ZAMUN 2015

Eradication of Law Enforcement Corruption in Regions with Human Trafficking

UNHRC STUDY GUIDE

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# Chairs Letter

Dear delegates,

On behalf of the organising team, let me welcome you all to ZAMUN 2015! The organising team has been working tirelessly to prepare the best possible experience for you, and I will do everything that is within my powers to do the same.

A little about myself perhaps. I am a first year law student at City University, London, but I originally come from the lovely capital of Slovakia, Bratislava. I have been engaging in MUNs ever since I was in high school, mostly as a chair, and chaired both beginners and advanced committees, hence I am confident in my ability to adapt to your needs. I am here for whatever you might need, during the conference but even outside of it. Whether you need to discuss how to write a policy statement, how to find the information you need (the UN page is great, CIA could be useful, and if you start in time, you could try to contact the embassy of your country), the rules of procedure or anything at all, it would be my pleasure to be of assistance.

However, there is only so much I can do for you- the debate is in your hands. In order to have a fruitful debate, you need to do a thorough research on the position of your country. To take it the extra mile further, think- why does this problem still exist? And what is the position of the country allocated to you, what are they doing to deal with this (or a similar, correlating) matter? Contemplate which countries might be of similar position, whom could you cooperate with in the committee. The study guide is only an insight into the topic, only something to base your research on- there is so much more you might wish to look at. And also, if this is your first MUN, read through the rules of procedure carefully, and with comprehension. However, do not worry- we, chairs, are there to look after the smooth running of the committee, and will guide you through everything you will need. And most importantly, do not worry and speak up, have fun, make friends- that is the best thing about MUNS.

I am looking forward to meeting you and I hope you will fell in love with ZAMUN just as much as I have.

Kind regards,  
SoňaFaithová  
President of UNHRC

P.S. If you wish to contact me, drop me an email at [sfaithova@gmail.com](mailto:sfaithova@gmail.com)

United Nations Human Rights Council Overview

The Human Rights Council was established by the United Nations General Assembly on 15 March 2006 (by resolution 60/251) replacing the former United Nations Commission on Human Rights. Five years later the functioning of UNHRC was reviewed and the Council ad come into existence at the level of the General Assembly.[[1]](#footnote-2)

# Mandate of UNHRC

The 47 nations of the Council are responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that have been brought to its attention through the Universal Periodic Review of the human rights situations in all United Nations Member States, or through Complaint Procedure initiated by individuals and organizations bringing to attention certain human rights violations. The Council is supported further by the Advisory Committee which serves as the Council’s “think tank” providing it with expertise and advice on thematic human rights issues.[[2]](#footnote-3)

# Objectives of UNHRC

* Promoting and encouraging respect for human rights for all without distinction as to race, sex, language, or religion, as stipulated in the United Nations Charter
* Ensuring that that peace and security, development, and human rights (the three essential pillars of the United Nations system) are interlinked and mutually reinforcing by injecting a human rights perspective into all United Nations programmes
* Providing support for national governments, civil societies national human rights institutions and other United Nations entities and international organizations in their efforts to promote and protect human rights[[3]](#footnote-4)

# Methods of UNHRC

* Providing expertise, and substantive and secretariat support to the different United Nations human rights bodies as they discharge their standard-setting and monitoring duties
* Supporting work of special procedures – special rapporteurs, independent experts, and working groups – in their investigations and direct collections of complaints from victims of human rights violations
* Monitoring State parties' compliance with their human right treaty obligations
* Implementation of the human rights on the ground by technical trainings and support in the areas of administration of justice, legislative reform, human rights treaty ratification, and human rights education[[4]](#footnote-5)

# Funding of UNHRC

Human rights are recognized as one of the three pillars of the UN system, but they still receive only a tiny percentage of the resources provided to the other two pillars. Overall, just 3% of the total UN regular budget is allocated to human rights. Mandated work should ideally be financed entirely by the regular budget, however United Nations regular budget covers only 40% of global funding needs with the remainder coming from voluntary contributions of the member states and other donors.[[5]](#footnote-6)

Eradication of Law Enforcement Corruption in Regions with Human Trafficking

Human trafficking, as defined by United Nations Office on Drugs and Crime (UNODC), is “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” With the global economic growth, demand in labour has been increasing, with the sex industry not being an exception. Trafficking is arguably the most rapidly growing criminal industry, the second being drug trafficking. In 2004, globally, it has been estimated that total revenue for human trafficking was between USD $5 billion and $9 billion.[[6]](#footnote-7)

In 2OOO, [Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children](http://en.wikipedia.org/wiki/Protocol_to_Prevent,_Suppress_and_Punish_Trafficking_in_Persons,_especially_Women_and_Children) was adopted by the [United Nations](http://en.wikipedia.org/wiki/United_Nations). This international legal agreement is attached to the UN’s Convention against Transnational Organized Crime, yet trafficking still remains to be a global problem. One of the greatest issues with combating trafficking is recognising all elements that correlate with human trafficking, one of such is corruption among the law enforcement. Corruption, as defined by the World Ban is “the abuse of public power for private benefit”.This prevents effective anti-human trafficking policies to be created. The UNODC was one of the first international organizations to discuss this topic- in 2008.[[7]](#footnote-8)

The problem, to put it simply, is that economic benefits from trafficking exist for those who live in the area. For locals, the area is ideal for the sale of goods, as more economic activity is taking place there, than in the poorer part of the cities. For law enforcement officers, who are usually not paid nearly enough, it creates an opportunity to trade their protection for money of the brothel owners. For instance, in Indonesia, there are 497 districts. Only 88 of these have anti-trafficking task forces. The local implementation is a great problem, as the local economies often build themselves around this business, and any governmental efforts are making the police unsatisfied. Furthermore, lack of funds is another problem. Law enforcement officials often end up using their own money to take care of the victims during the process, even for the most vital things, such as proper nutrition for the victims in the police custody. This makes it hard for the willing individuals among the police to help.

At the present day, one of the greatest barriers to deal with this problems is the government’s failure to understand the problem and work collaboratively among themselves.In 2012, the UNODC, in their report on human trafficking, recorded over ten thousand cases of trafficking in Southeast Asia and Pacific between 2007-2010. It is unknown what is the exact situation today, which is one of the greatest problems- the governments, the public and even the international and regional organisations working in this area do not understand the extent of the problem. Arguably, some people do not believe we have a clear and uniform definition for trafficking and know how to identify a victim, how to separate prostitution from trafficking.

Cooperation of the ASEAN (Association of Southeast Asian Nations) states produced memorandums of understanding (MoUs), which should "*should facilitate the exchanging of information and evidence between governments.*" Although these agreements are created, the lack of cooperation causes problems in their implementation. Part of this lack of cooperation are regional tensions between countries, who had a history of conflicts, such as Cambodia and Thailand, or Cambodia and Vietnam. Further on, law enforcement agencies in the regions are still developing. Prosecuting criminals who dealt with human trafficking is extremely difficult and requires an efficient intelligence-led policing, which is almost non-existent in the region. Also, not all countries had strong national legislation in place, further complicating the process. As of 2013, 2 out of the 10 ASEAN members have not passed anti-trafficking legislation: Laos and Singapore. [[8]](#footnote-9)

# Recognising the Correlation between Corruption and Human Trafficking

In the recent years, the correlation of these two crimes, trafficking and corruption, started to attract the attention of the international community. International legal instruments have been negotiated and adopted by over 140 States to address these crimes, as well as various programmes, including technical cooperation projects and awareness-raising campaigns, and other educational tools (publications, reports, training handbooks) have been developed to help the states combat this problem, as well as raise the international awareness of the issue. The greatest problem is that these two are mainly focused on separately, even though the correlation between the two have been recognised.

Based on an UNODC paper: „*information and data gathered for other purposes (e.g. investigation of cases of human trafficking, through accounts of victims and perpetrators, etc) indicates unequivocally that the corrupt behaviour of law enforcers may help traffickers to recruit, transport and exploit their victims; corrupt criminal justice authorities may obstruct the investigation and prosecution of cases, and/or impede the adequate protection of victims of the crime. Furthermore, corruption involving the private sector – such as travel agencies, model agencies, marriage bureaus, hotels, construction companies and others – may also contribute to human trafficking. Against this backdrop, a number of questions can be considered, for instance in the following areas:*

*1. Patterns of corruption - Though an exhaustive list of all corrupt actions that facilitate or abet trafficking in persons would be difficult to compile, it is possible to outline some patterns of corruption specific to the human trafficking crime, by identifying reoccurring acts of corruption related to trafficking in persons; and detailing at what stages of the trafficking process corruption is most likely to be a significant factor.*

*2. Outcomes of corruption - It is often easier to find the results of corruption than to prove the corrupt act itself. What are the outcomes of corruption in trafficking in persons?“*

The problem is, although although extensive information on corruption in human trafficking cases is available, the international community lacks research, poicies, strategies and such to combat this problem specifically. One of the first overviews of the problem was a report, published by the Council of Europe with a comprehensive analysis of high quality. You can find the summarized version by the UNODC report, *The Role of Corruption in Trafficking in Persons*, in Appendix 1.

Another interesting source that focused on our topic is the study conducted by Schimmel and Pech (2004), Corruption and Gender. This document examins gender impacts of corruption, which affect females more and the causes for this. It also formulates recommendations on gender- sensitive approaches to combat corruptions, such as fostering transparency and accountability in local administrations, introducing anti-corruption mainstreaming in education, health and various other sectors, and ensuring better coordination in antitrafficking strategies.

An article by Zhang and Pineda, ‘Corruption as a Causal Factor in Human Trafficking’ (2007), analysed the correlation between the levels of corruption in a country and human trafficking, which also lead to an somewhat undemonstrated hypothesis, showing the correlation between poverty and human trafficking.

An article by Zhang and Pineda, ‘Corruption as a Causal Factor in Human Trafficking’ (2007), analysed the correlation between the levels of corruption in a country and human trafficking, which also lead to an somewhat undemonstrated hypothesis, showing the correlation between poverty and human trafficking. In this study, predictor variables were determined. These were a) the level of existing official corruption with the help of the ‘Corruption Perception Index’ (2005) developed by Transparency International and b) the level of poverty by a variety of indicators, including infant mortality and life expectancy. The extent of human trafficking in any country can be found in the annually issued ‘Trafficking in Persons Report’ published by the U.S. Department of State. However, their study concludes that only corruption comes close to statistical significance and is the most important factor.

A 2009 survey by UNODC also shows, from a questionnaire distributed to a total of 54 practitioners, including criminal justice authorities, law enforcement agencies, different government bodies, as well as representatives of non-governmental organizations (NGOs), academia and other civil society institutions, that public officers identify these categories as the most vulnerable to corruption in relation to human trafficking

* 65% of the respondents indicated border control/immigration/customs most vulnerable;
* 50% indicated law enforcement and police;
* 25% considered civil society organizations.

When asked about the circumstances of the case, responses included:

* “Police officer convicted of warning brothel owners and taking sexual favours.”;
* “Computer expert in ministry abused his position to gain false working permits that resulted in fraud of foreign workers.”;
* “Many times police would leave the trafficker and exploiter not arrested and only get victims.”;
* “Police providing real passports with false pictures to victims of traffickers”.

Public officials involved in the reported cases were reported to be at the middle management/working and the lower working level respectively.[[9]](#footnote-10)

# History of the Issue

The regions concerned the most with sex trade in Southeast Asia are Cambodia, Thailand, and Indonesia, but also many others. We shall examine the history of trafficking in these regions more closely to draw parallels between what caused the rise of the problem.

## Cambodia

Before 1991, there were no reports on trafficking in Cambodia. This was due to very strict anti-prostitution policies introduced by Khmer Rouge, the leading political party from 1975-1979. Even after they collapsed, as they were associated with the Cambodian genocides, the government maintained these, until 1989, when trafficking started in the region.

After the heavy bombing from 1969 to 1973 Cambodia suffered during the US Vietnam War, the Khmer Rouge brutal communist regime took over. Their goal was to make a utopian peasant society based on agriculture, which they done by moving people from cities to countryside, halting all business. During these times, human trafficking was almost impossible in the region, as trafficking is done for two main purposes: prostitution and arranged marriages. After the removal of the radical party, the Vietnamese were mostly in charge of the region, until 1989. The country was facing both political and economic instability. Only after 1989 did the country started developing, their market opened to international trade, yet the GDP still remains very low.[[10]](#footnote-11)

On the 23rd of October, 1991, United Nations Transnational Authority in Cambodia (UNTAC) was created, as a result of a conference in Paris. A document was created, known as the Agreements on the Comprehensive Political Settlement of the Cambodian Conflict, and the UNTAC was created to implement it.[[11]](#footnote-12) This document included: “*aspects relating to human rights, the organization and conduct of elections, military arrangements, civil administration, maintenance of law and order, repatriation and resettlement of refugees and displaced persons and rehabilitation of Cambodian infrastructure.“*

It was this mission, as 20 000 troops and personnel came into the region that stirred prostitution. When UNTAC left Cambodia a year later, the demand for prostitution largely decreased. However, the business with prostitution, brothel ownership, trafficking and sexual exploitation was already on the rise. In January 1997, a law was passed, introducing fines up to $12 000 and prison sentences up to 20 years for trafficking. As of April 2007, 200 organizations and ministries were created for the purpose of dealing with this issue.[[12]](#footnote-13)

## Thailand

Prostitution in Thailand might officially be illegal, but their red light districts in Bangkok, Chiang Mai or Phuket attract a lot tourists and foreign capital.

History of trafficking in Thailand dates back to much earlier than in Cambodia, to the 1900s. At this time, slavery abolished. Many females found themselves homeless and poor and begun to use their body for profit. The wars broke out, and as it is usual, with the presence of foreign soldiers, the sex industry was on the rise, as well as demand for these services.[[13]](#footnote-14)

## Indonesia

Sex trade in Indonesia has even deeper roots than Cambodia and Thailand. Evidence suggests that these practices in Indonesia are three centuries old. Under the Dutch and British colonial governments, Indonesian women and girls were trafficked to Malaysia. Since it was official business at the time, there was a „receipt“ for all transactions. All of these contained the date of the transactions, names of buyers, sellers and the trafficked women, their ethnicity, price and include stamp duty, which in other words means, that these transactions were legal. Once they were sold, they had to do what the buyer desired, which was often commercial sex. Throughout the next few centuries, many instruments were introduced to fight human trafficking, yet their implementation remains a problem.[[14]](#footnote-15)

## Other Involved Countries

The short histories of Cambodia, Thailand and Indonesia illustrated the reasons why and when trafficking occurs, but there are many other countries involved with trafficking and the problem is much more widespread than one might think. Some of the other countries that are dealing with human trafficking and sex trade are Burma, China, Japan, India, Philippines, Pakistan, South Korea, Macau, Myanmar, Laos and many other neighbouring countries. Most are transported to capitals of the abovementioned countries, mainly though to Thailand or China, and many of the victims are “order brides”.

Prostitution existed ever since the ancient Greek times, so it is of no surprise women enter the business when in utmost need, such as after finding themselves homeless after the abolition of slavery. Before the abolition of slavery, during the colonization times, trafficking was viewed as legal, as it was just another form of slavery. Further on, it is also very common in post war regions, in military or non-military regions, or even during missions to help stabilize the region.[[15]](#footnote-16) Such happenings, which occurred in Cambodia since the 1990s can be easily compared to trafficking scandals in the past decade or two in Bosnia and Herzegovina. United Nations Mission in Bosnia and Herzegovina (UNMIBH) was created to stabilize the region after the end of the war in the region in 1995, during which there were huge trafficking scandals. Not only were the services demanded by the troops sent to Bosnia, but some of the personnel was mixed up in the actual trafficking.

However, there are many problems with providing the statistics of the victims trafficked and with the history of the issue in some regions. Some of the trafficked women, men and children do not understand they are considered victims, as they might have entered the business willingly. Further on, these people are often “the hidden part of the society”. They are children, immigrants, tribal women, or even men, who do not have a legal status in a country and whose existence is unrecorded and hence, it is almost impossible to say how widespread the problem was, and is.[[16]](#footnote-17)

# Executive Summaries of Important International Documents

Dear delegates, this part has been put together for you to have an overview of the international instruments already in place. It might seem excruciatingly long, but it is nothing in comparison with the actual documents, which is precisely why this part has been included, so that in case you would like to use them, or for the purpose of your resolution you would like to consider the benefits and limitations of these documents, and how the issue could be dealt with more effectively.

## Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime

**The Peramble clauses** state that international approach of the involved countries is necessary, points out the absence of a universal instrument to address all aspects of trafficking, resulting in the lack of protection for victims, recalls the establishment of an ad hoc committee in 1998 for battling transnationalorganized crime and states conviction that “supplementing the United Nations Convention against Transnational Organized Crime with an international instrument for the prevention, suppression and punishment of trafficking in persons“ will be useful.

**Article 1** states the protocol supplements United Nations Convention against Transnational Organized Crime and that they should be interpreted together.

**Article 2** states the purpose- to prevent trafficking, protect and assist the victims and promote cooperation.

**Article 3** provides the explanation of the use of terms in the protocol, such as what consists as trafficking in persons and when is consent irrelevant.

**Article 4** shows the scope of application, where transnational offences, involving an organized criminal group, and the protection of witnesses of these crimes fall under article 5 of the document.

**Article 5** states that each state shall adopt legislative to be able to combat offences defined in Article 3 and in Article 1, whether it is commiting the offence, acting as an accomplice or organizing other persons to commit the offence.

**Article 6** states privacy of victims shall be protected, information and help in court and administrative proceedings, “*each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of appropriate housing, counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand, medical, psychological and material assistance, and employment, educational and training opportunities*.“ Age, gender and special needs of the victims shall be taken into consideration and physical safety shall be provided for them.

**Article 7** states that states should permit victims remain in their territory.

**Article 8** states that if the victim does not wish otherwise, their return to their home-country shall be provided without delay, verify their nationality if requested, and travel documents shall be provided.

**Article 9** states that policies for prevention of trafficking shall be created by all states. Measures, such as “*research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons“* should be undertaken, with the possible help of NGOs. “*States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.*“

**Article 10** states that law enforcement shall cooperate and exchange information, such as what means (travel documents, etc..) did the traffickers use to get the victims across borders. A training shall be provided for relevant officials.

**Article 11** states that border controls shall be strengthened and explains the means to do so.

**Article 12** states that countries shall take measures to ensure legitimacy of travel document.

**Article 13** states that if requested, verification of these documents shall be provided.

**Article 14** states that all States shall adopt the protocol.

**Article 15** states disputes between states shall be settled through negotiations. If that is impossible, it shall be submitted to arbitration and if they fail to organize it in 6 months, it will fall under the jurisdiction of ICJ. “*At the time signature, ratification, acceptance or approval of or accession to this Protocol, a State may declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation*.“ Any such reservation might be withdrawn by notification of the Secretary General.

**Article 16** describes the means by which the document may be signed, ratified, accepted, approved and accessed.

**Article 17** states when it enters into force.

**Article 18** states that amending the document shall be possible after 5 years, and if a consensus cannot be reached, two-thirds majority is necessary for its adoption into the document. It also states the way to proceed and when it enters into force.

**Article 19** states a State may denounce the protocol by notifying the Secretary General and a regional economic integration organization can denounce it when all of its member States have denounced it.

**Article 20** proclaims the Secretary General as the depositary of the Protocol and that the original is in all UN languages equally authentic.

## The United Nations Convention against Corruption (UNCAC) [[17]](#footnote-18)

The United Nations Convention against Corruption (UNCAC), the sole global legal instrument to prevent and combat corruption, entered into force on 14 December 2005. To date, it has been ratified by more than 140 States Parties. UNCAC seeks to prevent and combat corruption by fostering a consistent understanding of the issue and a harmonized, effective counter-strategy.

Article1 defines the purpose of the convention as follows:

a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively;

b) To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; and

c) To promote integrity, accountability and proper management of public affairs and public property.

The four pillars of the UNCAC are prevention, criminalization and law enforcement, international cooperation, and asset recovery.

The Convention requires States parties to establish criminal and other offences to cover a wide range of acts of corruption, if these are not already crimes under domestic law26. In particular, the UNCAC requires ratifying States to criminalize not only basic forms of corruption such as bribery and the embezzlement of public funds, but also offences committed in support of corruption, such as laundering of the proceeds of corruption and the obstruction of justice, and requires States to consider criminalizing other offences, including trading in influence and concealment. Private-sector corruption is also addressed in the Convention. An entire chapter of the UNCAC is devoted to the issue of prevention, providing the institutional and regulatory framework to reduce the likelihood of corrupt practices.

The convention moreover provides a series of measures to increase international cooperation in criminal matters, as well as on specific aspects of international law enforcement cooperation, including joint investigations and the use of special investigative techniques, such as controlled delivery, electronic surveillance, and undercover operations. Lastly, the UNCAC includes separate chapters on asset recovery, technical assistance and information exchange.

# Closing Remarks

Dear delegates,

As you might have discovered in this study guide, the issue we are discussing is relatively new and did not have enough intention in so far. In this study guide, I have attempted to present you with many of the important aspects surrounding this topic, but please remember, you should also conduct your own research. Creativity is valuable with a topic such as this one, but be faithful to your country and its position and reactions on these kind of matters.

Good luck!

# Further Reading

UNCAC in a Nutshell b H. Hechler (type this into google and it is the first, pdf link)

UNODC report on The Role of Corruption in Trafficking in Persons <http://www.unodc.org/documents/human-trafficking/2011/Issue_Paper_-_The_Role_of_Corruption_in_Trafficking_in_Persons.pdf>

Transparency International: Human Trafficking and Corruption <http://www.ungift.org/doc/knowledgehub/resource-centre/CSOs/TI-Working_Paper_Human_Trafficking_28_Jun_2011.pdf>

Human Trafficking and Corruption <http://corruptionresearchnetwork.org/resources/frontpage-articles/HumanTraffickingCorruption>

Breakingthechain: corruption and humantrafficking<http://archive.transparency.org/news_room/in_focus/2011/breaking_the_chain_corruption_and_human_trafficking>

United Nations Convention against Transnational Organized Crime<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

Forced Labour Convention<http://www.ilo.org/ilc/ILCSessions/103/reports/WCMS_246615/lang--en/index.htm>

TheProtocol to Prevent, Suppress and PunishTrafficking in Persons, EspeciallyWomen and Children and theProtoclagainsttheSmuggling of Migrants by Land, Air and Sea<http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf>

ProtocolagainsttheIllicitManufacturing of and Trafficking in Firearms, TheirParts and Components and Ammunition, supplementingthe United NationsConventionagainstTransnationalOrganizedCrime<http://www.unodc.org/documents/treaties/UNTOC/Publications/A-RES%2055-255/55r255e.pdf>

Worst Forms of Child Labour Convention<http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182>

Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery<http://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx>

Convention on the Rights of the Child and the Optional Protocols thereto on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, <http://www.humanium.org/en/convention/protocol-3/optional-protocol-crc-communications-procedure/>

Convention on the Elimination of All Forms of Discrimination against Women <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

# Appendix 1

**Summary from the UNODC report, *The Role of Corruption in Trafficking in Persons*, of the report published by the Council of Europe**

***Opportunities for Corruption in Trafficking in Persons***

*Opportunities for corruption exist in the trafficking chain, the criminal justice chain and the victims support and protection chain.*

***• Trafficking in persons chain***

*“****When****”: The trafficking chain consists of the recruitment of victims, the provision of documentation (identity papers, visas, permits), the transport of victims, which may include border-crossing, their exploitation, as well as the laundering of the proceeds of the crime.*

*“****Who****”: Corrupt actors within this chain of activities may include police, customs officers, embassies/consulates, border control authorities, immigration services, other law enforcement agencies, intelligence/security forces, armed forces (national or international), local officials, persons/groups/parties with influence on public officials, as well as private sector actors, such as travel agencies, airlines, transportation sector, financial institutions, banks, etc.*

*“****What****”: Corrupt acts include ignoring, tolerating, participating in and organizing trafficking in persons, ranging from violation of duties or corruption and involvement in organized crime.*

***• Criminal justice chain***

*“****When****”: The criminal justice chain includes the drafting and adoption of legislation, crime prevention, preliminary investigation, search, seizure and confiscation of proceeds, prosecution, trial and the enforcement of sanctions.*

*“****Who****”: Corrupt actors may include parliamentarians, government officials, police, customs border control, immigration services and other law enforcement agencies, prosecutors, investigative judges, intelligence/security forces, local officials, as well as persons/groups, parties with influence on public officials.*

*“****What****”: Acts may include passivity (e.g. ignoring, tolerating, and avoiding action) or actively obstructing investigations, prosecutions and judicial proceedings, revealing and selling information, betraying and altering the course of justice. Lack of awareness, capacities and skills may cause such behaviour, which may range form mere violation of duties to corruption and involvement in organized crime.*

***• Protection and support of victims***

*“****When****”: This stage includes the provision of support, protection and shelter to victims of trafficking in persons.*

*“****Who****”: Actors involved may include non-governmental and civil society organizations, as well as public social service institutions.*

*“****What****”: Corrupt behaviour may range from passivity and “trade offs”7 , to revealing or 7 The CoE report (2005) refers in particular to the risk of infiltrations of criminals in NGOs and civil society organizations and defines “trade offs” as passivity in order not to compromise access [of criminals] to victims or cooperation with official institutions. 7 selling information on victims.8*

***Additional hypothesis on the relationship between corruption and trafficking in persons***

*• Organized trafficking requires systemic corruption*

*• Corruption is central to the success of traffickers and therefore criminals consider it a necessary investment. Corruption is possibly the main cost factor for traffickers.*

***Recommended measurers to address corruption related to trafficking in persons***

*The report contains an extensive list of recommendations, based on the country reports developed within the project, which include countries from South Eastern Europe. Among these, the inclusion of corruption issues in anti-trafficking action plans, the creation of specialized multi-agency units and the organization of multi-agency training, the establishment of codes of conduct, guidelines, conflict of interest regulations, the monitoring of sectors at risk, the promotion of awareness-raising campaigns, including the involvement of the media.*

*Moreover, the report stresses the importance of targeting vulnerable officials, investigating finances of suspects, and making a more systematic use of information provided by the very victims of the crime and by non-governmental organizations (NGOs) and civil society. NGOs and the international community in general are encouraged to monitor investigations.*

*Finally, it is recommended to strengthen international co-operation and join international conventions and monitoring systems, to organize regional networks and to seek technical assistance from international organizations and bilateral donors.*

1. Office of the High Commisioner for Human RIghts, (2013). *Welcome to the Human Rights Council*. [online] http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx [↑](#footnote-ref-2)
2. Office of the High Commisioner for Human RIghts, (2013). *Welcome to the Human Rights Council*. [online] http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx [↑](#footnote-ref-3)
3. Office of the High Commisioner for Human RIghts, (2013). *What do we do*. [online] Available at: http://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx. [↑](#footnote-ref-4)
4. Office of the High Commisioner for Human RIghts, (2013). How *do we do it*. [online] Available at: http://www.ohchr.org/EN/AboutUs/Pages/HowWeDoIt.aspx [↑](#footnote-ref-5)
5. Office of the High Commisioner for Human RIghts, (2013). *OHCHR's Funding and Budget*. [online] Available at: http://www.ohchr.org/EN/AboutUs/Pages/FundingBudget.aspx#. [↑](#footnote-ref-6)
6. Da Costa, Helena M. "Global Facts on Human Trafficking." Global Facts on Human Trafficking. Australian Catholic Migrant and Refugee Office, n.d. Web. 20 Jan. 2015. <http://www.acmro.catholic.org.au/index.php?option=com\_content&view=article&id=54%3Aglobal-facts-on-human-trafficking-&catid=55%3Anewsletter-2013>. [↑](#footnote-ref-7)
7. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (2010), Article 1 [↑](#footnote-ref-8)
8. "Analysis: Southeast Asia's Human Trafficking Conundrum." IRINnews. May 6, 2013. Accessed January 20, 2015. <http://www.irinnews.org/report/97979/southeast-asia-s-human-trafficking-conundrum>. [↑](#footnote-ref-9)
9. UNODC report on The Role of Corruption in Trafficking in Persons <http://www.unodc.org/documents/human-trafficking/2011/Issue_Paper_-_The_Role_of_Corruption_in_Trafficking_in_Persons.pdf> [↑](#footnote-ref-10)
10. "History." Sex Trafficking. February 5, 2008. Accessed January 20, 2015. <https://stopthetraffic.wordpress.com/history/>. [↑](#footnote-ref-11)
11. "UNITED NATIONS TRANSITIONAL AUTHORITY IN CAMBODIA (UNTAC)." UN News Center. January 1, 2003. Accessed January 20, 2015. <http://www.un.org/en/peacekeeping/missions/past/untac.htm>. [↑](#footnote-ref-12)
12. "History." Sex Trafficking. February 5, 2008. Accessed January 20, 2015. <https://stopthetraffic.wordpress.com/history/>. [↑](#footnote-ref-13)
13. Cardarelli, Cristina. "Sex Trafficking in Thailand and the History of Prostitution." Shout Out UK. April 26, 2014. Accessed January 20, 2015. http://www.shoutoutuk.org/2014/04/26/sex-trafficking-and-the-sex-trade-industry-in-thailand-an-overview-of-prostitution-the-worlds-oldest-profession/. [↑](#footnote-ref-14)
14. Indraswari. "Trafficking of Women Has Long Historical Roots." Trafficking of Women Has Long Historical Roots. September 10, 2009. Accessed January 20, 2015. <http://www.thejakartapost.com/news/2009/09/10/trafficking-women-has-long-historical-roots.html>. [↑](#footnote-ref-15)
15. U.S. Department of State,. 2015. Trafficking In Persons. Trafficking In Persons. The Office of Website Management, Bureau of Public Affairs. [http://www.state.gov/j/tip/rls/tiprpt/2008/105389.htm#](http://www.state.gov/j/tip/rls/tiprpt/2008/105389.htm). [↑](#footnote-ref-16)
16. Diu, Nisha. "What the UN Doesn't Want You to Know." The Telegraph. February 6, 2012. Accessed January 20, 2015. [↑](#footnote-ref-17)
17. SummaryfromtheUNODC report on The Role of Corruption in Trafficking in Persons <http://www.unodc.org/documents/human-trafficking/2011/Issue_Paper_-_The_Role_of_Corruption_in_Trafficking_in_Persons.pdf> [↑](#footnote-ref-18)