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**Emerging knowledge and practice regarding the
prevention of and response to corruption in the
context of trafficking in persons**

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Background paper prepared by the Secretariat

I. Introduction

1. The present background paper has been prepared by the Secretariat to facilitate discussions in the Working Group on Trafficking in Persons at its thirteenth meeting. The paper presents an overview of the diverse ways in which corruption can act as a facilitator of trafficking in persons. The paper also discusses emerging knowledge and practice regarding the prevention of and response to corruption in the context of trafficking in persons.

II. Issues for discussion

2. The Working Group on Trafficking in Persons may wish to consider the following issues and challenges as the basis for its deliberations.

3. The overall extent of corruption in the context of trafficking in persons is difficult to determine since documentation and research on, and analysis of, the subject matter remain scarce. The number of court decisions on trafficking in persons containing an element of corruption is low and scoping and analytical studies all point to the fact that the topic requires greater attention and a better evidence base. A first obstacle is that many countries do not possess or analyse information related to corrupt practices and their link to trafficking in persons,¹ potentially because of the secrecy surrounding such practices, the sensitivity of the topic and, often, the fear that prevents victims and survivors from reporting what they have witnessed. However, evidence from cases around the world consistently points to corruption playing a key

* [CTOC/COP/WG.4/2023/1](#).

¹ Marika McAdam, "Briefing note on corruption as a facilitator of trafficking in persons and smuggling of migrants: Malaysian insights", (Bangkok, United Nations Office on Drugs and Crime (UNODC) Regional Office for South-East Asia and the Pacific and Regional Support Office of the Bali Process, 2023), p. 1.



role in facilitating the crime of trafficking in persons,² ensuring impunity by limiting investigations and prosecutions, and impeding the protection of victims and survivors. Previous research carried out by the United Nations Office on Drugs and Crime (UNODC) and others found that trafficking in persons simply could not be perpetrated on a large scale without corruption.³ The Organisation for Economic Co-operation and Development (OECD) has echoed that by stating that “trafficking in persons would not be as prevalent and widespread if it were not for the leverage supplied by corruption, and human trafficking could not occur on the scale it does if it were not for the complicity and collusion of corrupt officials with criminal gangs.”⁴

4. Corruption can be present in every form of trafficking in persons and fuel every type of exploitative purpose, from sexual exploitation to forced labour or organ removal. Research undertaken for the present paper also shows that officials in related positions and institutions can become involved in corruption, with individual front-line actors being most vulnerable. Through desk research and the analysis of case law, the present paper identifies how corruption prevails in a range of contexts, from the recruitment of victims of trafficking to enabling their movement through immigration controls or impeding criminal justice proceedings and the protection of rescued survivors. In section V, promising practices and ideas are presented that could enhance the detection and prevention of and efforts to address corruption in cases of trafficking in persons.

5. Although the interlinkages between corruption and trafficking in persons have long been under-analysed, States have recently started noting and discussing the issue more frequently in intergovernmental forums. For example, the first ever event on corruption as a facilitator of trafficking in persons under the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime was held in June 2021.⁵ At the global level, the issue has been increasingly noted by the General Assembly, including in the Political Declaration on the Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons (General Assembly resolution 76/7, annex). The most recent resolution on trafficking in persons⁶ adopted by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its eleventh session made reference to the interlinkages between corruption and trafficking in persons. In its work in the area, UNODC is currently developing a case digest bringing together information on how prosecutors and judges have dealt with specific aspects of the issue, in order to increase understanding of the role of corruption in the commission of trafficking in persons and to facilitate the development of targeted policies and practices against trafficking in persons facilitated by corruption. Furthermore, in order to establish an evidence base for future work in the area, UNODC is preparing a global study on linkages between corruption and trafficking in persons and entry points for corruption along the trafficking chain, with the aim of identifying how anti-corruption interventions could help prevent or detect cases of trafficking.

² UNODC Regional Office for South-East Asia and the Pacific and Regional Support Office of the Bali Process, *Corruption as a Facilitator of Smuggling of Migrants and Trafficking in Persons in the Bali Process Region with a Focus on Southeast Asia* (Bangkok, 2021); Rose Broad and Nicholas Lord, “Corruption as a facilitator of human trafficking: some key analytical issues”, in *Corruption in Commercial Enterprise: Law, Theory and Practice*, Liz Campbell and Nicholas Lord, eds. (Abingdon, Oxon, United Kingdom of Great Britain and Northern Ireland; New York, Routledge, 2018).

³ UNODC, Anti-Slavery International and Transparency International, “Issue paper: the role of corruption in trafficking in persons” (Vienna, 2011) p. 4.

⁴ Organisation for Economic Co-operation and Development (OECD), “Trafficking in persons and corruption: breaking the chain – highlights”, (Paris, 2016).

⁵ McAdam, “Briefing note on corruption as a facilitator of trafficking in persons and smuggling of migrants”, p. 2.

⁶ CTOC/COP/2022/9, resolution 11/5.

III. International and regional legal frameworks

6. The international community has adopted distinct legal frameworks to deal with trafficking in persons and corruption. The United Nations Convention against Corruption, adopted in 2003, is the key international instrument in the prevention of and fight against corruption at the global level. The Convention does not offer a definition of corruption but calls for preventive measures and the criminalization of corruption offences such as bribery and embezzlement, as well as of instrumental offences such as the laundering and concealment of proceeds of crime. The Convention also requires States parties to take effective law enforcement measures, engage in international cooperation and ensure asset recovery.

7. Acts of corruption relating to trafficking in persons may also involve actors in the private sector, such as recruitment agencies, intermediaries and service providers. Several articles of the Convention against Corruption address the role of the private sector, calling for preventive measures, the criminalization of corruption involving corporate entities, the establishment of the liability of legal persons and cooperation between business, law enforcement and judicial authorities. Pursuant to article 12, States parties must enhance accountability and auditing standards to prevent corruption in the private sector. They must also provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with the accountability and auditing standards. In addition, article 12 calls for the development of codes of conduct for the prevention of conflicts of interest. Article 14 of the Convention, on measures to prevent money-laundering, requires State parties to institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons who provide formal or informal services for the transmission of money or value.

8. The Organized Crime Convention, adopted in 2000, remains the sole international legally binding instrument against organized crime. It recognizes the links between corruption and organized crime and includes a number of substantive and procedural issues related to corruption (for example, criminalization of the laundering of proceeds of crime and measures to combat money-laundering). Articles 8 and 9 of the Convention require States parties to criminalize corruption and adopt measures to prevent, detect and punish the corruption of public officials.⁷

9. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, also provides a strong basis for robust criminal justice responses and legal frameworks aimed at preventing the crime, dismantling human trafficking networks and holding perpetrators accountable.

10. Both the Organized Crime Convention and the Convention against Corruption have a mechanism for the review of their implementation by States parties. The Mechanism for the Review of Implementation of the United Nations Convention against Corruption and the more recently created Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto⁸ act as peer review systems to assist States parties in their implementation of the Conventions and can serve as useful tools to help identify technical assistance needs.

11. Several regional instruments also exist. The Association of Southeast Asian Nations Convention against Trafficking in Persons, Especially Women and Children, criminalizes corruption in its article 8, which establishes a specific trafficking in persons offence for State officials.

⁷ For more details about the international legal framework on corruption and its relevance to trafficking in persons, see “Issue paper: the role of corruption in trafficking in persons”, jointly published by UNODC, Anti-slavery International and Transparency International in 2011, p. 16 ff.

⁸ Available at www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/home.html.

12. The Inter-Agency Coordination Group against Trafficking in Persons draws together all key United Nations entities and currently consists of 31 member institutions. In November 2021, the Group issued a call for action on trafficking in persons in which it identified corruption as one of the core drivers of trafficking in persons and called for a global response by Governments to address the underlying social and structural inequalities that enable environments where corruption can take root, to tackle trafficking in persons in a holistic manner that also addresses corruption and impunity, and to enhance investigations of corruption and illicit financial flows associated with trafficking and the related seizure of proceeds of crime.

IV. Background and overview of issues and related topics

13. The UNODC *Global Report on Trafficking in Persons 2022* recognizes the link between trafficking in persons and corruption and, inter alia, underlines the need for States to fully comply with their international treaty obligations, including measures to address corruption.

14. The present section aims to provide an illustration of patterns and frequent occurrences of corruption related to trafficking in order to show particular areas of vulnerability, raise awareness of the diversity of its manifestations and inform the design of policies on the issue. It is not intended to serve as an exhaustive list but to provide an analysis of how corruption can facilitate trafficking in persons at various levels and for different types of exploitation.

15. UNODC has observed that corruption can not only play a role at every stage of the crime of trafficking in persons, from the recruitment of victims to their control and exploitation, but can also affect the criminal justice response, in form of the obstruction of investigations and prosecutions and the intimidation of witnesses.⁹

Corruption as a facilitator during recruitment, transfer and transportation

16. At the early stages of the trafficking process in transnational cases, bribery and abuse of power are commonly reported as being used to enable the crossing of international borders without checks and to obtain visas and passports from consular officials, as well as false work permits. This may, at least in part, be a consequence of broader policymaking – one study has argued that more restrictive migration policies could increase the propensity of traffickers to rely on corrupt officials to facilitate border crossings.¹⁰ Fraudulent documents are also a common result of collusion between recruitment agents and immigration officials.¹¹ Recruitment agencies, consular officials and immigration officers can play a major role in the facilitation of the trafficking process.

17. In the context of recruitment agencies for migrant workers, licensing procedures must be robust in order to prevent opportunities for corruption, such as the bribing of public officials or the purchasing of real or fraudulent licences. Bribes may be paid, for example, to speed up the bureaucratic process and the acquisition of documents. In some cases, relationships between recruiters and public officials may be used to circumvent immigration laws. Several interviewees for a study carried out by UNODC observed that ongoing relationships between recruiters and public officials may lead to corrupt structures within certain government departments.¹² In addition, corruption likely increases in instances where recruiters work second jobs as public officials and can abuse their public positions to avoid certain rules and requirements or, at a later stage, to obstruct law enforcement investigations.¹³ The Special Rapporteur on trafficking in persons, especially women and children, has underlined this issue

⁹ UNODC, “Issue paper: the role of corruption in trafficking in persons”.

¹⁰ Broad and Lord, “Corruption as a facilitator of human trafficking”.

¹¹ UNODC Regional Office for South-East Asia and the Pacific and Regional Support Office of the Bali Process, *Corruption as a Facilitator of Smuggling of Migrants and Trafficking in Persons*, p. 25.

¹² Ibid., p. 20.

¹³ Ibid., p. 21.

during country visits and stated her concern, for example, about reports of harassment and threats of reprisals against lawyers, particularly in cases of complaints raised in relation to the operations of recruitment agencies and trafficking for purposes of forced labour.¹⁴

18. A recent report by UNODC and the Regional Support Office of the Bali Process noted that successful investigations in several States members of the Association of Southeast Asian Nations had uncovered the use of corruption to acquire genuine travel documents using false information, certify false documents, undermine technological protection measures used to make documents secure or bypass document checks at airports.¹⁵ In a case of trafficking for forced labour in the Plurinational State of Bolivia,¹⁶ for example, three politicians had used their position to secure visas and the entry into the State of third-country nationals who were trafficking victims. In another case, a teacher from Lesotho had been accused of trafficking five young women to South Africa for sexual exploitation on the promise of jobs as domestic workers. On different occasions, the trafficker had helped each woman to cross the border into South Africa, although only one of the five had a passport. In the case of the other four, the trafficker had bribed border officials to turn a blind eye.¹⁷

19. In a study carried out by UNODC, victims reported that traffickers would often mention that they had to bribe officials to obtain visas and that the cost of the bribe had been added to the victims' debt towards the trafficker.¹⁸ Corruption therefore seems to be a common facilitator of trafficking in persons when victims need to migrate and cross borders. In view of that fact, countries would benefit from developing relevant indicators in transnational cases of trafficking in persons that could lead to the identification of corruption cases and, as a result, support the expansion of investigations of trafficking cases to include corruption or the opening of parallel investigations.

Corruption as a facilitator during exploitation

20. After the recruitment and transportation stages, corruption further manifests itself in the process of trafficking in persons, during the exploitation stage. In trafficking in persons for sexual exploitation in particular, multiple cases from all around the world, including those described below, show police accepting bribes to not carry out inspections or to warn traffickers about upcoming inspections, or accepting bribes such as sexual favours in return for turning a blind eye in places where women seem to be forced into prostitution. Within the framework of her fact-finding mission to Nigeria, the Special Rapporteur on trafficking in persons, especially women and children, met numerous stakeholders and stated in her report that in the narratives of victims and survivors, the role of corrupt law enforcement officers has often been highlighted. Special attention should be paid by the investigative authorities to the possible involvement or collusion of public officials with trafficking rings.¹⁹

21. In a court case in Argentina, two men were convicted of trafficking women from Paraguay for the purpose of sexual exploitation in Argentina. In its decision, the court noted the connivance of police and local administrative authorities, as it seems that the police and local authorities had known about the exploitation but had turned a

¹⁴ A/HRC/53/28/Add.1, para. 53.

¹⁵ UNODC Regional Office for South-East Asia and the Pacific and Regional Support Office of the Bali Process, *Corruption as a Facilitator of Smuggling of Migrants and Trafficking in Persons*, p. iv.

¹⁶ UNODC, Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal, Case law database, Auto Supremo 200/2007 – Bin Xin Zhang Zhang et al, Bolivia (Plurinational State of), 2007. Available at <https://sherloc.unodc.org/>.

¹⁷ UNODC, SHERLOC, Case law database, *Rex v. Joalane Tsoana* (CR:372/12), Lesotho, 2013.

¹⁸ UNODC, "Issue paper: the role of corruption in trafficking in persons", p. 11.

¹⁹ A/HRC/41/46/Add.1, para. 67.

blind eye to it.²⁰ In another case of trafficking in persons in Argentina,²¹ one of the defendants was a police officer who had alerted a brothel owner about police raids or immigration inspections. In addition, the victims' testimonies indicate that certain sums of money had been retained by the brothel owner, supposedly to pay off the police. The police officer was found guilty of aiding and abetting the crime of trafficking in persons for sexual exploitation. Similarly, in the United States of America last year, a police officer pleaded guilty to bribery. Over the course of eight years, he had provided protection to two businesses involved in trafficking in persons for forced prostitution, included by giving them advance notice of law enforcement activities and assistance with avoiding detection and apprehension. In exchange, he had directed members of the prostitution business and sex trafficking organization to deliver women to him, including at the police station, to provide sexual services free of charge.²²

22. Corruption does not necessarily involve public officials. It can enable the continued exploitation of victims of trafficking for forced labour in, for example, hotels, factories, the agricultural industry or construction companies, where supervisors or internal inspectors are bribed to ignore the exploitative conditions to which workers are subject or the fact that some employees are undocumented migrants. Furthermore, private sector actors such as labour recruiters and accommodation providers may accept bribes and thereby advance trafficking in persons. Corruption in private entities may therefore also play a role in facilitating trafficking in persons.²³

23. An emerging form of trafficking in persons is the exploitation of persons for identity theft, phishing and other online scams. There is a particularly high prevalence of online scams in South-East Asia, with many people falling victim to such fraudulent activities.²⁴ The scams can be perpetrated in many different forms and at any time, from phishing emails with malicious software to fake websites. Criminals are also believed to recruit, detain and force thousands of people to work in call centres as scammers, through advertisements for jobs in the social media industry. A study carried out by UNODC found that victims' freedom of movement was immediately restricted upon arrival, with most scam centres having a significant security presence, including high walls, guard stations and barbed wire. In most circumstances, victims were not able to leave the compounds or move freely throughout them, and were only permitted to be in certain parts of the compounds at certain times.²⁵

24. A recent paper produced by the Regional Support Office of the Bali Process notes the close proximity of scam centres to law enforcement offices in many locations, and the lack of follow-up investigations after the removal of victims from scam centres.²⁶ In many cases, scam centres are operating so openly and in such clear violation of local laws and international human rights standards that it is evident corruption must be present to enable their continued operation and involve at least some senior and law enforcement officials. Corruption should be seen as a central

²⁰ UNODC, *Evidential Issues in Trafficking in Persons Cases: Case Digest* (Vienna, 2017), p. 129. See also the case *United States v. Kim et al (Do Hyup Bae)*, from 2007, in which two police officers were found guilty of having accepted bribes to protect a brothel in Queens, New York, in which a trafficking ring was operating.

²¹ UNODC, SHERLOC, Case law database, Case No. 91017032, Argentina, 2015.

²² United States Attorney's Office, Eastern District of New York, "Former village of Brewster Police Department officer pleads guilty to bribery scheme", 8 April 2022.

²³ McAdam, "Briefing note on corruption as a facilitator of trafficking in persons and smuggling of migrants", p. 2.

²⁴ UNODC, "Protecting against online scams, phishing, and identity theft", 20 June 2023. To counter online scams in South-East Asia, UNODC has launched the KNOWSCAM campaign. See also Kaspersky, "Mapping a secure path for the future of digital payments in APAC: an Asia Pacific study" (October 2021).

²⁵ Ryan Winch and others, "Trapped in deceit: responding to the trafficking in persons fuelling the expansion of Southeast Asia's online scam centres", Policy Brief (Bangkok, Regional Support Office of the Bali Process, 2023), p. 8.

²⁶ *Ibid.*, p. 15.

factor in the continued operation and growth of scam centres, as well as the trafficking in persons tied to them.²⁷

Control of victims: corruption as a deterrent to reporting abuse

25. A key aspect of the trafficking process is the control by traffickers of their victims. The possible involvement of officials such as police officers, prosecutors or judges in the facilitation or continuation of their exploitation can act or be used as a deterrent to victims, dissuading them from escaping or reporting their abuse. It is an effective mechanism for threats that enable the exploitation to continue. Sometimes, victims' experiences of corruption in their country of origin continue to act as a mechanism of control in the country of destination, with traffickers using the perception of corruption to dissuade victims from reporting by telling them that they know the police or that escape attempts are useless since officers are corrupt.²⁸

26. In a case of trafficking in persons for sexual exploitation in Serbia from 2009,²⁹ one of the accused was an independent inspector for homicide and sexual offences who did not inform his superior officers about trafficking allegations involving a nightclub but instead benefited from the sexual services provided there. Another one of the accused, a prosecutor, visited the nightclub regularly, benefited from sexual services there and knew the accused police officers and the other accused persons. As a result, the victims did not trust the authorities and refrained from reporting their situation of exploitation to the police.

Corruption in cases of trafficking in persons for organ removal

27. Trafficking in persons for the purpose of organ removal is a specific form of the crime that has, for a long time, not received sufficient attention from the international community. Recently, UNODC published the *Toolkit on the Investigation and Prosecution of Trafficking in Persons for Organ Removal*, in which the geographical scope of the crime is described as ever expanding and quickly changing. As a result of organ shortages and long waiting times, desperate patients can attempt to bypass their domestic transplant system in order to buy organs within their country, or try to circumvent the ban on trading in organs by travelling to countries where transplantation is poorly regulated or monitored and corruption is widespread.³⁰

28. Illicit conduct can involve the health administration, the medical profession and the transplant administration.³¹ Traffickers can collude with medical professionals for various purposes, including to gain access to laboratories in order to test the compatibility of donors and recipients, for the conduct of medical procedures such as organ removal or for the provision of post-surgery care or treatment. While some cases may involve the direct collusion of medical staff, in other cases medical staff are deceived into believing a given arrangement is legitimate, underlining the sophisticated ways in which traffickers are able to manipulate perceptions. Other examples include the illegal acquisition of medical licences and the use of deception by traffickers to trick donors into signing documents falsely stating that they are related to the donor for the purpose of circumventing legislation prohibiting the commercial sale of organs.³²

29. As no solid evidence for the role of corruption as a facilitator exists yet, this is another topic that lends itself to further research and study.

²⁷ Ibid., p. 15.

²⁸ UNODC, "Issue paper: the role of corruption in trafficking in persons", p. 12.

²⁹ UNODC, SHERLOC, Case law database, KZ I 2880-08, Serbia, 2009.

³⁰ UNODC, *Toolkit on the Investigation and Prosecution of Trafficking in Persons for Organ Removal*, Module 1 (Vienna, 2022), p. 16.

³¹ Ibid., Module 2, p. 19.

³² *Global Report on Trafficking in Persons 2018* (United Nations publication, 2018), p. 31.

Effects on the criminal justice chain

30. Corruption can interfere with the criminal justice response to trafficking cases. Obstruction of reporting by victims, refusal to register complaints, obstruction of the gathering of evidence, influencing of witnesses, interference with the prosecution of perpetrators and the re-trafficking of rescued victims can, for example, circumvent or undermine criminal justice proceedings.

31. Concerns have been raised with the Special Rapporteur on trafficking in persons, especially women and children, in relation to risks of corruption within the judiciary in the context of trafficking in persons, as she related in the recent report on her mission to Bangladesh.³³ The Special Rapporteur had previously identified corruption as the main challenge in relation to the lack of convictions and access to justice for victims of trafficking in Nigeria and requested the Government to tackle corruption and the possible collusion of State officials in trafficking in persons cases as a means of fostering confidence in the judicial system.³⁴ Lower-level offenders appear more likely to be arrested and face consequences than their superiors because of, inter alia, their inability to pay bribes.³⁵

32. In a case of trafficking in persons for sexual exploitation in the Philippines, a judge was convicted for influencing the victims to withdraw their complaint against suspected traffickers and instead file a complaint against the officers who had rescued them during a raid.³⁶ In other cases, obstruction of justice took the form of police officers refusing to register the complaints of victims so as to protect traffickers, or of police officers only agreeing to register complaints in exchange for a bribe.

33. Allegations of corruption involving members of anti-trafficking bodies are of particular concern. In Cambodia, for example, the former head of the Phnom Penh Municipal Police Anti-Trafficking and Juvenile Protection Department faced allegations of trafficking in persons. In 2011, he was convicted in absentia for protecting Vietnamese trafficking rings. He had been paid monthly fees by brothel owners in exchange for information on police raids.³⁷

34. Officials who accept bribes or abuse their position often receive only administrative penalties, such as transfers or temporary suspensions. Criminal prosecutions remain scarce and impunity widespread.³⁸ Related to this, in some instances, traffickers have favoured undertaking their activities in countries in which they felt corruption was widespread and they could buy their impunity.

Protection of victims impeded

35. Service providers who run shelters, provide assistance to victims and survivors and support them after their rescue could be exposed to pressure and corruption attempts in relation to, for example, releasing information about trafficked persons or the address of shelters. Although no case law involving service providers involved in corrupt practices could be found during the preparation of the present paper, their position as front-line actors puts them in a position of vulnerability and exposes them to the possibility of bribes. Studies have reported examples of the re-trafficking of domestic employees to their employers as a result of corruption.³⁹

³³ A/HRC/53/28/Add.1, para. 53.

³⁴ A/HRC/41/46/Add.1, para. 90.

³⁵ UNODC Regional Office for South-East Asia and the Pacific and Regional Support Office of the Bali Process, “Corruption as a Facilitator of Smuggling of Migrants and Trafficking in Persons”, p. 35.

³⁶ UNODC, SHERLOC, Case law database, *P/Supt. Alejandro Gutierrez, PCI Antonio Ricafort, SPO4 Richardo G. Ong, and SPO1 Arnulfo Medenilla v. Judge Godofredo G. Hernandez*, the Philippines, 2007.

³⁷ International Bar Association, *Human Trafficking and Public Corruption: A Report by the IBA's Presidential Task Force against Human Trafficking* (September 2016), p. 33.

³⁸ McAdam, “Briefing note on corruption as a facilitator of trafficking in persons and smuggling of migrants”, p. 2.

³⁹ For more details, see International Bar Association, *Human Trafficking and Public Corruption*, p. 37.

Lack of protection for whistle-blowers and the media

36. Despite progress in the past two to three decades, underreporting and the lack of solid protection for witnesses and whistle-blowers, including the media, represent a major challenge in corruption cases more generally, as well as in trafficking in persons cases. Article 24 of the Organized Crime Convention requires witnesses to be protected. In some cases, they may be able to identify corrupt officials and give evidence during investigations and prosecutions. In such cases, victim-centred and witness protection measures should be applied to protect them from potential retaliation or intimidation. Furthermore, to encourage the reporting of cases of trafficking in persons, it is important to develop mechanisms for open, confidential and anonymous reporting in a way that protects the identify and safety of the reporting persons, witnesses and whistle-blowers.

37. The media plays a key role in many countries where the rule of law is weak, organized crime is prevalent and corruption is pervasive. Journalists are, at times, the only ones investigating crime and corruption cases, sometimes at risk to their lives.⁴⁰

38. The international community has acknowledged the need to address threats against journalists and in 2021, the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice adopted the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development. In the Declaration, Member States committed to endeavouring to investigate, prosecute and punish threats and acts of violence, falling within their jurisdiction, committed against journalists and media workers, in particular in the context of fighting corruption and organized criminal activities, with a view to ending impunity for crimes committed against them.⁴¹ It was the first time that the Crime Congress acknowledged the risks faced by journalists in the context of their work to uncover corruption and organized crime. In the Declaration, States also committed to endeavouring to provide protection against any unjustified treatment for any persons who report acts of corruption,⁴² thus recognizing the dangers faced by whistle-blowers and their effect of deterring persons from reporting corruption and crime.

39. Likewise, in the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”, adopted by the General Assembly at its special session against corruption held in 2021, Member States and States parties to the Convention against Corruption committed to strive to provide a safe and adequate environment to journalists, and to investigate, prosecute and punish threats and acts of violence, falling within their jurisdiction, committed against them. They further committed to provide a safe and enabling environment to those who expose, report and fight corruption and, as appropriate, for their relatives and other persons close to them, and to support and protect against any unjustified treatment any person who identifies, detects or reports, in good faith and on reasonable grounds, corruption and related offences. To that end, they committed to, inter alia, enable confidential complaint systems, protected reporting systems and programmes for the protection of reporting persons, and increase awareness of such measures, in accordance with domestic legal systems and within their means. States further reiterated their obligation to criminalize obstruction of justice and to effectively protect victims, witnesses and justice and law enforcement officials from potential retaliation or intimidation, use of physical force or threats.

⁴⁰ For a detailed account, see United Nations Educational, Scientific and Cultural Organization, *Journalism Is a Public Good: World Trends in Freedom of Expression and Media Development – Global Report 2021/2022* (Paris, 2022).

⁴¹ General Assembly resolution 76/181, annex, para. 57.

⁴² Ibid., para. 56.

Conflict and post conflict situations: impediment to peacebuilding efforts

40. Conflict situations greatly increase the risk of trafficking in persons for diverse types of exploitation, such as sexual exploitation, forced labour, slavery or practices similar to slavery, servitude or the removal of organs.⁴³ In conflict and post-conflict settings, weak rule of law and institutions create significant obstacles to justice and fertile grounds for corruption to flourish. This, in turn, severely obstructs efforts to restore peace and rebuild societies. The Security Council, in its resolution 2331 (2016), called upon Member States to investigate, disrupt and dismantle networks involved in trafficking in persons in the context of armed conflict, in accordance with national legislation, including anti-money-laundering, anti-corruption and anti-bribery laws.⁴⁴

41. The Security Council and the General Assembly have both stressed the importance of anti-corruption measures in peacekeeping and peacebuilding efforts. In the political declaration adopted by the General Assembly at its special session against corruption held in 2021, States invited UNODC, as the lead entity in the United Nations system on countering corruption, to increase coordination and cooperation with the Department of Political and Peacebuilding Affairs and the Department of Peace Operations of the Secretariat with a view to strengthening the rule of law and anti-corruption measures in United Nations peacekeeping and peacebuilding efforts.

42. In the provision of assistance to countries in or emerging from conflict, humanitarian actors, including the United Nations, should ensure that their programming includes anti-trafficking and anti-corruption indicators as well as training, awareness-raising and other measures to restore the confidence of the population in its public institutions.

Conclusion

43. The overview of cases and studies provided in the present section illustrates that corruption can be present in most human trafficking activities and involve various public officials and other actors at every stage of the trafficking process. In this sense, traffickers may view corruption, rather than violence or intimidation, as a more efficient or even necessary cost of business to maintain secrecy and the enterprise.⁴⁵ Tackling this facilitator of trafficking in persons requires multiple, targeted actions that are context specific. At the same time, cases and research remain scarce, illustrating the need to study the linkages between corruption and trafficking in persons in greater depth.

V. Recent good or promising practices and developments

44. Corruption affects the effectiveness of States' policies, services and actions to prevent and combat trafficking in persons. However, it manifests itself in diverse ways, as illustrated above, indicating the need for tailored anti-corruption safeguards and policies as part of efforts to counter trafficking in persons. Some States and organizations have developed such practices and policies. For example, the Guiding Principles on Combatting Corruption related to Trafficking in Persons published by OECD in 2016 provide a series of measures to address corruption linked to human trafficking.⁴⁶ The International Bar Association's Presidential Task Force against Human Trafficking paper *Human Trafficking and Public Corruption* also contains extensive recommendations. UNODC has published, jointly with the Regional

⁴³ Security Council resolution 2331 (2016).

⁴⁴ *Ibid.*, para. 2 (c).

⁴⁵ Broad and Lord, "Corruption as a facilitator of human trafficking".

⁴⁶ OECD, *Trafficking in Persons and Corruption: Breaking the Chain* (Paris, 2016), chap. 3.

Support Office of the Bali Process, a study on corruption and trafficking in persons in South-East Asia,⁴⁷ and is in the process of conducting an up-to-date global study.

Legal framework

45. The Convention against Corruption, the Organized Crime Convention and the Trafficking in Persons Protocol provide a comprehensive framework complemented by several regional and specific instruments. Their ratification and full implementation are an important step in the response to corruption and trafficking in persons. The peer review mechanisms established under both of the Conventions can be used to identify and develop recommendations to inform anti-trafficking policies.

Investigation, prosecution and adjudication of corruption linked to trafficking

46. Authorities should direct efforts to prosecute corrupt officials as facilitators of human trafficking, as well as traffickers themselves. All suspicions or allegations of corruption within trafficking cases should be investigated, and decisions to discontinue investigations or prosecutions of alleged corruption should be reviewed and justified in order to increase transparency. In a trafficking in persons case tried by the European Court of Human Rights, *Rantsev v. Cyprus and Russia*, the Court held that States have a positive obligation to effectively investigate trafficking in persons and protect actual or potential victims. In failing to do so, States would violate their obligations under the European Convention on Human Rights.⁴⁸

47. In addition, any indicators of corruption should be systematically assessed in human trafficking investigations. Law enforcement and criminal justice authorities who are at specific risk of corruption in the context of trafficking in persons need to implement solid anti-corruption safeguards tailored to the risks faced. Measures could include, for example, risk assessment and risk management systems, reporting systems for potential or actual wrongdoing, the protection of reporting systems, awareness-raising, internal approval and monitoring systems, rotation systems, the digitalization of service provision and the limiting of contact between stakeholders such as visa applicants, trafficking victims and witnesses. With regard to inspections and raids, individual inspectors with significant autonomy can have a lot of power over the establishments they inspect and may therefore be more vulnerable to bribes for their silence or discretion. Requiring inspections to be conducted in pairs, with randomized assignments and the compulsory rotation of officers, could help reduce instances of corruption.⁴⁹

48. In addition to disciplinary proceedings and sanctions such as the suspension of corrupt public officials, effective investigations and criminal justice responses are vital to combat impunity. Research carried out by the Regional Support Office of the Bali Process and UNODC covers a case in which, following the discovery that law enforcement and military officials in Thailand were involved in the trafficking of predominantly Rohingya migrants, Thai authorities successfully prosecuted over 100 persons, including several top officials. The sentences handed down to the offenders included significant terms of imprisonment.⁵⁰

Measures against corruption as a component of anti-trafficking strategies

49. The prevailing approach to corruption in cases of trafficking in persons seems to be largely reactionary, and there is no cohesive inter-agency mechanism in place to

⁴⁷ UNODC Regional Office for South-East Asia and the Pacific and Regional Support Office of the Bali Process, *Corruption as a Facilitator of Smuggling of Migrants and Trafficking in Persons*.

⁴⁸ European Court of Human Rights, *Rantsev v. Cyprus and Russia*, Application No. 25965/04, Judgment of 7 January 2010, para. 238.

⁴⁹ See also Ulrika Bonnier, "The link between trafficking in persons and corruption: connecting the dots between public officials and organized crime", dissertation, Northeastern University, 2020, pp. 46 and 47.

⁵⁰ UNODC Regional Office for South-East Asia and the Pacific and Regional Support Office, *Corruption as a Facilitator of Smuggling of Migrants and Trafficking in Persons*, footnote 106.

prevent and address this crime in the context of trafficking in persons.⁵¹ Measures against corruption should be integrated into anti-trafficking strategies and mechanisms, and awareness should be raised among relevant authorities of offences that are facilitated by corruption, such as trafficking in persons. In addition, units, policies, procedures and training should be created. Anti-trafficking bodies should also be in position to detect corrupt practices and be equipped to extend investigations to cover underlying corruption. Strategies and programme activities should consider and address the likelihood of corruption as a facilitator of trafficking in persons, its potential impact and opportunities to mitigate both crimes.

50. Corruption reporting channels should be in place and promoted. To address the cross-border elements of trafficking, consular officials should also, where relevant, be connected to national anti-corruption authorities so that they can report cases of, inter alia, extortion, bribes and intimidation involving their nationals who have become victims of trafficking in persons.

51. Measures to address corruption as a component of anti-trafficking strategies should be developed through a multi-stakeholder approach that incorporates expertise from victims and survivors of trafficking in persons, as well as non-governmental stakeholders such as civil society and the private sector.

52. Similarly, the United Nations and other humanitarian actors should incorporate anti-corruption and anti-trafficking elements into their programming and strategic planning in peacebuilding and post-conflict settings. Work to integrate anti-corruption and governance measures is already under way; in the future, this should extend to measures against trafficking in persons.

Training, awareness-raising and transparency in recruitment

53. Systems and procedures within sectors at risk of corruption should be tailored to increase transparency, integrity and accountability in order to reduce the incentives and opportunities for corruption. This can be achieved through, inter alia, transparent and merit-based systems for the recruitment and promotion of officials, the regular rotation of staff between departments and locations, the oversight of staff activities, and the existence of clear regulations on and the effective management of conflicts of interest. In addition, codes of conduct can strengthen the culture of integrity of offices.

54. Public officials who are in contact with victims of trafficking in persons should have specific anti-corruption training, linking anti-trafficking and anti-corruption measures to the daily tasks and functions of those officials. Greater attention and resources should be dedicated to public agencies and departments, specific locations and activities that are particularly vulnerable to corruption as a facilitator of trafficking. States should carry out periodic risk assessments to identify the sectors most at risk of corruption and trafficking. Lastly, joint work and training by anti-corruption and anti-trafficking bodies could increase cooperation on cases and the detection of corruption as a facilitator of human trafficking. In Malawi, for example, UNODC provided training to members of the National Coordination Committee Against Trafficking in Persons under the Ministry of Homeland Security. That training has strengthened the Committee's legal and functional responses to the prevention of and fight against corruption and trafficking in persons, as evidenced by increased criminal investigations into officials complicit in trafficking crimes and the charging of three police officers and one immigration officer for recruiting Malawian women for exploitation in the form of domestic servitude in a Gulf country.

Greater scrutiny of recruitment agencies and the situation of migrant workers

55. Charging recruitment fees to workers from abroad results in possible situations of debt bondage and trafficking in persons. It is therefore important to establish

⁵¹ McAdam, "Briefing note on corruption as a facilitator of trafficking in persons and smuggling of migrants", p. 4.

bilateral agreements between source and destination countries of migrant workers in order to regulate and monitor the operations of recruitment agencies, including their fees. Measures to strengthen licensing systems can range from entry requirements and monitoring to the suspension of licences in the case of illegal activities.

Protection of whistle-blowers, witnesses and the media

56. An important element of corruption and trafficking in persons is the inherent secrecy that those involved seek to maintain. Confidential and anonymous internal and external reporting mechanisms should be in place for officials and other persons to raise concerns or report offers of bribes or similar conduct. In order for whistle-blowers, witnesses and the media to be incentivized to report on the role of corruption in specific cases of trafficking in persons, and do so safely, they should also benefit from solid protection. The Inter-American Commission on Human Rights has adopted two resolutions covering, inter alia, the need for journalists to be protected when reporting on corrupt acts. One of the resolutions also called for States to guarantee the safety of journalists, human rights defenders and activists who investigate and report corruption, and to establish protection systems for corruption whistle-blowers.⁵²

International cooperation, political pressure and sanctions

57. In order to address transnational corruption in cases of trafficking, international cooperation among law enforcement agencies should be fostered.

Data collection and research

58. Although there is evidence of corruption as a facilitator of trafficking in persons, its true extent and impact are underresearched. Many gaps remain in the documentation and research on, and analysis of, the use of corruption as a facilitator of trafficking. Moreover, although some States have put increased effort into data collection, a lack of consistency in the gathering and analysis of information results in a patchy picture of the leverage traffickers create using corruption. However, the development of tailored measures to combat this specific aspect of the crime will be possible only if a solid and reliable evidence base exists. Research carried out by UNODC has also identified a general lack of awareness of which agencies and actors are de facto identifying the links between corruption and trafficking in persons in their daily work by, for instance, coming into direct contact with trafficked persons or with criminals. Therefore, the systematic collection of information about the impact of corrupt practices on the crime of trafficking in persons would be helpful to create an evidence base that would, in turn, enable more targeted and efficient action to address the issue. UNODC is contributing to this effort through its Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal case law database, which contains almost 1,600 cases. In addition, the global study UNODC is conducting on the links between corruption and trafficking is intended to further complete the picture.

⁵² Resolutions 1/17 (2017) and 1/18 (2018).