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[1] of THB-related corruption (0.57) followed by the Central West (0.10), Northeast (0.07), Southeast (0.0128) and South (0.0055).[2]

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).[3] 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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[1] All decimal values represent rates per 100,000 Persons
[2] All decimal values represent rates per 100,000 Persons
[3] 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.[4]

- 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,[5] organ trafficking, illegal adoption.

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[4] 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.

[5] Bales, 2004

- Brazil has no evaluation research. It is extremely important to evaluate the impact of programs and new legislation to measure their effectiveness.[6] "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.[7] 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,[8] THB-related crimes,[9] or on corruption,[10] 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."[11]

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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[6] UNODC Toolkit to Combat Trafficking in Persons, 2006

[7] Also found in Munro, 2005

[8] 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.

[9] Lezertua, 2003, Workshop report.

[10] 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.

[11] Swedish Government Offices, 2003

- Condemn all forms of corruption[12] regardless of their apparent "seriousness."[13]

- 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.[14]

- Tightening the rules, closing loopholes and increasing the potential of punishment are factors that may help deter THB and corruption (Tanzi, 1998).[15] 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.[16] This point specifically touches on one of the greatest obstacles

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[12] European Commission, 2002.

[13] 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."

[14] 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.

[15] 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).

[16] 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.[17]

- 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.[18]

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

[17] 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.

[18] 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.[19]

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.[20]

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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[19] "Victims protection programs are costly but crucial" (Long, 2004:22). Also found in Mignone, 2006.
[20] 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)."