporting and systematic data-collection.

Key Recommendations

- 1) **Investigate, prosecute and punish corruption.** Any allegations of corruption must be thoroughly investigated, and punishments should reflect the gravity of the crime.
- 2) **Harmonise offences and penalties.** Legislation on smuggling of migrants and trafficking in persons should incorporate clear provisions addressing corruption and the involvement of public officials. This includes specific offences and penalties for corrupt officials who facilitate, or are otherwise involved in, these crimes.
- 3) **Align and incorporate anti-corruption measures into anti-trafficking and anti-smuggling policies.** Corruption issues should be incorporated, as appropriate, into anti-smuggling of migrants and anti-trafficking in persons strategies and mechanisms (and vice versa), including policies, procedures, and training.
- 4) **Target high-risk sectors.** Resources should be dedicated to public agencies or departments, specific locations, or activities that are particularly vulnerable to corruption.
- 5) **Promote good governance and integrity.** Organisational structures and processes, such as recruitment and staff rotations, should promote transparency, fairness, and accountability.
- 6) **Create and strengthen reporting and whistle-blower mechanisms.** Anonymous reporting mechanisms should be in place for officials to raise concerns or report offers of bribes or use of undue influence by other officials. Whistle-blowers and witnesses must be given appropriate protection.
- 7) **Protect and work with smuggled migrants and victims of trafficking.** Where appropriate, authorities should work with smuggled migrants and victims of trafficking to gain insight into the prevalence of corruption and identify corrupt officials and practices.
- 8) **Foster international cooperation to address transnational corruption.** Governments should share intelligence on corrupt activities and collaborate to address 'at risk' points for trafficking and smuggling (such as border crossings). Formal and informal cooperation mechanisms in the context of criminal investigations can facilitate prosecution of offenders, while information sharing between government agencies can help ensure the integrity of travel and other documents.
- 9) **Tackle corruption in the business sector.** Governments should pay special attention to sectors where smuggling of migrants and trafficking in persons are known to occur. Companies involved in corruption, smuggling of migrants, or trafficking in persons should be held to account and offences creating liability for legal persons used where available and when appropriate.
- 10) **Improve the evidence base.** Further research as well as systematic data collection and analysis into this issue is urgently required to reconcile the general findings of this report, with practical realities on the ground and support evidence-based policy and practice in combating corruption, smuggling, and trafficking.
- 11) **Raise awareness.** Greater efforts are needed to raise awareness in government agencies and the community more broadly, of the links between corruption, smuggling of migrants, and trafficking in persons.

The full research report is available at:



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