

Long WORKSHOP REPORT FORM

Number and title of workshop: WS # 7:

“Corruption and Human Trafficking: unraveling the undistinguishable for a better fight”.

Coordinators: Mr. Camille Karbassi

Date and time: 11 November 2010, 9.00am

Moderator: Dr. Alessandro Calvani

Rapporteur: Ms. Maryse Tremblay

Panellists (Name, institution, title)

1. Prof. Leslie Holmes, *University of Melbourne*, Australia
2. Anne Brandt Christensen and Michelle Mildwater, *HopeNow*, Denmark
3. Ricardo Valdes, *Capital Humano y Social Alternativo*, Peru
4. Nicole Barrett, *International Center for Criminal Law Reform*, Canada

Summary

Corruption and human trafficking are two interconnected phenomena that both, individually and as a whole, represent one of the biggest impediments to the achievement of the Millennium Development Goals. Corruption is the lubricant that allows the wheel of human trafficking to adequately operate, imbedding itself at all levels, from the planning to the aftermath of the actual trade. Human trafficking wouldn't be as epidemic if it wasn't for the leverage corruption offers. From the involvement of private and public officials to the complicity of judicial agents, these partnerships have become a systemic predicament that needs to be stopped.

For too long the anti-corruption and human rights movements have been working in parallel rather than tackling these problems together. The international community must therefore address this “destructive relationship” and imperatively find ways to mitigate its negative impacts albeit their disparity.

The workshop's purpose was to identify the various links between corruption and human trafficking and to offer solutions to tackle the corrupt practices identified. The session had precise objectives, which were successfully reached thanks to the panelists and participant's considerable contribution.

The aim was to map out and assess emerging trends and future scenarios in the fight against corruption in human trafficking, to find solutions to implement anti-corruption instruments in the human trafficking battle from a global to local level, to showcase and facilitate effective partnership building by the creation of a Working Group and to bring together and incorporate new actors and innovative strategies in the fight against corruption in human trafficking.

Throughout the workshop, panelists have discussed about various aspects of corruption in the human trafficking process. They have agreed to assert that the link between human trafficking and corruption is conspicuous and, that one of the root factors of remains corruption, which keeps the machine up and running. It has been made clear that there are

evidences showing that human trafficking can't function adequately without corruption and that corruption can be found in the entire trafficking cycle. It can occur at any stage of the process i.e. the recruitment, the transportation level or the exploitation level. The aim of corruption in the human trafficking cycle is said to have four main goals: to allow the crime to be invisible, to facilitate the impunity once a case of human trafficking is detected, to facilitate the different circuits in the country, and to assure the revictimization of the trafficked victims. In sum, human trafficking is a very profitable business that attracts wrongdoers and triggers corruption and that, therefore, deserves to be study more attentively and monitored carefully.

As a step in the right direction, panellists and participants have agreed to follow-up on the debate initiated in the workshop and to build a working group on the issue of corruption in the traffic of human beings with the objective of orchestrating the global efforts to counter corruption in the noxious chain of human trafficking. The working group's basic objective is to increase general knowledge by creating a solid and high standard research base which will lead to a better understanding of the issue and a more efficient fight against corruption in the human trafficking chain. More precisely, the group aims at monitoring global trends i.e. mapping out and assessing emerging trends and future scenarios in the fight against corruption in human trafficking, and seeks to promote anticorruption norms and principles by calling upon public and private organizations to foster transparency and integrity in their daily activities and to furthermore showcase and facilitate effective partnership building.

Summary of presentations

As an introduction to the topic of our workshop, **Prof. Leslie Holmes** has properly depicted the incontestable but subtle difference between the issues of human trafficking and smuggling, and broadly defined what is meant by corruption in the human trafficking realm. The noticeable differences mainly reside in the facts that trafficking is neither necessarily transnational nor illegal, that it usually involves coercion and deception, and that it normally features a typical relationship between the trafficker and the trafficked person.

Prof. Holmes then brought up the matter of the involvement of corrupt public officials and elaborated on the concept of the quadruple victimisation. The four forms of victimisation that a victim can be confronted to are victimisation by corrupt officials (direct organizations of trafficking, use of prostitutes, cheap domestic labour, etc.), by private or individual groups (criminals, families and friends, etc.), by the media, and by states and international organizations (support of corrupt officials, treating victims as criminals, inadequate education of officers, etc.).

To conclude, he suggested a range of measures to counter the role of corruption in human trafficking. According to Prof. Holmes, even if there are several general dimensions of addressing trafficking, the main focus must be put on countering corruption more than reducing trafficking. These measures could be sub-divided between the different spheres of society, such as international organizations, NGOs, states and civil society (media, business sector, etc.). In fact, states could make use of stick and carrot measures, where the sticks are embodied by the legal system, improved legislations, new anti-corruption bodies, etc., and the carrots by the working conditions of officials, their rewards/incentives, etc. The states could furthermore look into administrative and technical measures such as changing practices, rotations, risk assessments, gender balance, etc. On the other hand, international organizations could favour the drafting of international legislative instruments i.e. the OECD Convention or the Palermo Protocols. Lastly, NGOs and the rest of civil society could continue offering help and relief for victims and act as watchdogs and whistleblowers.

Prof. Holmes wrapped up by opening the floor to further reflections by questioning whether political will is the key variable – but whose political will, and is it really enough?

Throughout their very insightful presentation, **Mrs. Anne Brandt Christensen** and **Mrs. Michelle Mildwater** from the danish NGO, HopeNow, have pointed out the main characteristics of the Palermo Protocol and the European Council's Convention to combat human trafficking, and have brought our thoughts back to the field by introducing us to some of HopeNow's work with trafficked victims.

According to Mrs. Christensen, both legal texts offer a broad definition of the human trafficking crime and thereby constitute the foundation of the fight against the traffic of human beings. She has argued that the European Convention focuses rather on the victim, the protection of the victim and the human rights. It also underlines the issues of gender equality, which is rather understated in the Palermo Protocol. Mrs. Christensen also suggested that Palermo emphasises instead on criminalizing the act of trafficking, which creates a bias towards women and children and consequently leaves out, in terms of right and of protection, the men that are often trafficked into forced labour.

Mrs. Christensen highlighted the importance of understanding that smuggling can turn into trafficking at any point of the process. She then reinforced the idea that victims should be treated and considered as a gold mine of precious resources which are extremely valuable to counter the criminals and fight against trafficking.

On a more touching note, the ladies from HopeNow shared the story of a trafficked victim they are working with as well a short movie of one of their most recent awareness campaigns and a short clip of a collaboration with UNOCD.

M. Ricardo Valdes from the Peruvian organization « Capital Humano y Social » shared

its experience in the fight against human trafficking and corruption in Peru. He started his presentation explaining the socio-economic context of Latin America and particularly his country, Peru. He then gave us a detailed overview of the issue of human trafficking in Peru and what are the 14 main routes of human trafficking. Almost 80 % of the cases are for sexual exploitation purposes and less than 20 % for forced labour purposes. The majority of the victims are women and mainly recruited in Iquitos, Ucayali, Cusco and Huancayo. The most common way of recruitment of the victims is through a false promise of work. M. Valdes gave us a clear explanation of how corruption intervenes during the whole process of human trafficking: during the recruitment, the transportation and the exploitation. He outlined the fact that there are evidence of corruption at the police forces, at a municipal level, at the media, at the migration services, at the judiciary level, at the health system and at the frontier police and route patrol. The most revealing moment of his presentation was when he transposed Transparency's Corruption Perception Index map with findings of the US State Department's Trafficking in Persons Report. The result: a direct and striking visual connection between corruption and trafficking, with a majority of the most corrupt states also falling on the State Department's list of states with severe trafficking crises.

Mrs. Nicole Barrett, from the International Centre for Criminal Law Reform, provided a perspective on human trafficking in North America and make some comments on the extend to which corruption is embedded in trafficking.

She started by elaborating on the case of the southern part of Mexico and by stating that there is a clear problem with human traffickers corrupting public officials, especially judicial and immigration officers and local law enforcement. She has suggested that the intersection between corruption and human trafficking should be more closely examined, especially in both the USA and Canada.

On a more constructive note, Mrs. Barrett questioned on what could be done to counter human trafficking in North America. She focused on the case of Canada who, despite the fact that the country has specifically prohibited human trafficking in 2005, the number of cases filed is still really low, an effect that she attributes principally to a lack of understanding of what is human trafficking and of how to work with the definition.

According to her, the cases aren't investigated and pursued and this is due to a combined fact that victims don't often come forward to law enforcement simply because they don't trust law enforcement. The reality is that possible human trafficking cases are investigated and charged in a way that is familiar to prosecutors. Mrs. Barrett underlined the idea the involving the victims and talking to them remains one of the keys to finding how human trafficking is being abducted and finding out plausible links to corrupt public officials in the process. As she highlighted, "you need a plan and an access to victims to fight human trafficking and find out more about corruption". She then suggested that Canada creates a comprehensive national anti-trafficking program. In Canada, a majority of the sex trafficking were domestic victims and were aboriginals. However, domestic trafficking, which she defines has traffic without crossing borders, has not been the focus of the latest investigations. If you consider the difficult history of aboriginals in Canada, this finding makes perfect sense. Trafficked victims in the world share a common characteristic of vulnerability, which is the case of those aboriginals.

In sum, Mrs. Barrett focused on the idea that we need to move to more operational solutions, to some good practices and talk about viable solutions, strategies to fight corruption in the human trafficking process. It is important that we question ourselves on how can we integrate what we know and how we learn from previous experiences from international cooperation, the civil society, the business sector and governmental activities, as well as how we can work towards finding solutions that will make the law enforcement and security sector more effective in fighting this kind of corruption.

Main Outputs

Each panellist's presentation has contributed significantly to the debate by primarily justifying the importance of bridging the gap between corruption and human trafficking. Many insightful and valuable outputs have resulted from the workshop and have inspired a proactive discussion.

Participants of the session have agreed on the facts that there needs to be a strong leadership and vision in order to fight efficiently against trafficking via corruption, and that the will of government officials involved in the process imperatively needs to be raised. It has been mentioned that civil society should invest in cooperation between the different sectors of society as well as better participatory governance, and that the linkage between organized crime and human trafficking should also be evaluated, in order to address the problem at the appropriate level. It has been argued that the issue should additionally be considered in its context, particularly by observing it from a political and economical angle specific to the country studied and by assessing the factors that contributed to trafficking. That is at the essence of corruption.

Additionally to the latter pragmatic approach, cultural issues are said to constitute a very important aspect to the fight against human trafficking. Perception, education and awareness all play a role in the conduct and proliferation of trafficking and that is mainly why it has become imperative to raise the awareness level. Governments as well as civil society must engage in their own specific area and get back to the practice, at the individual level, on the field, and perhaps have a closer look at the notion of leverage. The efforts must be more practical and aim at a higher level of organization in order to get the necessary support and impact. There already exist nowadays quick, cheap and easy methods to provoke cultural change in a society and its institutions, which could easily be integrated as instruments. These procedures must make sure to influence the elites without affecting the victims, but most importantly, they should listen more attentively to the victims and put them right at the centre of the action.

Recommendations, Follow-up Actions

Panellist and participants have extensively contributed by suggesting many relevant recommendations such as building a state system that prevents corruption from proliferating or creating a civil society's observatory that would study and monitor the situation. It has been agreed that parliamentarians' and ombudsman's involvement are particularly important when drafting and passing legislations and that, in fact, each ministry's activities should be monitored. Governments should have the duty to assess the aspects of the law that were not respected in order to subsequently inform their citizens and raise awareness.

Notwithstanding this governmental contribution, every member of civil society should also work towards raising awareness at the local, national and international level. In fact, businesses and governments should be involved as an imperative, as a commitment at the international level and have the obligation to allocate a fund for the purpose. There should as well be support offered by the international community, perhaps in the form of a network. It has been recognized that there is a need to examine more closely the link between corruption and migration as a collateral issue, since a majority of victims are migrant workers. The problem is then said to be of the nature of a power imbalance, which screams for a joint effort. Hence, there should be a general call for better international governance since it is a phenomenon beyond borders. The civil society should push for governmental action by undertaking more bilateral and trilateral cooperation, and by strengthening existing international cooperation.

Highlights

The workshop has successfully lighted a warm debate on the issue of combating corruption in the human trafficking chain.

The main highlights of the session reside first in the reaching of a common agreement that the issue is screaming for collective action to counter its proliferation, and secondly in the creation of the working group against corruption in human trafficking.

Participants have enthusiastically engaged in the debate by putting forward relevant, realistic and strategic solutions to the problem, which allowed for a proactive and fruitful discussion. Participants have also clearly manifested their preoccupation towards the lack of involvement of the international community and the scarce resources and efforts dedicated to the issue.

The workshop has also led to the creation of a working group against corruption in human trafficking. The working group draw the attention of many participants who displayed their interest towards the initiative and have expressed their will to contribute. The workshop will start its activities in the upcoming year.

In sum, two interesting quotes from the workshop's panellists can depict the outcomes of the session:

“Put the people at the centre whatever you do. It's not about conventions and protocol, it's about people and respecting their dignity”, Dr. Alessandro Calvani.

“There needs to be a change of culture not only in developing countries but also in developed countries”, Prof. Leslie Holmes.

Signed and date submitted

Maryse Tremblay
26th November 2010