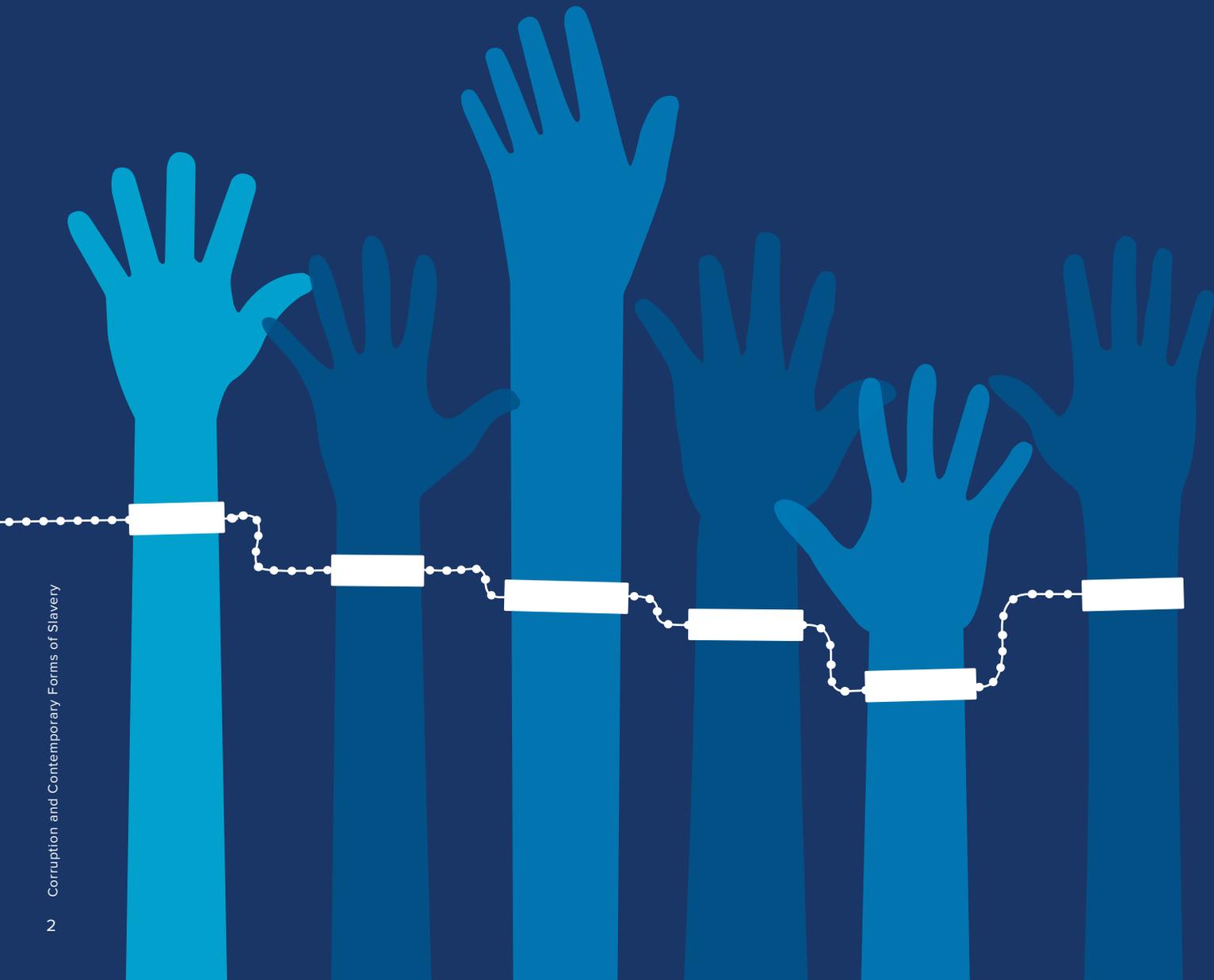


# Corruption and Contemporary Forms of Slavery

EXAMINING RELATIONSHIPS AND  
ADDRESSING POLICY GAPS





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## ACRONYMS

FCPA	Foreign Corrupt Practices Act
IAWJ	International Association of Women Judges
IBA	International Bar Association
ICAT	Inter-Agency Coordination Group against Trafficking in Persons
ILO	International Labour Organisation
IOM	International Organization for Migration
OCCRP	Organized Crime and Corruption Reporting Project
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
PACO	Programme Against Corruption and Organised Crime in South Eastern Europe
PRA	Private Recruitment Agencies
TI	Transparency International
UN-ACT	United Nations Action for Cooperation against Trafficking in Persons
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UN-GIFT	United Nations Global Initiative to Fight Trafficking
UNODC	United Nations Office on Drugs and Crime
UN Women	The United Nations Entity for Gender Equality and the Empowerment of Women

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## FOREWORD

Everyone has the right to a life free from slavery, but today, over 40 million people are estimated to be trapped in contemporary forms of slavery such as forced labour, debt bondage, serfdom, children working in slavery or slavery-like conditions, domestic servitude, sexual slavery, and servile forms of marriage. According to global estimates, one in four victims of contemporary forms of slavery are children and 71 per cent of victims are women and girls.<sup>1</sup>

The risks of exploitation are magnified as the world experiences the devastating impact of the COVID-19 pandemic on society, the economy and governance institutions. As warned by the UN Special Rapporteur on contemporary forms of slavery, millions of people could be pushed into contemporary forms of slavery and other forms of exploitation during the COVID-19 pandemic.<sup>2</sup> Those who are already marginalized, discriminated against, or impoverished are at the greatest risk.

The 2030 Agenda for Sustainable Development envisions a world free of forced labour, contemporary forms of slavery, human trafficking, and child labour in all its forms. In particular, Target 7 of SDG 8 urges to “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.”

While a complex range of factors result in a demand for modern slaves, corruption can play a determining and enabling role. Indeed, many contemporary forms of slavery rely on corruption to operate, as corruption often facilitates exploitation and abuse. Most importantly,



**Sarah Lister**

Head of Governance  
Bureau for Policy and Programme Support  
United Nations Development Programme

**“Corruption and contemporary forms of slavery both thrive in social, political and economic environments that allow perpetrators to act with impunity.”**

corruption and contemporary forms of slavery both thrive in social, political and economic environments that allow perpetrators to act with impunity.

**Corruption and Contemporary Forms of Slavery: Examining Relationships and Addressing Policy Gaps** offers an in-depth examination of the linkages between corruption and contemporary forms of slavery and offers policy recommendations for governments, the private sector, civil society, academia and the international community to inform policy and programmatic work on anti-corruption and human rights efforts.

Given the multi-dimensional nature of the problem, a comprehensive approach is needed to tackle the linkages between corruption and slavery. This includes the effective enforcement of international conventions and national laws, but also preventive measures such as strengthening social protection, promoting inclusion, and ensuring economic and social justice for those vulnerable to slavery. A multi-stakeholder approach is also vital to eliminate risks of contemporary forms of slavery across sectors and global supply chains, including slavery-related money laundering and financing risks.

We hope that this publication will contribute to the global discourse on both corruption and contemporary forms of slavery.



**Martin Frick**

Director  
Office for Foreign Affairs  
Principality of Liechtenstein

<sup>1</sup> Estimates from International Labour Organization and Walk Free Foundation, 2017, “Global estimates of modern slavery: forced labour and forced marriage”.

<sup>2</sup> United Nations Human Rights Office of the High Commissioner, “COVID-19 could push millions into exploitation or slavery, UN expert warns”. <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26246&LangID=E>

# Executive Summary

**“Corruption is essential to creating the conditions for a low-cost, low-risk, high-profit illicit trade in vulnerable individuals.”**

The world officially declared an end to slavery in 1981, when Mauritania was the last country to ban the legal recognition of the ownership of individuals. But today, 40 years later, “contemporary forms of slavery” still exist in virtually all countries, and are the second most profitable illicit trade after the drug trade (Niethammer, 2020; US Department of Justice, 2020). Profits from contemporary forms of slavery reach US\$150 billion per year, two thirds of which come from forced sexual exploitation, primarily of women and girls (ILO, 2014). Estimates suggest that 40 million people—71% of whom are women and girls—are trapped in contemporary forms of slavery, with 24.9 million in forced labour and 15.4 million in forced marriages (ILO and Walk Free Foundation, 2017a).

Research into the root causes of contemporary forms of slavery first focused on poverty, unemployment, inequality and weak rule of law, which indeed all increase the vulnerability of children and adults to human trafficking, forced marriage and servitude. But corruption is also an underlying cause of and facilitating tool for practices arising from contemporary forms of slavery as seen in more recent research (IBA, 2016; Transparency International, 2011; UN-GIFT, 2008). **Corruption is essential to creating the conditions for a low-cost, low-risk, high-profit illicit trade in vulnerable individuals.**

New terminology and concepts such as “contemporary forms of slavery” and “modern slavery” have been introduced in the discourse to distinguish slavery today from slavery of the past. These umbrella terms are used for a broad range of practices characterized by the forced nature of different types of exploitation, such as human trafficking, forced labour, involuntary servitude, forced marriage and bonded labour (BBC, 2016; ILO, 2017; Rasper, 2020; US Department of State, 2020). However, such terms have only been used for practical and operational purposes and have not been defined in the international legal framework. Some national jurisdictions such as the United Kingdom, in the Modern Slavery Act

of 2015, have specific definitions for offences that would be considered “modern slavery”.

In this study, the term “contemporary forms of slavery” will be used for a broad range of practices consistent with, but not limited to, those explicitly listed in the definition of “trafficking in persons” provided by Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime from 15 November 2000 (one of the three Palermo Protocols<sup>3</sup>):

**“Trafficking in persons” shall mean 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.”**

<sup>3</sup> The three Palermo Protocols are all subsidiary to the United Nations Convention against Transnational Organized Crime from 15 November 2000. In this document, we will use the term “Palermo Protocol” in the singular to refer specifically to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. The two other Palermo Protocols are: the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition.

Therefore, this study uses the term “contemporary forms of slavery” as an overarching term to include human trafficking, trafficking in persons, involuntary servitude and slavery-like practices (ILO and Walk Free Foundation, 2017b; Rauscher, 2019; US Department of State, 2020).<sup>4</sup>

While the Palermo Protocol does not explicitly consider “forced marriage” as an example of trafficking and the International Labour Organization (ILO) does not include forced marriage as “labour”, the practice is still broadly judged to be a contemporary form of slavery since individuals subjected to marriage against their will are forced to perform sexual, domestic and reproductive services that are consistent with the definition of trafficking from the Palermo Protocol noted just above. Similarly, this study also considers “forced surrogacy”<sup>5</sup> (alternatively called “reproductive slavery”) as a contemporary form of slavery.

This study aims to explore the linkages between corruption and contemporary forms of slavery, including a gender perspective, by examining existing literature and efforts to investigate, prosecute and convict complicit government officials in the fight against contemporary forms of slavery, the specific role of corruption in four different contemporary forms of slavery (sexual slavery, forced labour, domestic slavery and forced marriage), and to offer policy and practice recommendations for a range of stakeholders, including the international community, government, civil society, private sector and academia.

The key findings are as follows:

**Key Finding 1: Corruption and various contemporary forms of slavery are closely linked, and have an adaptive and self-expanding relationship** because corruption is a key factor fuelling a vicious cycle that creates further opportunities for corruption. Contemporary forms of slavery cannot take place at a large, sustained, profitable scale without corruption. As a root cause of contemporary forms of slavery, corruption helps create a pool of vulnerable individuals. To exploit these individuals, perpetrators involved in some contemporary forms of slavery need to cultivate complicit officials across the trafficking chain (victim sourcing, migratory process if needed, and exploitation). In parallel, trafficked individuals in many cases constitute new targets from whom corrupt officials can also extract bribes. Additionally, complicity with trafficking networks exposes corrupt officials to extortion risks that can help guarantee their sustained complicity across time, completing a vicious cycle of self-expanding corruption loops.

**Key Finding 2: Across all stages of contemporary forms of slavery, cross-border trafficking is most prone to corruption.** This is particularly the case for forced domestic labour and forced marriage trafficking chains that run into immigration administrative requirements that they may need to avoid through corruption (such as bribery). Moreover, institutional mechanisms to assist victims, such as reporting physical and/or sexual assault to the police or seeking medical help, are often non-existent, inaccessible, dysfunctional, unable

to identify signs of enslavement, or even anti-victim, as victims are returned to their owners to face possible punishment and worsened conditions.

**Key Finding 3: Not all contemporary forms of slavery rely on corruption to operate, but corruption risks emerge when barriers are created or implemented to target forced domestic labour or forced marriage.**

Anti-trafficking barriers have been designed to prevent and stop certain contemporary forms of slavery but not others, while corruption usually emerges as a reaction to such barriers. Whether corruption has a major role or not depends on many factors, such as the extent and specific types of anti-slavery barriers put into in place, the size of the trafficking operation, social tolerance to gender discrimination, presence or absence of institutional mechanisms to help victims, the scalability of the profits, and the local or cross-border nature of the contemporary form of slavery.

**Key Finding 4: Data to monitor progress on corruption in contemporary forms of slavery is lacking.**

The literature review shows that no hard data is being systematically collected at a global level to monitor progress on corruption in contemporary forms of slavery. The limited information that exists suggests that in any given year, two thirds of countries do not open investigations or punish official complicity in various contemporary forms of slavery.

**Key Finding 5: Investigating, prosecuting and convicting corruption in contemporary forms of slavery is still more of an exception than a rule.**

There is very limited data and evidence about successful investigations, prosecutions and convictions of corruption cases related to the various contemporary forms of corruption, due to the absence of a joint approach between anti-slavery and anti-corruption laws and enforcement, limited resources to conduct training and investigation, and institutional limitations as well as corruption across the justice system.

**Key Finding 6: Gender roles and sexist stereotypes encourage or dissuade the creation of barriers to different contemporary forms of slavery.**

The absence of barriers against forced marriage and forced domestic labour coincides with society’s continued assignment of marriage and domestic tasks to women.

<sup>4</sup> As mentioned, overarching terms such as “contemporary forms of slavery” and “modern slavery” usually refer to a broad range of exploitative conducts such as slavery, serfdom, servitude, debt bondage (or bonded labour), forced (or servile marriage), sale of wives, child slavery, forced and compulsory labour, child labour, sexual slavery, enslavement and human trafficking.

<sup>5</sup> Settling ongoing debates about the human rights of women and children participating in voluntary surrogacy arrangements is beyond the scope of this study. Instead, this study only deals with scenarios of forced surrogacy in which a woman is forced to become pregnant for surrogacy purposes.

Transgressions against societal prescriptions about sexual behaviour are perceived as pertaining to the public sphere and deserving of swift official action, while transgressions that reinforce culturally accepted restrictions on women's freedoms and rights are perceived as pertaining to the private sphere and expected to be solved by the individuals themselves.

**Key Finding 7: Trafficking networks tend to build layers of protection within the institutions they are more likely to need.** This has been confirmed by studies tracking the points of the trafficking chain in which corruption emerges, differing across sectors and shaped by the nature of the activity as well as the specialization of the network. Therefore, capturing only partial components of a network or more seriously disrupting it requires not only blanket regulations and identification of the corruption structures that have been built, but also identification of the factors more likely to disrupt the cost and risk balance perpetrators need to be profitable.

**Based on the findings of this research, recommendations to better address corruption and contemporary forms of slavery in a more comprehensive and integrated manner are then offered for international organizations, governments, civil society, and the private sector.** Of particular relevance are **recommendations to develop a global monitoring system of corruption in contemporary forms of slavery**, including statistics about the number of complaints, investigations, prosecutions and convictions. This should be developed in conjunction with a multi-stakeholder initiative to incentivize collaboration among different actors who are collecting data and knowledge about trafficking using new technologies, such as artificial intelligence, to analyse and triangulate information in more efficient ways.

International organizations are advised **to incorporate the role of corruption and corrupt actors as a key**

**component in their periodic reports about contemporary forms of slavery** (along with perpetrators and victims of contemporary forms of slavery). These report components would call attention to the disconnect between those fighting corruption and contemporary forms of slavery and would therefore **reenergize the push for an integrated approach to anti-slavery and anti-corruption efforts.**

Many governments already have some form of information system in place to collect data on investigations, prosecutions and convictions in trafficking-related corruption that take place in a given year. However, **at the national level, data collection should be strengthened and such information should be centralized and made publicly available.** Countries could also partner with international organizations and other actors working on data initiatives that could help mine existing data, which would help to refine statistics specifically about the prosecution of corruption in contemporary forms of slavery.

International organizations and national governments are encouraged to **integrate gender dimensions as a key component in the interaction between corruption and contemporary forms of slavery.** International organizations should support and provide research and training that more effectively incorporate the intersection between gender and corruption in the formulation of anti-slavery policies and strategies to address challenges such as micro trafficking by victims' families.

There is also a need to **assess the gaps in anti-slavery policies and strategies specific to forced marriage and forced domestic labour**, as well as to **incorporate a gender perspective in national strategies aimed at reducing the demand for female modern slaves**, and on preventing and combatting corruption.



# Introduction: Corruption and contemporary forms of slavery

While the world officially declared an end to slavery in 1981, when Mauritania was the last country to ban the legal recognition of the ownership of individuals, today, 40 years later, it has become painfully clear that enslaving a human being does not require the legal recognition of the right of one human being to own another. Contemporary forms of slavery have emerged in virtually all countries and have become the second most profitable illicit trade after the drug trade (Niethammer, 2020; US Department of Justice, 2020). Profits from contemporary forms of slavery reach US\$150 billion per year of which two thirds, or US\$99 billion, come from forced sexual exploitation, primarily of women and girls (ILO, 2014).

A complex mix of factors, ranging from poverty and weak rule of law to cultural attitudes about gender and race, result in a demand for modern slaves, thus robbing millions of children, women and men of their freedom and bodily autonomy. Estimates suggest that 40 million people—71% of whom are women and girls—are trapped in contemporary forms of slavery, with 24.9 million in forced labour and 15.4 million in forced marriages (ILO, 2017b).

Corruption is also a very important factor in the continued prevalence of contemporary forms of slavery. However, to date, corruption has received relatively little attention in anti-slavery efforts, even as a growing body of knowledge suggests that it can play a determinant role as an enabler of contemporary forms of slavery across regions and that it may even be a root cause. Liberty Asia and the Freedom Fund point at examples of corruption that enable slavery and other forms of exploitation, such as facilitator payments to gain government approval for labour-intensive infrastructure projects that may use forced labour (Liberty Asia and Freedom Fund, 2015).

The cost of corruption is estimated at more than 5% of global GDP (US\$2.6 trillion) with more than US\$1 trillion paid in bribes every year (World Economic Forum, 2012). According to a Global Financial Integrity publication (Spanjiers and Salomon, 2017), the developing world loses as much as US\$1 trillion in illicit outflows every year through government corruption, criminal activity, commercial tax evasion and mispriced commercial transactions. Furthermore, there is a close connection between organized crime and corruption, with corruption tending to reinforce the existence of organized crime, since corrupt public officials protect organized criminal groups from law enforcement.

## 1.1 STUDY OBJECTIVES

The overall objectives of this study are to deepen the understanding of linkages between corruption and contemporary forms of slavery, which are both grave and persistent problems in many countries; and to offer policy and programmatic recommendations to relevant stakeholders to address these two issues in a more comprehensive manner.

In particular, the study aims to explore the linkages between the two phenomena to assess what we know and do not know about the ways in which corruption and contemporary forms of slavery intersect. The study also explores how gender roles intervene in corruption related to contemporary forms of slavery. The five major objectives of the study are to:

- 1 Explore the linkages between corruption and contemporary forms of slavery in the existing literature.
- 2 Determine the extent to which the fight against contemporary forms of slavery includes efforts to

investigate, prosecute and convict complicit government officials.

- 3 Examine the specific role of corruption in four different contemporary forms of slavery (sexual slavery, forced labour, domestic slavery and forced marriage).
- 4 Use a gender perspective to analyse corruption in contemporary forms of slavery.
- 5 Offer policy and programmatic recommendations for a range of stakeholders (international community, government, civil society, private sector, academia).

## 1.2 RESEARCH METHODOLOGY

This study included desk research and interviews with 18 experts on the issues of contemporary forms of slavery and corruption who are activists or who work in academia, the legal field and international organizations. Some work at the regional level while others are at the national level, engaging directly with individuals affected by various contemporary forms of slavery. Interviews, the majority of which were semi-structured, were conducted in virtual meetings or by phone.

The literature reviewed in this study included both quantitative and qualitative academic research on the intersection between corruption and contemporary forms of slavery, the causal links and correlations, and

measurements and explanations of such linkages. Selected field investigations into specific sectors, including those led by specialized non-profit organizations, were also reviewed.

Periodic monitoring reports by international organizations and datasets created by civil society organizations (with details such as location, age and means of control used by modern enslavers) were all considered in the literature review. For anecdotal details and stories to illustrate the current status of contemporary forms of slavery and corruption, several news reports of recent reported or suspected corruption cases were cited.

Information was sought out to show linkages between corruption and contemporary forms of slavery and the characteristics of such linkages. In particular, how gender interacts with those linkages was also explored. This desk research also sought to determine whether the investigation, prosecution and conviction of crimes related to contemporary forms of slavery routinely targets not only organized criminals but also those who may be complicit in the abuse of power in the public or private sector and the cover up of such acts.

Furthermore, research and data on four contemporary forms of slavery (sexual slavery, forced labour, domestic slavery and forced marriage) were studied to identify the unique ways in which corruption may intervene in each, as well as what knowledge gaps exist that prevent a full understanding of the role of corruption at the sector level. Other complementary perspectives or analytical frameworks (e.g. gender, organized crime, human rights, and others) were used where necessary to better understand factors specific to each contemporary form of slavery.

**“The term “contemporary forms of slavery” emerged to communicate the much broader range of slavery-like practices that exist beyond those conveyed in any one legal instrument.”**

## ②

# Corruption and contemporary forms of slavery: Definitions, debates and legal frameworks

## 2.1 CONTEMPORARY FORMS OF SLAVERY

“Contemporary forms of slavery” is commonly used as an umbrella term for a broad range of practices characterized by the forced nature of different types of exploitation, such as human trafficking, forced labour, involuntary servitude, forced marriage and bonded labour (BBC, 2016; ILO, 2017; Rasper, 2020; US Department of State, 2020). For example, the mandate of the Special Rapporteur on contemporary forms of slavery, its causes and consequences, includes but is not limited to issues such as: traditional slavery, forced labour, debt bondage, serfdom, children working in slavery or slavery-like conditions, domestic servitude, sexual slavery, and servile forms of marriage (OHCHR, n.d.).

New terminology and concepts such as “contemporary forms of slavery” and “modern slavery” have been introduced to distinguish the different forms of slavery as they appear today from those of the past. These umbrella terms are more for practical and operational purposes than legal objectives and have not been defined in the international legal framework. Some national jurisdictions have specific definitions for offences that would be considered “modern slavery”, such as the United Kingdom in the Modern Slavery Act of 2015. A person commits an offence if that person “holds another person in slavery or servitude”, “requires another person to perform forced or compulsory labour”, or “arranges or facilitates the travel of another person (‘V’) with a view to V being exploited” (UK, 2015). The term

“contemporary forms of slavery” emerged to communicate the much broader range of slavery-like practices that exist beyond those conveyed in any one legal instrument and has been useful for advocacy efforts seeking to more clearly communicate to authorities and the general public the deeply disturbing nature and widespread occurrence of these types of human rights violations.

There is an open debate about the term “contemporary forms of slavery.”<sup>6</sup> Some argue that such a broad term helps galvanize forces among those fighting different practices that resemble slavery. Furthermore, it is contended that the use of a broader term overcomes the limitations of narrower legal definitions, thus permitting clear communication about the main concept without the confusion sometimes associated with the technicalities of specific forms of the practice that may vary from one jurisdiction to another. Others counter that legally sound definitions are necessary to coordinate efforts at all levels (national, regional, international) and that oversimplifying a complex phenomenon can distract from understanding and tackling its root causes (Andrees, 2014; Zweynert, 2015).

<sup>6</sup> The OHCHR “Compendium of definitions and concepts related to human trafficking and ‘contemporary forms of slavery’” offers an overview of some of the main concepts in the field.

Even within generally agreed definitions, some discrepancies and confusion still exist. Authorities in some countries continue to conflate smuggling and trafficking<sup>7</sup> and/or incorrectly believe that trafficking can only occur when migrant workers are involved.<sup>8</sup> Similarly, forced labour should not be confused with labour in poor working conditions, as there is not a lack of freedom and ability to move. Definitions in domestic laws also vary across countries. For example, while “bonded labour” in some jurisdictions refers to forcing a person to work for little or no pay in order to repay a debt, it has happened that a court in a given country decides to consider any work under minimum wage to be bonded labour.

Some state that contemporary forms of slavery would not be considered “slavery” according to the definition in the 1926 Slavery Convention, in which slavery is “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”. But others point out that international jurisprudence has since acknowledged that de facto ownership also constitutes slavery. For instance, the Inter-American Court “affirmed that the reference to ‘status or condition’ in the 1926 definition encompassed both de jure and de facto slavery (respectively) – namely the situation in which a person has the legal status of a slave, and where a person is held in the condition of slavery even if slavery has been abolished in law” (Allain and Bales, 2013; Schwarz and Allain, 2020).

“Trafficking in persons” and “human trafficking” are also often used as umbrella terms for slavery-like practices. However, a review of domestic laws in the 193 United Nations Member States by Schwarz and Allain (2020, p. 11) found that 170 states (88%) do not explicitly criminalize the “four institutions and practices similar to slavery” (serfdom; debt bondage; practices involving the transfer of women in the context of marriage—sale of a bride, transfer of a wife, or inheritance of a widow—; and delivery of children for exploitation by their guardian), even though all countries ban slavery and most (173) are signatories to the Palermo Protocol against human trafficking. Additionally, 112 countries (58%) lack penal provisions for the punishment of forced labour.

Thus, using the term “trafficking” as a catch-all offence is not recommended, as it could require proving in court a series of conditions that do not necessarily match those present in many forms of slavery-like practices. (see Table 1 for a list of the main international instruments regarding contemporary forms of slavery).

**Having domestic human trafficking legislation in place does not enable prosecution of forced labour, practices similar to slavery, servitude, slavery, or the slave trade as offences in domestic law. For this reason alone, the use of the term ‘human trafficking’ as an umbrella term is unhelpful and can obscure the gaps (Schwarz and Allain, 2020, p. 24).**

While definitional issues can certainly be obstacles to

prosecuting and monitoring slavery-like practices and formulating policies and strategies to combat such practices, identifying the appropriate path forward for definitions is beyond the scope of this study. Instead, “contemporary forms of slavery” is used in this study as an umbrella term covering practices consistent with but not limited to those explicitly listed in the definition of “trafficking in persons” provided by one of the three Palermo Protocols (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children) supplementing the United Nations Convention on Transnational Organized Crime:

**“Trafficking in persons” shall mean 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.**

“Contemporary forms of slavery” is also understood here as being consistent with, but not limited to, practices described in Article 2 of the Forced Labour Convention of 1930 (and associated ILO Standards on Forced Labour) as “all work or service which is extracted from any person under the menace of any penalty and for which said person has not offered himself [or herself] voluntarily” (ILO, 2016). Therefore, this study uses the term “contemporary forms of slavery” as an overarching term including human trafficking, trafficking in persons, involuntary servitude and slavery-like practices<sup>9</sup> (ILO, 2017b; Rauscher, 2019; US Department of State, 2020). This study does not discuss state-imposed forced labour, but it should be noted that it is generally considered as a

<sup>7</sup> “Trafficking in humans” is centred on human rights violations through forced exploitation, while “smuggling” refers to the purchase of the illegal entry of a person into a state. Smuggling does not necessarily involve exploitation, though it is not uncommon that smuggling cases turn into trafficking ones (OECD, 2016). For example, smugglers sometimes raise the cost of their “service” thereby trapping migrants who cannot afford the new price into forced work to pay for them, making the person a victim of trafficking.

<sup>8</sup> There is a mistaken belief that trafficking in persons mainly involves migrants or that victims must be moved from one country to another in order for their situation to be considered trafficking. In reality, trafficking can occur within a country and even within a community. In fact, estimates by different organizations suggest that half to a majority of affected individuals are exploited in their own country (UNODC, 2018; US Department of State, 2019). Since a person does not need to be moved to a different location for the crime of trafficking to occur, the Department of State’s annual Trafficking in Persons Report (TIP) has stopped using the nomenclature of “source, transit and destination countries” to emphasize this point.

contemporary form of slavery and is estimated to affect more than 4 million people worldwide.<sup>10</sup>

While the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children does not explicitly consider “forced marriage” as an example of trafficking and the International Labour Organization (ILO) does not include forced marriage as “labour,” the practice is broadly judged to be a contemporary form of slavery. Individuals subjected to marriage against their will are forced to perform sexual, domestic and reproductive services under conditions that fit those described in the three points listed above. As the ILO acknowledges, forced marriage involves a double violation: the loss of sexual autonomy and “providing labour under the guise of ‘marriage’” (ILO, 2017b, p. 10).

Similarly, this study also considers “forced surrogacy”<sup>11</sup> (also called “reproductive slavery”) as a contemporary form of slavery. Forced surrogacy consists of forcing women and girls to conceive and give birth to babies that are put up for sale, in conditions that match those listed in the definition of “trafficking of persons” from the Palermo Protocol (Atreya and Kanchan, 2017; Singh, 2017; Sourav, 2015). In official documents, this practice appears to be underreported. Media reports and accounts by activists and survivors, however, show that it does exist and that its extent may be much more than has been proved to date.

Human trafficking has become a mainstream international concern in the last two decades, during which a more comprehensive international and regional legal framework has been developed (see Table 1), widely reflecting most states’ domestic laws. Multiple monitoring efforts by international organizations, governments, and civil society are also tracking progress against trafficking using existing legal frameworks as guidelines. This monitoring shows how ingrained this crime remains in most societies, and further research is needed to understand precisely how trafficking operates and how best to effectively combat it.

The 2030 Agenda for Sustainable Development (the “2030 Agenda”), an overarching global commitment by 193 Member States, takes specific aim at human trafficking in its Sustainable Development Goals (SDGs). The 2030 Agenda has been described as:

**A paradigm shift towards a more balanced model for sustainable development aiming to secure freedom from fear and freedom from want for all, without discrimination [...] encompassing issues related not only (sic) economic, social and cultural rights but also to civil and political rights and the right to development,” which is expected to “open up new avenues to integrate human rights into global and national policies in both developed and developing countries (OHCHR, n.d., p. 2).**

Several SDGs in the 2030 Agenda address human trafficking, slavery, child labour and all forms of violence against and torture of children. SDG 8 is to “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all” and within this SDG, Target 8.7 specifically mentions modern slavery, aiming to “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”.

SDG 5 seeks to “achieve gender equality and empower all women and girls” with three specific targets: “End all forms of discrimination against all women and girls everywhere” (Target 5.1); “Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation” (Target 5.2); and “Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation” (Target 5.3).

SDG 16 promotes peaceful and inclusive societies for sustainable development, access to justice for all and building effective, accountable and inclusive institutions at all levels. In addition to including transparency as a key aspect of anti-corruption efforts, targets in this goal also aim to address the issues of contemporary forms of slavery, human trafficking, organized crime and corruption by calling to “Significantly reduce all forms of violence and related death rates everywhere” (Target 16.1), “End abuse, exploitation, trafficking and all forms of violence against and torture of children” (Target 16.2), “By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime” (Target 16.4), and “Substantially reduce corruption and bribery in all their forms” (Target 16.5).

<sup>9</sup> As mentioned, overarching terms such as “contemporary forms of slavery” and “modern slavery” usually refer to a broad range of exploitative conduct such as slavery, serfdom, servitude, debt bondage (or bonded labour), forced (or servile marriage), sale of wives, child slavery, forced and compulsory labour, child labour, sexual slavery, enslavement and human trafficking.

<sup>10</sup> According to the ILO, state-imposed forced labour included “citizens recruited by their state authorities to participate in agriculture or construction work for purposes of economic development, young military conscripts forced to perform work that was not of military nature, those forced to perform communal services that were not decided upon at the community level and do not benefit them, or prisoners forced to work against their will outside the exceptions established by the ILO supervisory bodies (ILO, 2017b, p. 10).

<sup>11</sup> There are ongoing debates about the human rights of women and children participating in voluntary surrogacy arrangements and examining them are beyond the scope of this study. Instead, this study only deals with scenarios of forced surrogacy in which a woman is forced to become pregnant for surrogacy purposes.

**Table 1: Main international instruments regarding contemporary forms of slavery**

Date	Instrument
1926	Slavery Convention
1930	ILO Convention C029–Forced Labour Convention, 1930 (No. 29)
1956	Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (Supplementary Convention)
1966	International Covenant on Civil and Political Rights (ICCPR)
1999	ILO Convention 182 – Worst Forms of Child Labour Convention, 1999 (No. 182)
2000	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (one of the three Palermo Protocols)
2000	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
2011	ILO Convention 189 – Domestic Workers Convention, 2011 (No. 189)
2014	Protocol 029 – ILO Protocol of 2014 to the Forced Labour Convention, 1930

Sources: ILO, 2017b; US Department of State, 2020; United Nations, n.d.

## 2.2 CORRUPTION

While research into the root causes of contemporary forms of slavery first centred on poverty, unemployment, inequality and weak rule of law, which indeed all increase the vulnerability of children and adults to human trafficking, forced marriage and servitude, corruption is now widely acknowledged as “both an underlying root cause and a facilitating tool to carry out and sustain this illicit trade” (UN-GIFT, 2008, p. 2). Complicity with contemporary forms of slavery comes from both the public and the private sectors.

Corruption has been defined by Transparency International as the abuse of entrusted power for private gain, which can range from public officials accepting or requesting bribes, gifts or favours to politicians misusing public funds or granting contacts or jobs to their sponsors, friends or families (Transparency International, 2011).

UNDP views corruption as a major obstacle to human development (UNDP, 2008a) and achievement of the 2030 Agenda for Sustainable Development. Corruption strikes at the heart of democracy by corroding democratic institutions and the rule of law and destroying public trust in governments and leaders. While there is no universal definition of corruption, it is defined for the purposes of this study as the abuse of entrusted power for private gain through specific acts and types of corrupt conduct, such as extortion, bribery, money laundering, nepotism, trading in influence, illicit enrichment and clientelism.

According to the United Nations Convention against Corruption (UNCAC), a public official is “(i) any person holding a legislative, executive, administrative, or judicial office of a State Party (...)” or “(ii) any other person who performs a public function, including for a public agency or public enterprise, or provides a public service, as defined in the domestic law of the State Party” (UNCAC, 2003, p. 7). Some public officials are exposed to more corruption risks than others, but studies show that corruption related

to contemporary forms of slavery has been registered in virtually all official domains, including the judiciary, intelligence services, and high-level politicians. As such, contemporary forms of slavery could possibly involve all major forms of corruption such as bribery, money laundering, nepotism, trading-in-influence, illicit enrichment and clientelism depending on the context.

Contemporary forms of slavery are prevalent in environments where there are complex relationships between the public and the private sectors. Private sector corruption occurs when private institutions created for profit end up influencing political decisions and actions that lead to abuses of entrusted power such as paying bribes to obtain undue immigration documents or granting sexual services in exchange for turning a blind eye to brothels where trafficked individuals are exploited. Private sector corruption in contemporary forms of slavery often involves firms in the recruitment, travel, marriage, financial and other sectors that knowingly aid human traffickers by fabricating documents, failing to comply with regulations, or providing a cover for criminal organizations. Complicity by professionals such as lawyers, accountants, healthcare workers and others tends to receive little attention in the grand scheme of things but can be instrumental for trafficking operations and managing the illicit proceeds (Nelen and Lankhorst, 2008).

People working in financial services can also be complicit with contemporary forms of slavery – by action or omission – during the transactions associated with the different stages of the trafficking chain but especially in money laundering. “Laundering the proceeds of modern slavery and human trafficking is also a crime in most jurisdictions. But enforcement of that norm is weak [...] Some financial sector actors may be connected to modern slavery and human trafficking through their own operations, others through their business relationships” (Liechtenstein Initiative, 2019). At the same time, the literature shows that the financial sector has the potential to discourage contemporary forms of slavery through measures like providing

employees with more explicit guidelines to identify slavery red flags, something that usually results in more reporting of suspicious activity.

Information technology businesses also have a responsibility to disrupt trafficking networks and enable anti-trafficking strategies as certain online tools have allowed perpetrators to hide their identities and exploit victims in new ways.

**These new developments have important consequences on the response to human trafficking and can increase the difficulties to identify traffickers and bring them to justice [...] Efficient responses to technology-facilitated human trafficking cannot be developed unless the relevant stakeholders have a good understanding on how traffickers use technology for their own advantage. However, the same technology and the analysis and insight it brings might be used by illicit recruiters or corrupt government agents to identify and target workers making complaints (OSCE, 2020a, p. 51).**

Technology companies could indeed contribute to combatting contemporary forms of slavery by incorporating a human rights approach to the development and use of their tools, and by putting in place effective digital governance structures that prevent the abuse of technology in the facilitation of illicit practices.

Civil society organizations (CSOs) also play an important role in anti-slavery efforts through advocacy, research and investigation and by directly assisting affected individuals in the field (often by rescuing them and helping them reintegrate into society). However, in a few cases, traffickers have been known to exploit CSOs, either by bribing them to return individuals placed in their shelters to the traffickers or to misuse the public funds that had been granted to the CSOs to help victims recovering from contemporary forms of slavery (Nagle, 2017).

While this study focuses specifically on public sector corruption, corruption in other sectors will be mentioned where necessary.

Corruption very clearly plays an essential role in facilitating contemporary forms of slavery. For example, studies show that the **presence of higher levels of corruption – and even the perception of corruption – are correlated with higher levels of human trafficking** (Bales, 2005; IBA, 2016; OECD, 2016). Corruption results in a decline of government officials' compliance with anti-trafficking regulations, lower operating costs for human traffickers. This "undermine(s) the efforts by governments to investigate, prosecute, and convict traffickers" (DiRienzo, 2018; IBA, 2016; Jac-Kucharski, 2012). Some experts have described corruption as "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" (IBA, 2016, p. 5). Others have noted that organized trafficking could not take place if corruption did not "facilitate the illegal economy, just as transparency and the rule of law enable legal markets" (OECD, 2016). The UN's Office of the High Commissioner for Human Rights (OHCHR) has worked to ensure that staff employed in peacekeeping, peace building, civilian policing, and humanitarian and diplomatic missions do not engage in trafficking or become complicit with individuals or groups suspected of or actually engaged in trafficking (OHCHR, 2002).

### **Challenges and gaps in combatting corruption in contemporary forms of slavery**

Discussions in this field often conclude that combating corruption is an essential component of a comprehensive strategy to end human trafficking. Yet, combating corruption continues to be more of an afterthought than an essential component of anti-trafficking programmes, strategies and training curriculums. The OECD has noted that there is "no international instrument that comprehensively focuses on the important link between corruption and trafficking in persons and that aims at addressing both" (OECD, 2016, p. 42), even though many countries may be parties to conventions that separately address anti-trafficking and anti-corruption.

The United Nations Global Initiative to Fight Trafficking (UN-GIFT) has also pointed out that the international community "has not looked at how the two major international agreements can complement one another" and instead deal with the issues in isolation (UN-GIFT, 2008, p. 2). Transparency International has called to bridge the gap by bringing together anti-trafficking and anti-corruption within a single set of policy actions. "The numerous cases of public and private officials escaping charges or prosecution for their alleged complicity in human trafficking underscore the urgency of the task at hand" (Transparency International, 2011, p. 4). The OSCE and several authors have also discussed the need to address both issues jointly and provided suggestions about ways to do so, such as adopting provisions requiring monitoring of corruption in human trafficking. "The OSCE strongly advocates integrating anti-trafficking measures in all relevant policy areas, including anti-corruption, child protection, gender equality, labour, and migration" (OSCE, 2015, p. 13; Liberty Shared, 2018).

The legal instruments that could compel governments to adopt a joint approach to trafficking and corruption are the United Nations Convention Against Transnational Organized Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC). The parent instrument to the Palermo Protocol, UNTOC recognizes corruption as an integral element of organized crime and requires signatory countries to criminalize corruption beyond active and passive bribery (IBA, 2016). Additionally, the UNODC – as the entity mandated to implement both conventions – has said that obligations under the anti-corruption convention (UNCAC) must be taken into account in the implementation of UNTOC, the anti-organized crime convention (UNODC, 2004). Furthermore, legal analyses suggest that other laws, such as the United States Foreign Corrupt Practices Act (FCPA), are also relevant to human trafficking and can

be used to take action against commercial organizations and their employees that facilitate and contribute to contemporary forms of slavery in industry and business (Liberty Asia et al., 2016).

However, despite the above recommendations to integrate anti-corruption into anti-trafficking efforts, interviews with relevant stakeholders as well as a recent review by Liberty Shared suggest there has been “little progress in implementation of such recommendations” (Liberty Shared, 2018). Law enforcement officials who are aware of the serious role that corruption plays in contemporary forms of slavery often recognize that more work needs to be done. In the words of an Argentinian prosecutor specialized in contemporary forms of slavery, “Human trafficking networks, especially for sexual exploitation, cannot prosper without corruption. It is impossible. They always need public officials who can facilitate certain tasks and the people in charge of the investigations must internalize this” (Procuraduría de Investigaciones Administrativas, 2019). Argentina has investigated and convicted several public officials in the police, local governments, and the judiciary by combining anti-trafficking and anti-corruption efforts.

The lack of systematic data collection efforts about corruption in contemporary forms of slavery is deeply concerning. Data is necessary to ascertain the extent to which joint actions are taking place and/or whether any other action is effectively tackling the impunity of government officials aiding traffickers. The US Department of State’s Trafficking in Persons (TIP) Report is perhaps the most significant ongoing effort attempting to monitor whether governments in most of the world conduct investigations, prosecutions and convictions of trafficking-related corruption. The Victims of Trafficking and Violence Protection Act requires the Department of State to collect this information as an indicator of whether “serious and sustained efforts” are taking place to combat state officials’ participation in human trafficking in all human rights reporting.

A review of other international reports about contemporary forms of slavery show that the majority contain very little information about corruption or make no reference at all.

Existing knowledge about the linkages between corruption and contemporary forms of slavery comes mostly from academic, macro-level analyses seeking to establish correlations or causal links between the two issues. It also comes from field investigations conducted by civil society organizations and journalists documenting with more precision how exactly and through whom corruption operates within the trafficking chains. These investigations usually focus on specific regions and/or sectors and they do provide important pieces of the puzzle even though their conclusions are not necessarily generalizable. Occasional high-level reports by international organizations calling attention to the corruption-trafficking interplay also contribute to the literature.

Drawing from the sources above and interviews with stakeholders, it is useful to discuss in more detail what is known and not known about the linkages between

corruption and contemporary forms of slavery. The results of a literature review are briefly described below, followed by some open questions this study aims to explore.

## 2.3 GENDER DIMENSIONS OF CONTEMPORARY FORMS OF SLAVERY AND CORRUPTION

**“Contemporary forms of slavery and corruption both disproportionately impact women. Women and men are affected differently in each contemporary form of slavery (UN, 2018), as well as in different forms of corruption (UNDP and UNIFEM, 2010).”**

Most victims of contemporary forms of slavery in the world are women and girls, and the harm they suffer is generally more severe (ICAT, 2017). The abuse, especially in the cases of sexual slavery and forced marriage, usually involves not only brutal physical violence but also complex psychological processes intended to force them into complete submission to those who sell and buy them and whose repercussions can be comparable with those of torture (Burke et al., 2020). Additionally, trafficking is often due to actions perpetrated by their own families, often when they are still minors. At this young age, they do not know how to get help or do not always receive help even if they do. Domestic violence is also a factor – in some cases, women running away from violence in their homes can become victims of traffickers. In other cases, violent partners become traffickers themselves.

Corruption is also known to have the greatest ramifications among poor populations that include a higher proportion of women and girls (UNDP, 2008a; UNDP, 2012a; UNODC, 2019). Due to gender roles and stereotypes, women continue to be assigned most if not all unpaid work (domestic tasks and childcare), they suffer higher unemployment rates, receive lower wages, and have their land rights violated or go unrecognized. Such gendered disadvantages make women more dependent on public services (e.g. health, education, housing and water) for which they may even be forced to pay bribes, “which can be a larger percentage of their income compared to men, reinforcing the vicious cycle of poverty” (UNODC, 2019). Women are also more likely to be targeted for bribes and/or sexual acts in exchange for employment or the right to operate informal businesses, further impairing their ability to earn a living.

Despite the disproportionate harm that contemporary forms of slavery and corruption cause women, literature about the two issues has traditionally overlooked gender. It is only in recent years that the international community

and civil society organizations have started to explore how the gender dimension can be incorporated into anti-slavery and anti-corruption policy. However, more research is needed, including on how gender fits into corruption related to contemporary forms of slavery. Nonetheless, some literature already throws light on the societal dynamics that enable the enslavement of women and girls and allows complicit officials to benefit with impunity.

Discussions on combatting contemporary forms of slavery often explore whether curbing demand would be an effective way to tackle trafficking. Of course, without customers whose combined payments amount to billions of dollars every year, contemporary forms of slavery would not be such a profitable illicit trade (UNODC, 2019). Supply-chain compliance and awareness campaigns about products made with slave labour can, in some cases, help lower demand for forced labour, but efforts are more complex in the types of slavery that primarily exploit females. The demand for the services forcibly extracted from women and girls are forms of gender-based violence that continue to be prevalent in societies across the globe, originating in broader sociocultural, institutionalized conditions that have traditionally obligated women to provide sexual and domestic services with or without their consent and usually without the expectation of pay.

Patriarchal societies perpetuate “sociocultural practices and beliefs that normalize socially constructed gender differences that benefit men and oppress women.” (Burke et al., 2020, p. 452) Such societies exercise structural violence through institutions like government, education, family, religion, the economy and the media that not only place women in positions of vulnerability but also normalize, excuse and/or incentivize (physically and/or psychologically) violent or discriminatory behaviours by men. According to Burke et al. (2020, p. 453), “The aspect of this process that is most challenging is that when a way of being becomes ‘normalized,’ or taken as the status quo, it seems to be more difficult to interrupt for it is widely accepted as ‘the way things are’ or normative.”

Despite laws, awareness campaigns, and policies against the different types of gender-based violence in the few last decades, old mechanisms of control and exploitation such as the subordination and sexualization of women continue to be promoted and perpetuated by some of the most influential cultural institutions, helping perpetuate the vulnerability of women. Examples of such cultural institutions range from religious leaders calling women to “subject” themselves to their husbands and prioritize fulfilling their “domestic duty,” to pornographic depictions of men exercising acts of sexual violence and humiliation on women that are freely available online and consumed at increasingly younger ages.

In this context, in the case of sexual slavery, “the sexualization of women and women’s bodies, which can be considered as both a means of keeping women in a subordinate economic and social position and outcome of this subordination, fuels the commercial market for sex” (Burke et al., 2020, p. 453). For instance, literature shows pornography desensitizes viewers to sexual violence against women, which can help explain why many men who pay for sex are aware that the women are there against their will or

have watched the pimps beat them up and continue paying for their services (Durchslag et al. 2008, Kunaharan et al., 2017). “We can say with quantitative confidence the buyers do not care about the consensual or non-consensual status of the provider,” in the words of an anti-trafficking expert who has studied reviews men write in online forums after paying for prostitutes (Villareal, 2019). Some clients even admit to using violence themselves. Both the traffickers and clients use porn images to show women the acts they will be asked to perform or that will be performed on their bodies (Durchslag et al., 2008; Lillie, 2014; Sheridan, 2010).

Other contemporary forms of slavery that affect mostly women and girls can be similarly linked to the prevalence of cultural notions that devalue them. Until recent years, laws in many countries did not consider domestic work as actual work, so that forced domestic labour or domestic servitude, also recognized as a contemporary form of slavery, was not outlawed in these legal frameworks.

Even today in many countries, domestic workers do not enjoy the same protections granted to the employees of other sectors, exposing women to labour without contracts in unregulated workplaces and making them easier targets of domestic trafficking (ILO, 2013). Work traditionally assigned to women without pay, such as domestic tasks, continues to be devalued in many if not all societies, which not only has social and economic implications but is also reflected in the legal framework. While there has been progress in recent years in that forced domestic labour is now formally banned in many countries, it is a particularly difficult contemporary form of slavery to detect because – unlike in other sectors – no mechanisms have been created to periodically inspect domestic work sites and conditions. Furthermore, there is very little research on forced domestic labour in relation to other contemporary forms of slavery, despite its millions of victims.

Forced marriage is also rooted in societal conceptions about the value of women and girls. In countries where ultra-conservative customary laws continue to rule in practice, women are trapped in a cycle in which they are relegated to be unpaid domestic workers and, as a result, are then seen as an economic burden. To offset the burden, their families negotiate a price for marrying them off to the highest bidder at very early ages, condemning them to a life of forced sexual, domestic and reproductive service. In the case of China, a strong preference for giving birth to sons led to the systematic abortion of female foetuses and the creation of a society with 34 million more men than women. The deficit of women now fuels the demand for the trafficking of women and girls from neighbouring countries who are tricked or forced into marrying Chinese men.

In sum, as academic literature shows, **gender-based violence is a root cause of the vulnerability that makes women and girls targets of exploitation, but contemporary forms of slavery are also a kind of gender-based violence in many cases** (Burke et al., 2020).

The literature has also identified linkages between corruption and gender. Women and girls are disproportionately targeted across regions and sectors by corrupt male

officials seeking to extract not only financial bribes but also sexual acts (IAWJ, 2012). While sexual corruption is often associated with sexual trafficking, in reality, the demand for sexual bribes in the context of public services has been widely documented in many sectors.

**Many undocumented women migrants and refugees are coerced by officials into paying a double bribe – monetary and sexual – in exchange for food, water or shelter. Women may be threatened with arrest by police making similar demands, while others face sextortion while seeking to obtain land, a business permit, a work permit or public housing. Some students are denied a good mark if they fail to comply with their teachers' sexual demands (Feigenblatt, 2020, p. 2).**

Vulnerability is the reason many corrupt officials see women as easier targets. In Bangladesh, for example, a study showed that government officials tasked with processing payments (i.e. for sick pay or maternity leave) tended to target women because they “knew women were generally in a very weak position” (Solano, 2019, p. 103). Women in vulnerable situations may not have much money to pay bribes and often cannot afford the loss of access to healthcare, water, education and other basic survival services for their families. At the same time, they tend to be less aware of their rights and have less time to spend filing complaints. Even when they do, the literature suggests that corruption complaints are dismissed more frequently when filed by women, a tendency that some opinion surveys confirm (for example, in Latin America) (Feigenblatt, 2019; Solano, 2019).

For victims of contemporary forms of slavery to file corruption complaints, they would have to overcome the added challenge that traffickers normally manipulate them into believing that authorities are complicit. Even worse, in many cases officials are actually complicit. For example, in Trinidad and Tobago, a raid in a sports bar led to the arrest of a police officer who was helping keep about 50 trafficked women locked in the basement of the venue (Bassant, 2019). Corruption also limits women's access to justice. This can happen when their attempts to defend their rights (land rights, child custody, trafficking, domestic violence, or other cases) are derailed by members of law enforcement or the judiciary bribed to discard the cases or rule in certain ways. In many cases, the simple perception of corruption among authorities is sufficient for vulnerable individuals to refrain from filing complaints (Turquet et al., 2012).

Research also shows that a significant male presence in certain sectors can pose a higher risk of sexual corruption, such as in border control points or brothel raids. However, not much evidence exists of attempts to diversify the workforce to break down those networks, especially in relation to contemporary forms of slavery. In one case in the traffic police of Peru:

**An all-male traffic police force was replaced with women, which had a marked impact on systemic bribery schemes by breaking up well-established networks of male traffic police. What this may show is that disrupting the status quo of single-gender networks is probably more effective in fighting corruption, as they seem to be inherently more predisposed to corruption. Research also indicates that gender equality is an important tool to help prevent corruption (UNODC, 2019).**

However, it should be noted that diversifying the work force may be insufficient without incorporating appropriate measures to offset gendered biases that may affect related anti-corruption mechanisms. For example, one study found that the treatment of male whistle-blowers depended on their power in the organization, while for females:

**Their status as women overrode their status as powerful or powerless organization members... when they [women] blow the whistle about serious wrongdoing or about a higher-level wrongdoer, the whistle-blowing is even more at odds with the appropriate role for women, thereby causing them to be seen as deserving retaliation (Lipman, 2015, p. 72).**

If contemporary forms of slavery and corruption each have a disproportionate effect on women and girls compared with men and boys, then taken together they have a devastating impact — most enslaved people in the world are women and girls. Reversing course will not only require more effective strategies informed by more detailed research about gender factors as well as experimenting with different approaches in the field, but also addressing the societal power unbalances that fuel the demand for and tolerance of female enslavement.

## 2.4 LINKAGES BETWEEN CORRUPTION AND CONTEMPORARY FORMS OF SLAVERY: WHAT WE KNOW AND WHAT WE DON'T KNOW

### 2.4.1 What we know

An important part of the literature about the intersection between corruption and contemporary forms of slavery consists of quantitative analyses that examine correlations and/or the statistical significance of corruption as a predictive factor of various contemporary forms of slavery, such as human trafficking. Overall, the results lead to the same conclusion: **Corruption is intimately linked to contemporary forms of slavery, in some cases more so than other**

factors like poverty, unemployment, inequality or weak rule of law that often receive more attention in anti-slavery discussions.

In 2007, Bales, one of the early scholars to focus on the interaction of corruption with contemporary forms of slavery, attempted to measure the predictive power of each of the factors commonly associated with trafficking. He used a cross-country regression analysis with 76 variables and found that government corruption had more predictive power than factors like poverty, conflict and opportunity.

**This analysis suggests that reducing corruption should be the first and most effective way to reduce trafficking. In other words, potential traffickers need to understand that their government perceives trafficking as a crime and that they cannot bribe their way out of prosecution or through the border if they commit the crime (Bales, 2007, p. 276).**

Zhang and Pineda sought to evaluate the relative impact of poverty and official corruption on human trafficking to assess whether corruption was as significant a factor as poverty. They used descriptive and multivariate statistical analyses of data from the US Department of State Trafficking in Persons Report (TIP), the Transparency International, Corruption Perception Index and a composite

poverty indicator. They found that corruption showed the strongest correlation of all the variables examined. The result “suggests that although certain macro-level variables possess some explanatory power, corruption is probably the most important factor in explaining human trafficking” (Zhang and Pineda, 2008, p. 52).

To examine factors that determine compliance with anti-trafficking, Cho et al. (2014) developed an index that measured the three main policy dimensions of the Palermo Protocol (prosecution, protection and prevention, the three Ps or 3Ps) of 180 countries during the period 2000–2010. The three governmental anti-trafficking efforts involved in the 3Ps are: 1) prosecution of perpetrators of human trafficking; 2) prevention of human trafficking; and 3) protection of the victims of human trafficking. They found that “compliance with anti-trafficking policies significantly decreases with corruption” since “with rising corruption, both bureaucrats and government officials are less likely to enforce sound policies.” The authors conclude that a lower degree of corruption is thus likely to improve the effectiveness of policies against human trafficking (Cho et al., 2014, p. 443).

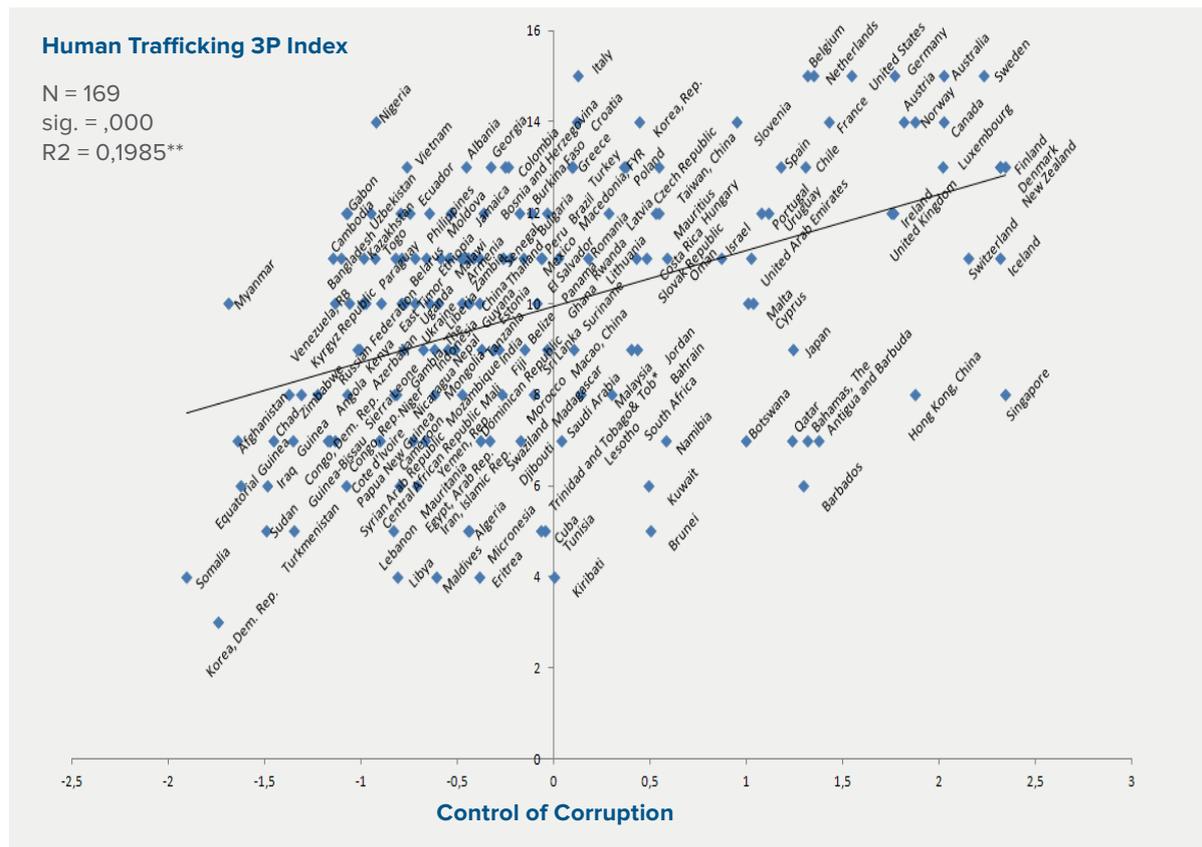
**Figure 1: Anti-Trafficking Policies (Aggregate 3Ps and Tier-ranking), 2002-2010**

Date	Instrument						
dependent variable,	2.038*** (12.41)	0.611*** (23.40)	0.754*** (32.93)	0.300*** (8.65)	0.503*** (7.05)	0.302*** (8.92)	0.513*** (7.19)
control of corruption	0.454*** (4.59)	0.110 (1.63)	0.098 (1.24)	0.982** (2.19)	0.333** (2.22)	0.827* (1.88)	0.391*** (4.30)
democracy	0.029*** (2.58)	0.025*** (3.42)	0.035*** (3.69)	-0.057* (1.68)	0.063*** (3.45)	-0.067* (1.97)	0.073*** (3.63)
women legislators	0.011* (1.90)	0.009** (2.25)	0.009* (1.88)	-0.013 (0.93)	0.016* (1.82)	-0.006 (0.44)	0.008 (0.98)
women economic rights	0.194* (1.93)	0.136** (2.44)	0.163** (2.39)	0.153* (1.76)	0.303*** (3.41)	0.141* (1.66)	0.250** (2.53)
international regime membership	0.122 (0.97)	0.063 (0.87)	0.092 (1.03)	0.125 (0.72)	0.086 (0.54)		
(log) GDP p.c.	-0.069 (1.22)	0.028 (0.72)	0.018 (0.35)	0.032 (0.10)	0.028 (0.29)		
US aid (percent of GDP)	0.003 (0.15)	0.011 (1.23)	0.010 (0.85)	-0.009 (0.53)	-0.002 (0.16)		
Method	oprobit	oprobit	OLS	OLS, fe	GMM	OLS, fe	GMM
Number of observations	924	947	947	947	947	988	988
Number of countries	144	145	145	145	145	150	150
Adj. R-Squared	0.54	0.31	0.76	0.27		0.26	
Number of instruments					60		57
Arellano-Bond test (Pr>z)					0.42		0.29
Hansen test (Prob>chi2)					0.62		0.67

Source: Cho et al. (2014)

Notes: The dependent variable is the U.S. State department tier ranking in column 1 and the aggregate 3P index in columns 2-7. Standard errors are clustered at the country level. A dummy for each year is included. Absolute z-statistics in parentheses; \* (\*\*, \*\*\*) indicates significance at 10 (5, 1) percent level.

**Figure 2:** Scores on World Bank Control of Corruption Index 2008 and Goettingen Anti- Trafficking Overall Index 2009



Source: Van Dijk and Klerx-Van Mierlo (2010).

Van Dijk and Klerx-Van Mierlo reviewed previous analyses of the impact of corruption on the implementation of global efforts against trafficking and replicated them using different measures of both corruption and anti-trafficking policies. They found statistically significant inverse correlations between indicators of corruption / perceived corruption and indicators of anti-trafficking implementation failure. “The results confirm the link between corruption among public officials and failures in the overall implementation of anti-trafficking policies” (Van Dijk and Klerx-Van Mierlo, 2010, p. 2). They noted the link may be particularly entrenched in some countries because of broader interconnectedness between high levels of corruption and organized crime activity.

Corruption is also known to lower the costs of trafficking by aiding in the sourcing of victims and protecting criminals from detection and prosecution, but not all types of corruption necessarily enable the trafficking of vulnerable individuals to the same extent. Some types of corruption may lead to a higher probability of trafficking than others.

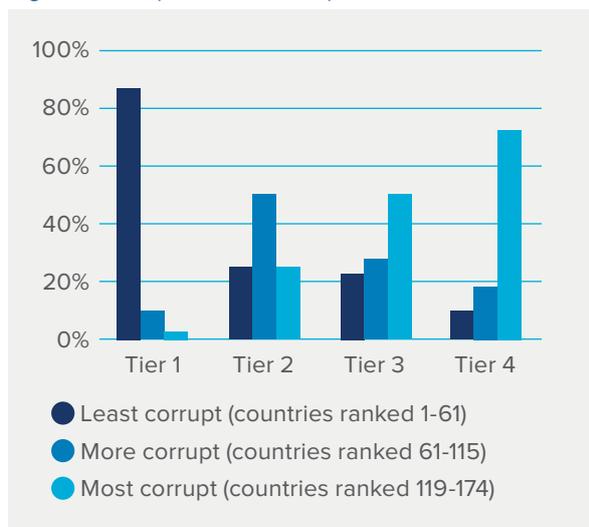
For instance, it is known that police corruption is highly instrumental to trafficking. Corruption such as that in the health and education sectors may also contribute to making some individuals more vulnerable to trafficking but does not enable trafficking to the extent that police corruption does. To explore this issue, Jonsson focused her analysis specifically on the relationship between police corruption and sex trafficking. Using data about police reliability and bribe-seeking among police officials (as proxies for police corruption) and data about sex trafficking

activity in 109 countries, “the results suggest that countries that experience more corruption within their police forces are more affected by trafficking outflow” (Jonsson, 2018, p.102).

Studnicka (2010) operationalized the concepts of corruption and human trafficking to examine interrelations using five sources of data about Brazil grouped by state and region for comparability and analysed them with descriptive statistics and multivariate techniques and found a linear relationship in which the increase of corrupt practices leads to an increase in trafficking occurrences. “The results of the regression analysis imply that, when corruption rates fall, THB (trafficking in human beings) rates are expected to drop accordingly. By lowering the overall rate of corruption and strengthening the integrity of public officials, the occurrence of THB will decline” (Studnicka, 2010, p. 43).

Correlations between the Transparency International Corruption Perceptions Index (CPI) and the United States Department of State TIP rankings over time have consistently produced the same results. Lyday (2001), Verité (2012), OECD (2016), and Liberty Shared (2017) all found that “high levels of perceived corruption go hand in hand with poorer responses to human trafficking issues” (Liberty Shared, 2017). Because contemporary forms of slavery is a broader concept than trafficking alone, Liberty Shared also compared CPI scores with the Global Slavery Index (a measurement of the proportion of a country’s population in conditions of contemporary forms of slavery) and the “comparison demonstrated a correlation between levels of perceived corruption and levels of modern slavery.”<sup>12</sup>

**Figure 3:** Countries that make the least effort to fight trafficking in persons are also those who tend to have high levels of perceived corruption



Tier 1: Countries whose governments fully comply with the Trafficking Victims Protection Act’s (TVPA) minimum standards.

Tier 2: Countries whose governments do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

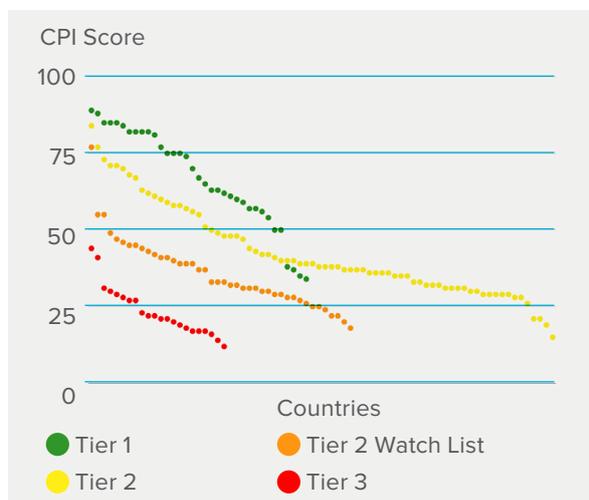
Tier 2 Watch List: Countries whose governments do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards and:

- The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing.
- There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
- The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

Tier 3: Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

Source: Author’s own calculations, based on information from Transparency International (2014), Corruption Perceptions Index 2014, Transparency International, Berlin, [http://files.transparency.org/content/download/1856/12434/file/2014\\_CPIBrochure\\_EN.pdf](http://files.transparency.org/content/download/1856/12434/file/2014_CPIBrochure_EN.pdf); US Department of State (2014), Trafficking in Persons Report June 2014, US Department of State, Washington, DC.

**Figure 4:** TIP rankings compared to Corruption Perceptions Index



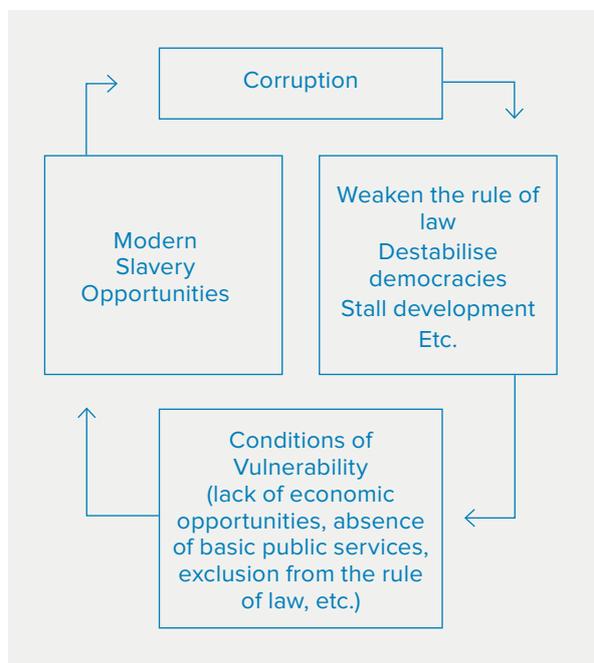
Source: Source: Liberty Shared (2018)

**Explaining the linkages between corruption and contemporary forms of slavery**

Quantitative analyses of data have identified relationships between corruption and contemporary forms of slavery. Qualitative approaches, on the other hand, have more often focused on explaining how and why corruption interacts with contemporary forms of slavery at a more granular level.

Corruption has been theorized to weaken the rule of law, destabilize democracies and stall development in many countries. Corruption is also a manifestation of weak governance systems. All of these problems lead to greater conditions of vulnerability (a lack of economic opportunities, an absence of basic public services and exclusion from the rule of law), thus increasing opportunities for and profits of various contemporary forms of slavery (Transparency International, 2011). Corruption also facilitates organized crime and produces the conditions of impunity necessary for traffickers to prey on vulnerable individuals at a large scale: assistance in recruiting, transporting (when needed) and exploiting the victims; low risk of being convicted or punished if caught; and access to the financial instruments necessary to hide profits (Di Rienzo, 2018). Therefore, **corruption is considered a root cause of contemporary forms of slavery, but it is also considered “a facilitating tool to carry out and sustain this illicit trade”** (UN-GIFT, 2008).

**Diagram 1:** Corruption as a root cause of contemporary forms of slavery



<sup>12</sup> Liberty Shared (2017) notes that the CPI and TIP datasets may be self-reinforcing in that the TIP Tiers already factor in corruption and a certain correlation is to be expected. It suggests the field would benefit from collecting richer, “sufficiently singular” data.

Corruption plays a crucial role as an operational enabler and facilitator of contemporary forms of slavery, as it is a pivotal factor in increasing profits and decreasing the risk of perpetrators being arrested, prosecuted and convicted. Some argue that without the assistance of corrupt officials, trafficking could not operate at the large scale it does today and would not be as prevalent or widespread (Holmes, 2009, PACO, 2002; Transparency International, 2011). In terms of incentives for the traffickers, “While income inequality within a country and poor protection of women’s rights are likely to produce a specific pool of victims, it is the reduction of operational costs for the trafficker that increases the number of individuals who are trafficked” (Jac-Kucharski, 2012). Indeed, Jac-Kucharski’s analyses show that factors related to operational costs, such as ease of land access to destination countries can be more determinant of human trafficking than poverty or income inequality in origin countries.

Transparency International has described human trafficking as a “high profit-low risk” venture in which corruption is determinant to maintain that equation. “This cost-benefit equation results because the perpetrators of the crime have sizable monetary gains compared to the limited risk of getting caught and being brought to trial.” The United Nations Global Initiative to Fight Human Trafficking has also stated that “corruption ensures that trafficking in persons remains a low-risk, high-profit crime. The prevalence and existing levels of corruption can well influence which routes the traffickers take, their modus operandi, and other trafficking patterns” (UN-GIFT, 2008). Cost-benefit calculations by traffickers seeking to maximize profits may help explain things like why they target for recruitment and/or kidnapping vulnerable individuals of one country more than another (Jonsson, 2018).

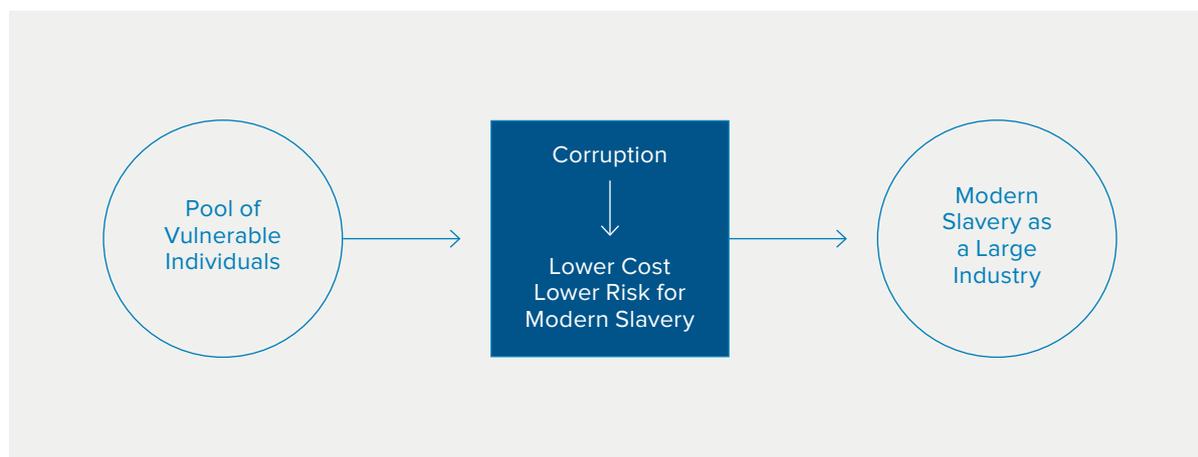
Due to corruption, anti-slavery and anti-trafficking policies may also yield unintended consequences. For instance, Rauscher and Willet argue that an economy may be “trapped in a locally stable high-corruption, high-slavery equilibrium” and that, without major changes in policies to move the economy out of that equilibrium, bans targeting contemporary forms of

slavery may simply lead to a leakage effect. In other words, interventions targeting the export industry may in some cases result in a raise of slavery-like incidences in the rest of the economy. Similarly, “increased punishment of forced labour may result in more corruption,” as traffickers may find it more profitable to bribe public servants than to cease operations or shift them to the local market (Rauscher and Willet, 2019).

Corruption may also be a key factor to explain why unintended consequences could arise when regulatory changes are implemented in areas like migration and prostitution. Holmes found that tighter border controls can exacerbate the situation of trafficked individuals who are forced to work to repay alleged debts to their traffickers. More controls can substantially increase the overall costs traffickers face and, “although they can in theory pass some of (the costs) on to customers, empirically we know that they also pass some on to trafficked persons. In short, the debt bondage situation for trafficked persons is exacerbated.

Regarding prostitution, Holmes (2009) finds that the decriminalization – in law and/or de facto – of the activity is usually followed by an increase in the scale of human trafficking. According to several studies, legalization tends to increase demand, making those markets more appealing to traffickers as “the numbers (of trafficking victims) seem to be strongly influenced by the demand” (EU Committee on Women, 2005; Holmes, 2009). For instance, a study of 150 countries shows that “on average, countries where prostitution is legal experience larger reported human trafficking inflows” (Cho et al., 2013). On the other hand, a study based on European countries found that “criminalizing procuring or going further and criminalizing buying and/or selling sex, may reduce the amount of trafficking to a country” (Jakobsson and Kotsadam, 2010). While in theory, traffickers could in some cases transition to legal operators, in practice, sexual slavery schemes can also allow them higher profits with even lower risk – as long as corruption makes it possible to keep such operations running (or, perhaps worse, because authorities assume legalization solved the trafficking problem and decide to shift their attention solely to brothel licensing

**Diagram 2:** Role of corruption in making contemporary forms of slavery a low-cost and low-risk activity

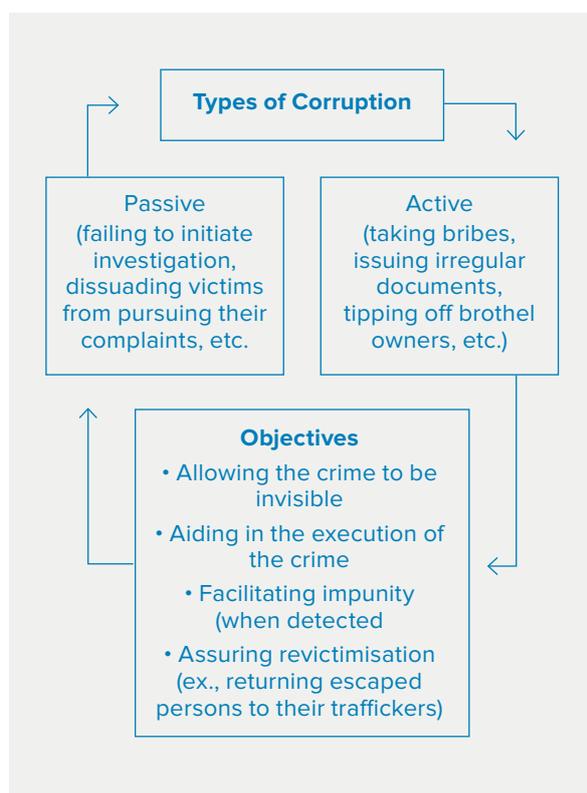


compliance (Huisman, 2014). Furthermore, there may not be enough women willing to enter that sector voluntarily in a market. Research has consistently linked entrance into prostitution with sexual violence by partners, relatives or pimps (Bagley and Young, 2009; PCAR, 2013).

Not unlike corruption in other fields, corrupt behaviours in contemporary forms of slavery also show a self-perpetuating cycle in which officials who become corrupt are also more vulnerable to extortion or blackmail. As a result, they may be more likely to continue aiding in the trafficking flow (Holmes, 2009). Additionally, corruption in many trafficking chains is not a one-time intervention. Depending on their location in the trafficking chain, corrupt officials can become accustomed to receiving monetary and other types of bribes – for example, sexual access to trafficking victims – on a regular basis. Bribes may come from the criminals to turn a blind eye or from the victims to avoid arrest or deportation.

At a more granular level, corruption in contemporary forms of slavery could be better explained and understood if we look at the issue according to the level of involvement by government employees: from passive (such as failing to initiate investigations or dissuading victims from pursuing their complaints) to active (such as taking bribes and issuing irregular immigration documents to tipping off brothel owners about upcoming raids) (OECD, 2016). It could also be explained by the objectives that corruption secures in the trafficking chain: 1) allowing the crime to be invisible, 2) aiding in the execution of the crime, 3) facilitating impunity

**Diagram 3:** Types and objectives of corruption in contemporary forms of slavery



when/if the case is detected, and 4) assuring the re-victimization of trafficked individuals (for example, by returning escaped persons to their traffickers) (Transparency International, 2011).

Another way to understand corruption is by identifying the functions it serves in each of the main phases of contemporary forms of slavery: 1) victim sourcing or recruitment, 2) transportation, transfer, harbouring or receipt (this does not necessarily imply crossing borders, as trafficking also occurs within the city and even the community where the trafficked person lives), and 3) exploitation (Transparency International, 2011). Some add a fourth phase: laundering the proceeds, which can also be aided by corruption (UN-GIFT, 2008).

The Council of Europe and UNODC have also separated corruption risks into three different chains: 1) trafficking chain, 2) the criminal justice chain (this includes, for example, prosecutors who demand sexual bribes to undertake a case or judges who accept bribes to let traffickers go), and 3) victim support and protection chain (known instances of corruption in this area include police and CSOs selling victims back to the traffickers).

The International Bar Association (IBA) identifies at least three modalities of public official corruption (IBA, 2016):

- 1 as traffickers, in which government employees are traffickers themselves, ranging from owning a brothel or offering sex with minors on the Internet to using their positions to force vulnerable individuals into sexual, labour or domestic slavery (this modality does not necessarily imply involvement with a trafficking ring, as they can run their own small-scale business);
- 2 as trafficking facilitators, when by action or omission they engage in one or more phases of the trafficking chain, typically recruiting and/or transporting victims, organising illegal departures or exits, returning escaped victims to their traffickers, or issuing false documents; and
- 3 as impunity facilitators, when officials obstruct the detection, investigation and prosecution of traffickers with methods such as ignoring trafficking red flags, refusal to register complaints, and issuing reduced punishments.

Field investigations by academics and civil society organizations as well as media reports and court cases document the different ways in which corruption intervenes in contemporary forms of slavery, including methods from marking passports, such as airport officials facilitating trafficking, or allowing recruitment agencies to continue operating after they have lost their licenses due to trafficking violations. Although various cases of corruption have been documented, a comprehensive study exploring the major systemic issues on corruption in contemporary forms of slavery does not exist.

## 2.4.2 What we don't know

As discussed, knowledge about how, where, when, through whom, the extent to which corruption intervenes in contemporary forms of slavery, and the level of impunity is still thin. **Answers to certain questions, if they are even asked, continue to be limited: Which types of corruption are more indispensable to enabling contemporary forms of slavery? Is tackling corruption in certain phases of the trafficking chain more strategic than in others? How much impact does corruption have on lowering perpetrators' costs? Which anti-corruption and/or anti-slavery controls have backfired? How does corruption disincentive compliance?** Furthermore, if there are any responses, they are often the result of theoretical risk-identification exercises rather than verified findings from systematic analyses of data about the actual behaviour and characteristics of corruption across regions and sectors.

The fact that corruption and contemporary forms of slavery involve multiple factors and that trends vary across countries and regions means that it is inherently difficult to develop consistent causal patterns (Zhang and Pineda, 2008). For example, activities that in some countries may require corruption may not in others, such as those where labour and/or human rights laws are more permissive. Similarly, while corruption may be indispensable in some types of contemporary forms of slavery, in others what drives official complicity may be cultural tolerance toward the exploitation of certain groups rather than direct or monetary self-gain.

**The lack of data about corruption and contemporary forms of slavery is a major obstacle to developing knowledge and policy guidance. Technical and political challenges to collecting data about both corruption and contemporary forms of slavery must be acknowledged.**

Technical challenges can include limited resources to investigate, misunderstandings about what contemporary forms of slavery are, and absence of specialized prosecutors or judges in many countries. Political ones range from governmental resistance to recognize

corruption cases (some faults are registered as less serious ones) to refusal to investigate allegations of trafficking-related corruption (Liberty Shared, 2018). The generalized lack of national and international requirements for authorities and countries to publicly report what efforts – if any – they are making against trafficking-related corruption only helps keep the nexus between corruption and contemporary forms of slavery in opacity.

Similarly, law enforcement and CSOs, service providers and others working on anti-slavery and anti-trafficking usually focus on the perpetrators and victims, and overlook the role of complicit officials, even when some of them may experience corruption first-hand. For example, a survey by Freedom Collaborative found that the majority of CSOs have directly seen corruption or heard accounts of corruption from those they work with in the field but only a minority of the incidents are recorded due to a lack of reporting channels and/or fear of retaliation (Freedom Collaborative, 2020).

Case studies and anecdotal evidence, particularly those based on field investigations, such as interviews with traffickers, victims and complicit public officials, have proved to be particularly valuable in documenting how corruption operates in different places and industries. However, they are insufficient to paint a comprehensive picture of these linkages – a picture that is important if we are to move from general observations to the operational knowledge required to formulate effective policies and strategies (Holmes, 2009; Jonsen, 2018).

Considering the knowledge gaps raised above, this study explores the following two questions:

- 1 To what extent are countries investigating, prosecuting and convicting corruption related to contemporary forms of slavery?
- 2 Given that contemporary forms of slavery are not homogeneous but rather a set of different practices that share some core common denominators (e.g. deprivation of freedom or exploitation), does corruption intervene differently within each of the main types of slavery-like practices? If so, how?

## 3

# ‘Follow the money’ approach to tackling trafficking-related corruption

## 3.1 INVESTIGATION, PROSECUTION AND CONVICTION OF TRAFFICKING-RELATED CORRUPTION

The extent to which countries investigate, prosecute and convict trafficking-related corruption indicates whether anti-trafficking policies and strategies around the world are succeeding. Are countries even attempting to tackle official complicity—the involvement and complicity of public officials that helps fuel the illicit trade of humans? If the argument that corruption is a root cause and enabler of trafficking is accepted, then integrating anti-corruption with anti-trafficking policies, strategies and programmes becomes necessary. Moreover, regularly monitoring the formulation, implementation and effectiveness of policies and strategies to tackle both trafficking and corruption is crucial.

However, this study found neither systematic monitoring mechanisms nor any hard data about investigations, prosecutions and convictions of trafficking-related corruption at the global level that could serve as indicators of the extent to which countries are tackling corruption in human trafficking.<sup>13</sup> The US Department of State’s Trafficking in Persons reports do provide some information on this element. Most international reports, however, focus solely on law enforcement and whether legal action was taken against traffickers (organized rings or individuals acting independently), and/or whether identified victims are receiving the support and protection international conventions prescribe. For example, Kendall (2011, p. 40) found that:

**A number of international reporting mechanisms focus on collecting both qualitative and quantitative data on**

**human trafficking. Many of these reporting mechanisms arise from international protocols and agreements. In summary [...] such reports routinely fail to mention the link between public corruption and human trafficking, and rarely, if ever, address the role of illegal enterprises in perpetuating that trafficking.**

Statistics usually indicate only the number of yearly prosecutions and convictions, without details about whether they include charges against public officials, the types of corruption, or the sectors where human trafficking is most often identified. Despite the progress over the last couple of decades in raising awareness and combatting trafficking, data from the past few years reveal that there is a record number of identified victims, but a declining trend in prosecutions. The number of convictions seems to have stalled and has prompted calls to end impunity (OSCE, 2020b).

<sup>13</sup> In the last few years, many countries have made progress and some civil society organisations, law firms, private companies, academics and other actors have been collecting trafficking data and have been using new technologies and methodologies to analyse and triangulate information, even if such information is imperfect and not necessarily focused on corruption.

Over the last ten years, the capacity of national authorities to track and assess patterns and flows of trafficking in persons has improved in many parts of the world. This is also due to a specific focus of the international community in developing standards for data collection. Capacity-building in data collection has become one of the aspects of counter trafficking activities that the international community considers for evidence-based responses. More countries are now also able to collect and record data and report on trafficking in persons, the capacity to collect official statistics on trafficking in persons at the national level has improved. In 2009, only 26 countries had an institution which systematically collected and disseminated data on trafficking cases, while by 2018, the number had risen to 65 (UNODC, 2018).

**Table 2:** Global trafficking: Prosecutions, convictions and victims identified

Year	Prosecutions	Convictions	Victims Identified
2013	9,460 (1,199)	5,776 (470)	44,758 (10,603)
2014	10,051 (418)	4,443 (216)	44,462 (11,438)
2015	19,127 (857)	6,615 (456)	77,823 (14,262)
2016	14,939 (1,038)	9,072 (717)	68,453 (17,465)
2017	17,471 (869)	7,135 (332)	96,960 (23,906)
2018	11,096 (457)	7,481 (259)	85,613 (11,009)
2019	11,841 (1,024)	9,548 (498)	118,932 (13,875)

Source: U.S. State Department's 2020 Trafficking in Persons Report.

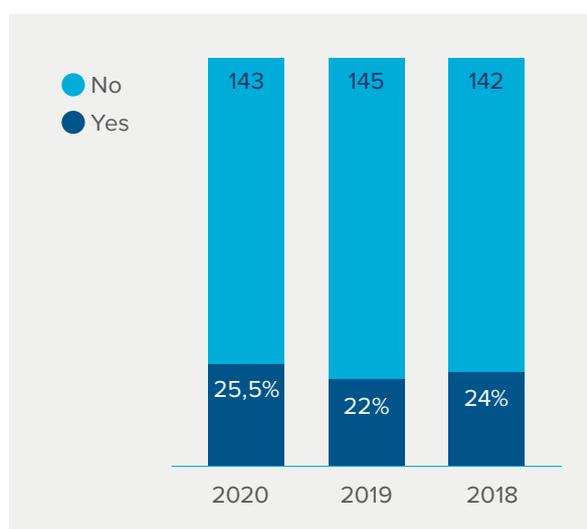
The most systematic data-gathering effort to track action against trafficking-related corruption at a global level is the annual Trafficking in Persons Report (TIP) from the United States Department of State. While the TIPs do not fully answer the question about the extent to which countries investigate, prosecute and convict trafficking-related corruption, they do provide a glimpse of the situation around the world and highlight why more detailed data is needed.

Countries annually inform the US Department of State of any action taken against corruption in the context of trafficking. That information is incorporated into the narrative portion of the TIP for each country. TIPs do not indicate the total number of countries that conducted investigations, prosecutions or convictions in a given year. Instead, that number, which amounts to between 186 and 188 per year, can be obtained by extracting it from individual country narratives from each of the TIP reports of the last few years. This data allows to determine how many countries undertook at least one form of anti-corruption action (investigation, prosecution or

conviction) and contrast it with how many countries did not report taking any such action.

The data extracted from the 2018, 2019, and 2020 TIP reports show that in each year only about a quarter of countries (41 to 48 out of 186 to 188) take some form of anti-corruption action in relation to human trafficking. In other words, each year, the majority of countries do not investigate, bring to court or convict official complicity with trafficking. Additionally, only 14 countries reported consistently taking some form of anti-corruption action every year during the three-year period, while 76 countries reported anti-corruption actions at least once during the three-year period (see Table 2).

**Table 3:** Countries with corruption investigations, prosecutions and convictions



Sources: US Department of State, 2018, 2019 and 2020.

**Table 4:** Countries reporting trafficking-related corruption (2017-2019)

<b>Every year (14)</b>	Argentina, Bahrain, Colombia, Costa Rica, Egypt, Indonesia, Kazakhstan, Palau, South Africa, Thailand, Timor-Leste, Trinidad and Tobago, Ukraine, United States
<b>At least once in three years (62)</b>	Afghanistan, Angola, Antigua and Barbuda, Aruba, Bhutan, Bulgaria, Burma, Cameroon, Dem. Rep. of Congo, Rep. of the Congo, Côte d'Ivoire, Curaçao, Cyprus, Dominican Rep., Ecuador, El Salvador, Eswatini, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, India, Iran, Iraq, Israel, Kenya, Rep. of Korea (South), Kosovo, Kuwait, Liberia, Libya, Lithuania, Macedonia, Malawi, Malaysia, Maldives, Mexico, Moldova, Morocco, Nepal, Netherlands, Nigeria, North Macedonia, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Portugal, Russia, Saudi Arabia, Serbia, Seychelles, Singapore, Sri Lanka, Sudan, Taiwan, Uganda, Uzbekistan, Zambia

Sources: US Department of State, 2018, 2019 and 2020.

### 3.2 LIMITS IN DATA COLLECTION AND REPORTING

Unfortunately, the TIP narratives do not always provide the exact number of investigations, prosecutions and convictions that occurred in each of the countries that reported them. This means it is not possible to estimate the exact number of each type of anti-corruption action taken (investigation, prosecution or conviction) per country or around the world. These data would allow to determine the number of trafficking prosecutions and convictions related to corruption, and the number of investigations opened about official complicity with contemporary forms of slavery (even if they did not result in prosecution). Nonetheless, a review of the TIP country-specific narratives suggests that corruption-related prosecutions and convictions are still minimal compared with the at least 11,096 prosecutions and at least 7,135 convictions registered annually around the world between 2017 and 2019.

Even in countries where corruption investigations and prosecutions did take place, the picture is far from encouraging. Some countries report the same cases year after year since they are stuck in court and thus are on-going. For example, in Costa Rica, the former mayor of a touristic city is still awaiting trial nine years after charges were filed against him for trafficking, rape and use of illicit drugs (see box below). In the meantime, he continues to work for the local government in a civil service position (Municipalidad de Quepos, 2020). Other countries do not charge such perpetrators under trafficking or corruption laws and instead use other laws that carry lesser penalties. In

the Netherlands, for instance, a deputy chief prosecutor was charged with sexual misconduct with a minor for soliciting sex from a child in sex trafficking and in 2019, he was sentenced to 10 months in prison (US Department of State, 2019). Sometimes, countries entirely circumvent criminal prosecution against public officials and use administrative punishments such as suspensions or transfers to other positions. For example, in 2017, Uzbekistan issued administrative fines to 14 officials (compared to 9 in 2016) for forced labour violations. Administrative sanctions were also used in the Andijon region, despite local authorities' promises to criminally prosecute complicit officials involved in the recruitment of teachers, students and workers of medical institutions. Administrative sanctions have been used in Thailand as well, but the country has more recently increased efforts against corruption, starting investigations against 20 officials in 2018, prosecuting 8 and achieving convictions for 5 – some with multi-year prison sentences (US Department of State, 2018).

In many countries, authorities refuse to even start investigations despite credible allegations of corruption. In Cambodia, authorities overlooked child forced labour in brick kilns and even “colluded with brick manufacturers to arrest, jail, and return indentured labourers who had attempted to escape,” while some prosecutors and judges were bribed for dismissal of charges, acquittals, and reduced sentencing in related cases. “Despite these trends, the government did not investigate, prosecute, or convict any government employees complicit in trafficking” (US Department of State, 2020). In South Africa, even with a specialized anti-trafficking structure in place, not all cases are investigated. CSOs “reported that some police and

#### NO JAIL FOR MAYOR PAID OVERTIME WHILE TRAFFICKING GIRLS

The mayor of a touristic town in Costa Rica used to claim overtime for working late hours during which his driver would take him and another local government employee to visit poor neighbourhoods. There, they would find vulnerable young girls, offer to take them shopping, and eventually coerce them into having sex with them and other men to whom they would pimp them out for US\$200 per hour.

According to prosecutors, those in the trafficking ring sometimes drugged the girls and raped them, all while using government cars, claiming per diems and getting paid overtime. They also allegedly used the girls to produce porn videos found on his work computer.

The politician was first arrested in late 2011, but he was out of jail the next day because the judge said there was no reason to believe he was a “flight risk” or represented a threat to the victims.

He was arrested again less than a month later when three girls under 15 years old reported him and two other people (a bar owner and a waitress) for sexual slavery. The same judge let him out again, this time claiming that pretrial detention only applies in “exceptional” situations.

In a case that illustrates how inefficient court processes fail to deliver timely justice to young trafficking victims, the trial was not set until late 2019. Thus, eight years later the victims were still waiting for resolution. However, when the day of the trial finally came, the prosecution pointed out that one of the three judges assigned to the case had been involved in a previous part of the process a couple of years earlier. He had to recuse from the case. By mid 2020, a new trial date had yet to be set. In the meantime, the former mayor continues working for the local government, now as director of the Legal Department where he oversees the legality of the municipality's deals.

border control officers received bribes from criminal syndicates; some police officers did not pursue traffickers out of fear of reprisals” (US Department of State, 2020). On the upside, the government and four CSOs started discussions about a procedure to submit delicate information and ensure protection for civil society whistle-blowers who were previously vulnerable to retaliation.

### 3.3 CHALLENGES IN ADDRESSING CORRUPTION

Some countries are reluctant to acknowledge the existence of corruption and/or corruption claims (US Department of State, 2020)<sup>14</sup>. In Bangladesh, police reported arresting a “law enforcement officer for allegedly forcing two 12-year-old girls into drug trafficking and exploiting them in commercial sex.” However, the government later denied the case ever took place. The government was also reluctant to acknowledge claims of police taking bribes to ignore trafficking in brothels, failing to check workers’ IDs, and procuring false documents for workers as young as 10 years old. Claims also include corruption among politicians and judges.

In developed countries, the outcomes of tackling human trafficking-related corruption cases have generated mixed results. For instance, the United States reported prosecuting complicit government agents in cases including two active-duty military officers charged with sex trafficking, a naval officer found guilty of sex trafficking, and a municipal law enforcement officer sentenced to 14 years in federal prison for sex trafficking involving two children. In Portugal, two national police officials were prosecuted for the exploitation of eight domestic workers but the judges acquitted them because of “lack of evidence”. In South Korea, a police officer was sentenced to six years in jail for leaking investigative information to the operators of a website advertising commercial sex acts, and the Korean National Police Agency fired 22 (of 30) police officers allegedly involved in leaking information on planned raids to a brothel operator. Despite these cases, the government did not open investigations into complicity with traffickers. Additionally, in the period from 2015 to 2019 more than 500 government officials (including police) were arrested for soliciting prostitution, but the cases were not screened for potential trafficking crimes.

Some countries have not reported investigating corruption even when important spikes in human trafficking have been documented. In 2017, in the UK, the National Crime Agency noticed a 35% increase in the number of trafficking victims, mostly from Albania. Organized criminal gangs from Albania are believed to run sophisticated operations in the UK and several countries in Western Europe, including “organized immigration crime and trafficking but also in drug smuggling, firearms trafficking, and often violent and serious organized crime” (OCCRP, 2018). If corruption plays a critical role in sustaining such a

high-scale, multi-country operation across time, then investigations into potential official complicity would be expected. However, no such investigations were reported in Europe for the 2018, 2019, and 2020 TIP reports. In fact, as OSCE notes, the prosecution rate of traffickers decreased in Europe between 2015 and 2018. “By all accounts, human traffickers operate with impunity and there is little resistance from the systems that are in place to bring them to justice” (OSCE, 2020).

Some developing countries have made important improvements, but the TIP reports also note that others have not achieved a trafficking conviction in years – whether or not corruption was involved – or have yet to obtain their first conviction. Several countries have even decreased law enforcement efforts in recent years. Additionally, not all countries have tools such as trafficking-focused information systems that would enable them to determine if cases would be better classified as trafficking-related corruption and/or as human trafficking according to international definitions.

In some cases, perpetrators may operate without the need to pay bribes. For instance, in places where forced marriage continues to occur, complicity across government institutions means anti-trafficking laws are not enforced and girls receive no help even when they desperately seek it.

Despite their limitations, the TIP reports encourage the development of a global, more systematic and granular trafficking-related corruption tracking system that would provide information about the extent to which countries are attempting to tackle corruption – or not. Such a system would also contribute to datasets about the linkages between corruption and contemporary forms of slavery and inform better policies and strategies. The TIP reports also suggest that datasets should be complemented by qualitative information that can help put the numbers into context.

The literature review and interviews conducted for this study suggest that there are many reasons, as discussed below, why corruption is often not investigated and why data about the cases is not systematically collected.

- **Lack of resources:** Law enforcement teams in many countries lack dedicated or specialized units to investigate human trafficking and must share personnel and resources with other high-demand types of crime such as homicides and drug trafficking. In some countries, investigators are even expected to use their personal income to fund trafficking investigations and to claim their expenses for reimbursement later. This clearly discourages investigation and is certainly beyond the means that many of them have available (US Department of State, 2018, 2019, 2020).

<sup>14</sup> Country examples and cases in this section are drawn from the TIP reports (US Department of State, 2018, 2019, 2020).

- **Political inconvenience:** Publicly acknowledging corruption within the very institutions entrusted with maintaining law and order can be politically inconvenient, both at the local and national level. Experts believe that this can lead authorities to use administrative sanctions instead of criminal prosecutions, or to prosecute complicit officials on lesser charges. Furthermore, the higher level at which the corruption occurs, the less likely it is that justice is served.

- **Lack of understanding:** In many countries, police, prosecutors and/or judges still do not fully understand the characteristics of trafficking or contemporary forms of slavery, and much less how corruption is involved. This lack of knowledge has been reported even in developed countries, such as Norway, where rule of law is strong (US Department of State, 2019). As a result, cases of forced labour, for example, may be processed as simple labour disputes, and forced marriage as domestic violence. In such circumstances, mild sanctions keep traffickers out of jail and investigations do not dig deeper into possible official complicity. Even worse, affected individuals may continue to remain under the control of their traffickers.

- **Judicial and legal corruption:** Many cases never see justice because corruption also exists within the very institutions entrusted to investigate and sanction trafficking-related corruption. The literature offers abundant accounts of flagrant corruption, such as prosecutors demanding bribes in exchange for proceeding with a case, law enforcement officials demanding sex from victims “in safety” (while they await to testify), and police closing cases for alleged “lack of evidence” without even taking victims’ and witnesses’ testimonies. Accounts also describe instances of corruption in court.

- **Disjointed approaches:** As previously noted, separate anti-trafficking and anti-corruption approaches have been adopted in many countries. Officials being dedicated to investigating trafficking does not mean they necessarily have an anti-corruption expertise. The TIP reports note that many countries continue to have training and awareness raising, but the content does not address corruption in trafficking. Furthermore, no international entity seems to have a mandate to monitor whether countries are integrating official complicity into anti-trafficking programmes.

- **Victims’ unwillingness to testify:** In many cases, individuals who have been trafficked want to move on with their lives rather than testify or engage in long legal processes, sometimes prompting prosecutors to pressure them by threatening to charge them if they do not cooperate (a practice that is generally criticized and illegal in many jurisdictions). There are several reasons for the reluctance to testify, including fear of retribution by organized criminals (this is even more problematic where judges tend to issue lenient sanctions in trafficking cases), avoiding re-victimization, and lack of incentive (even if perpetrators are convicted, the victims rarely get compensation for damages they have suffered).

- **Knowledge gaps:** Much is still unknown about patterns and flows of human trafficking, which happens in some parts of the world more than others. Another emerging concern is the new ways in which technology is being used to enslave people (UNODC, 2018). Even as knowledge emerges, sufficient resources to record and share data are not always available. As a result, understanding how corruption fits within contemporary forms of slavery is difficult when the larger schemes and dynamics that frame this illicit trade are unclear overall.

In terms of reporting, not all official complicity with trafficking are reported as “corruption” because in some cases, complicity could be influenced by the cultural context, including discrimination based on gender, ethnicity or socio-economic class. For instance, the domestic servitude of girls is a seemingly “normal” practice of live-in help in some contexts, and therefore officials may return an escaped girl to her relatives, even if they were the ones who “trafficked” her in the first place. Similarly, many officials reportedly avoid opening cases against or arresting the parents or guardians of children in situations of forced begging, since there may be no capacity to care for those children if the adults are taken away. In some instances, official complicity comes from a broader state failure. For example, people holding individuals in domestic servitude may not need to bribe anyone because there often is no one to bribe – as no system may be in place to regularly monitor and inspect such cases.

## SOMETIMES THE POLICE THEMSELVES ARE THE TRAFFICKING RING

When the police raided a sports bar in Trinidad and Tobago in 2019, they found about 50 women locked in rooms, some as young as 14, and a police officer. He and others would keep the women there “in storage” when not pimping them across the country, from rural areas to upscale neighbourhoods.

The crisis in Venezuela has pushed thousands of women to look for sources of income elsewhere and trafficking rings in Trinidad and Tobago use misleading ads to trick them into debt bondage.

An investigation by the Caribbean Investigative Journalism Network (CIJN) found that in one case a “police officer was the mastermind behind the human trafficking ring” that held a 19-year-old nursing student captive for almost six months.

In another case, a police officer used to rape and then force another woman to have sex with customers. “He collected and kept all of the money” (Bassant, 2019).

The Police Complaints Authority has confirmed that the number of complaints about police officers involved in contemporary forms of slavery has increased notoriously from previous years, but they have yet to convict any of them.

That market is dominated by an “entangled web of Asian criminal gangs and Trinidadian and Venezuelan traffickers who ferry victims” from Venezuela, just seven miles across water.

In 2019, the sinking of two boats smuggling people (most of whom drowned) and merchandise led to an investigation that led to the arrest of two soldiers on the Venezuelan side who helped export the girls, but the investigation was then blocked by the ruling party (Casey, 2019). On the other side of the water, Coast Guard and immigration officials were paid about \$100 for each woman allowed to enter, but investigations about the sunk boats do not seem to

have produced any results yet (Sheppard, 2020).

A bar owner who was paying for one of the girls who drowned continues to be in business as usual in Port of Spain. “One night in May, at the bar he runs in the capital, he flipped through pictures of underage Venezuelan girls on a cell phone, sent to him over the

messaging service WhatsApp.” He explained the arrangement, in a New York Times report. He pays a fee for the boatmen (who likely deal with the payments to the Coast Guard) and the Port of Spain police, and then takes the girls’ passports until they have paid him several times what he spent. In many cases, when the traffickers need to get rid of the women to make room for ‘fresh’ ones, they call the police to arrest and deport them (Bassant, 2019).

As he was explaining this, “police officers approached the owner in plain view of several Venezuelan women who worked under him and greeted him in front of a reporter. ‘These are my friends, I know them well,’ the owner said of the officers, smiling” (Casey, 2019).

Pierre Justine, a researcher who interviewed several traffickers in the Caribbean for a report commissioned by the Caricom (a group of 20 Caribbean countries), says he learned a lot about how they operate, but the most striking was that “they do not see human trafficking as a crime but just as another business activity.”

Asking about how they keep the women from attempting to escape, traffickers would often respond by comparing them with animals. “We treat these women like we are breaking a horse.”

Pierre Justine also spoke to some of the clients and found that they often know the girls are there against their will. “They don’t care. There is just no respect for women or their rights.”

## 4

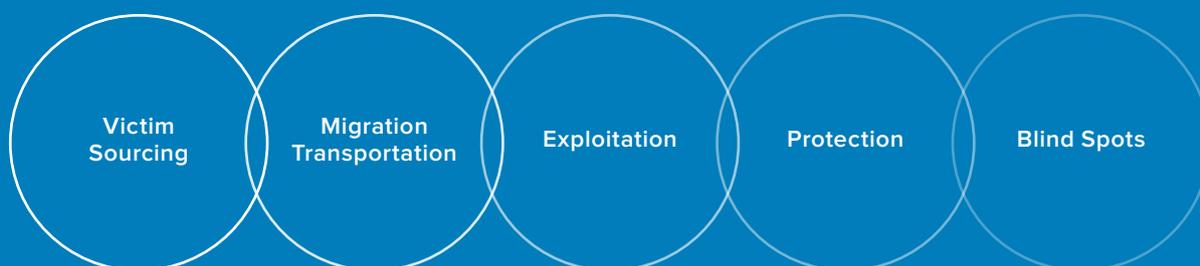
# Examining Corruption Across the Stages in Contemporary Forms of Slavery

As discussed in the chapter on definitions and terms, contemporary forms of slavery are a set of different practices that share some common denominators such as deprivation of freedom or exploitation. This chapter will consider the specific ways in which each type of corruption aids several contemporary form of slavery and to what extent.

To that end, this study conducted a literature review and expert interviews to examine the various stages involved in contemporary forms of slavery: victim

sourcing, migration or transportation and exploitation, also considering protection and blind spots. Several contemporary forms of slavery will be considered: **sexual slavery, forced labour, domestic forced labour, forced marriage and organ trafficking/forced surrogacy** (the latter two potentially involving corruption in healthcare). Differences across regions surely exist in definitions and realities of these contemporary forms of slavery. The objective of this categorization is to identify the different corruption paths dictated by each practice.

**Diagram 4:** Role of corruption in making contemporary forms of slavery a low-cost and low-risk activity



It is significant to note that “sextortion” (or sexual corruption) can occur at any stage of the contemporary forms of slavery, and takes place when three conditions are present: 1) public officials use the power entrusted in them for personal sexual benefits, 2) public officials demand or accept sexual benefits in exchange for something they are empowered to withhold or confer, and 3) public officials rely on coercive pressure and the imbalance of power between them and the victim to discourage the latter from resisting (IAWJ, 2012).

While sextortion has been recorded widely across all sectors of public administration and can happen to anyone, female undocumented migrants are particularly vulnerable. Traffickers and even family groups use women and girls as “bribes” to ensure larger groups are allowed through borders, particularly land borders. Women and girls have to first pay monetary bribes and then sexual ones. “For us men, we give them money, but for women it’s the double price,” witnesses recount in a report about corruption during forced and irregular migration. “They said, no, she has to sleep with them. Then the driver told the girl that this is normal, this is how they do it, you have to sleep with them. [...] We spent almost one hour waiting for the girl to come back” (Merkle et al., 2017). Sextortion can also occur before or after transit, as cases have also been registered in the issuance of visas and other travel documents.

## 4.1 SEXUAL SLAVERY

**Two thirds of the profits from contemporary forms of slavery are estimated to come from sexual exploitation, primarily of women and girls, and demand is believed to be growing.**

This suggests that criminals involved in sexual slavery have some of the largest budgets to incentivize corruption among public officials through monetary and/or sexual bribes. Studies suggest corruption paths in this sector could be organized in at least four stages of contemporary forms of slavery, as presented in Diagram 4.

### Sexual slavery: Victim sourcing

Perpetrators use several methods to identify, select and source their victims. Some methods involve the help of complicit public officials. The most documented examples of corruption in this stage are:

- **Recruitment agencies or firms that offer misleading jobs** to attract vulnerable individuals and later force them into sexual services through coercion, may target bureaucrats who will allow them to operate, sometimes even after their permits have been cancelled due to confirmed violations.
- **Criminal networks also rely on public sector individuals** who have easy access to young girls through their jobs. For example, a public high school coach in a small Venezuelan town used to identify female

students for trafficking networks to kidnap and export to the Caribbean (Interview with Pierre Justine, a researcher). In other cases, workers in youth shelters are paid to alert traffickers about girls in their care who could be groomed.

- **Criminal gangs are likely to require police and border control assistance** in kidnapping women and girls. Forms of complicity include police not investigating the reports of missing girls, and officials at the port of arrival letting them through (Interview with Pierre Justine, a researcher). Kidnapping can reduce costs for traffickers in places where awareness campaigns make it harder to mislead vulnerable individuals (as is the case in some Caribbean countries) and the risk of capture is low in nearby countries going through economic, social and institutional crises (such as Venezuela). Women and girls in sexual slavery are also often sold by one gang to another – of which complicit police are often aware – and have no agency over who they go with, where they are taken, or what services they will be forced to provide.

### Sexual slavery: Migratory process

When sexual slavery involves moving trafficked individuals from one country or region to another, corruption is often involved to secure travel documents and/or permits (such as undue work permits, visas or arranged marriages) and to cross the borders themselves (such as organising arrivals when complicit passport control officials are present or relying on corrupt officials to drive trafficked individuals over land borders). Examples of corruption during this stage include:

- **Officials in both destination and origin countries may be approached to secure documents illegally through corruption.** In destination countries, consular staff may be targeted for visas and labour authorities to issue work permits unduly. In origin countries, authorities may be contacted to facilitate illegal documents, for example with fake birth dates that make individuals appear older than they are. Additionally, lawyers in either country of origin or destination may produce certificates through fraudulent means such as arranging sham marriages, sometimes using the names of individuals whose identity documents have been stolen (Rusev, 2013).
- **Petty corruption or corruption linked to organized crime may facilitate border movement.** Petty corruption involves accepting small bribes and is more frequent in smaller towns where officials may be familiar with traffickers working in the area and/or willing to do “favours” for community members. In these cases, direct payments may be more common as officials and traffickers have more opportunities to develop relationships of trust (Rusev, 2013).

Where corruption linked to organized crime operates, large corrupt networks may be established, enabling the traffic of humans but also of illicit goods like cigarettes, drugs and weapons. Some of the “services” border officials have been known to provide include selling information, ignoring travel bans, letting through individuals carrying

someone else's passport, certifying false alibis and obstructing investigations. Payments through intermediaries are more common in such cases. Intermediaries are usually professionals such as criminal lawyers, interpreters and former police officers who develop contacts with both border officials and traffickers because of the nature of their work (Gounev, 2012).

Regardless of the type of corruption involved, the targeting of border officials will depend on factors that vary across countries and regions. Border control authorities with investigative powers are believed to be at higher risk of being targeted and the risk of detection at crossing points compels traffickers to offer bribes.

Understanding the intricacies of border-control corruption involves understanding the conditions of entry points, the political context in other countries which may be interconnected via trafficking corridors, the vulnerability (or resilience) of a given institution to corruption (which varies by country and even by crossing point), and the extent of penetration of organized criminal networks into public offices (Rusev, 2013).

- **Private sector companies in the transportation and travel business can also be complicit with human trafficking by action or omission.** Perpetrators may need to use services such as trains, boats, planes, and hotels to move their victims, but the literature does not yet show a very clear picture about the extent to which this involves complicity (even passive complicity, literally “looking the other way”), lack of protocols to screen red flags, or failure to implement protocols. For instance, in 2017, a lawsuit was filed against a motel in Philadelphia where a 14-year-old girl had been sold into sexual slavery and was forced to stay for days at a time. According to authorities, that was not the only case of child trafficking that took place in the same motel (Slobodzian, 2017). In Philadelphia, a 2014 law allows victims of sex traffickers to sue the hotels and motels where the abuse occurred.

On the upside, news reports show that training among airline and airport employees has led them to identify several victims and help rescue the affected individuals or stop them from joining the traffickers. Instances of corruption or omission can also happen in government-owned transportation companies. In India, in 2018, a train passenger informed authorities about a group of girls he thought could be in the process of being trafficked because some were crying and others looked upset. The tip led to the rescue of 26 girls between the ages of 10 and 14 and the arrest of two men. The case brings up the question, however, of why train and station employees missed signs that were notable to a passenger (Kalvapalle, 2018).

### **Sexual slavery: Exploitation**

Victims of sexual slavery can be found in businesses where prostitution is legal, such as brothels and strip clubs that operate formally, or they may be hidden in apartments, hotel rooms, “pop-up” brothels, basements of fine-dining restaurants, and even their own homes.

In addition, victims of sexual slavery can also be found on public display on pornographic websites, which allow perpetrators an additional avenue to monetize exploitation. Examples of corruption that help maintain sexual-slavery operations include the following:

- **Perpetrators may target city officials in charge of business or zoning permits to allow for the operation of brothels or venues that serve as a cover to conceal illegal activities through corruption.** Officials in charge of inspections may also be implicated in certifying that the businesses meet all expected requirements even when they do not. Where prostitution has been legalized, corruption may involve bribes of officials to grant permits and/or conduct inspections or verifications of license compliance or, alternatively, to turn a blind eye to illegal sexual trafficking occurring behind the veil of legality.
- **Corrupt police officers can invoke favouritism or be guilty of taking bribes or kickbacks for extortion, fixing of investigations/evidence, failing to report violations or protection of illegal activities, diversion of police resources and theft, internal payoffs or tipping off criminals ahead of police raids** (Roebuck and Barker, 1974; Rusev, 2013). Patterns or cultures of corruption have been used by some authors to propose typologies, some of which portray police corruption on a scale ranging from officials who act in isolation when “opportunities” arise to those who aggressively seek and exploit opportunities using the cover provided by a corrupt police body (Center for the Study of Democracy, 2013). Sex traffickers can benefit from any type of corrupt institution but because of the repeat nature of the sexual slavery business, it is unlikely that corruption can occur in a sustained way without the complicity of several members of the police force in a given area.

The most common type of corruption attributed to police is taking bribes from traffickers so they can exploit victims undisturbed. This occurs whether operations take place in brothels and clubs, in discreet locations such as apartments, under the cover of other businesses like massage parlours or even in bars and restaurants or the streets (even though traffickers today use the Internet and mobile tools and thus send victims less often into the streets than in the past) (Jonsson, 2018; Kara, 2010). Similarly, corrupt police may tip off traffickers when raids are about to take place and/or discourage victims from escaping or filing complaints by showing them that the police are working with their traffickers and can even arrest them. Some victims' accounts indicate quite fundamental acts on behalf of the police:

**They reported their situation to the local police department after escaping from a brothel in Malaysia. But Malaysian police arrested them instead of the traffickers. Some hours later, they were taken back to their old brothel with their owners” (Nguyen, 2020).**

For individuals from countries with high levels of police corruption, just the perception of corruption in the destination country may be enough to avoid authorities. Corrupt police officers are also known to directly add to the exploitation by demanding sexual access to trafficking victims as a form of bribe. In some cases, police officers even run their own trafficking operations or are active members of trafficking rings.

Police departments have sometimes claimed they decided to let traffickers exploit victims due to a range of political or reputational considerations. In the United Kingdom, for example, a police chief acknowledged that they were aware that gangs of Asian men were grooming young girls but they decided not to intervene to avoid “racial tension” (Elsom, 2020). In Vietnam, a police official explained that when the information is not clear they “save it in cabinets” rather than pursuing an investigation because such cases are time consuming and unlikely to succeed. “We don’t want to foster a bad attitude among the public regarding our duties, and [...] stop being successful in general because of these failures” (Nguyen, 2020).

- Traffickers are known to regularly pay for protection from the police in many places but, when that fails, **corruption in the judicial sector may help ensure that they do not have to engage in costly trials or face prison sentences.** Organized criminals may target prosecutors to dissuade them from filing charges and/or target judges to avoid conviction or long prison sentences. For example, a Moldovan attorney told a book author that traffickers offered bribes to both prosecutors and judges to requalify charges after an anti-trafficking law had been passed. This explained why more than half of the trafficking cases were reduced to charges of “pimping”, which allowed them to pay a fine and be released. In some cases, police officers and judges worked together. “There was a case of ex-police officers who trafficked tens of women to Dubai. When the case was brought before a judge, he dismissed it on the basis that the women

chose to work as prostitutes and ‘felt good’ being there. The prosecutors refiled the case with a different judge, but most of the victims disappeared” (Kara, 2010). In other cases, victims have reported that police and prosecutors demand bribes – monetary and/or sexual – to proceed with the cases.

### Sexual slavery: Protection

International instruments establish that those who have escaped trafficking must receive protection and help to rebuild their lives beyond the perpetrators’ reach. However, there are many examples of corruption occurring during this stage (OECD, 2016), including the following:

- **Law enforcement officials have been reported to demand sex from victims who are “in safety”** (while they await to testify on a case). For example, in Israel a police officer was reported to “have solicited sex from trafficking victims whom he was assigned to protect in a transition apartment while the victims waited to testify against their traffickers” (US Department of State, 2019).
- **Several cases of NGO complicity have been reported in protection services intended to help trafficked individuals, including some in which the organizations seem to have been set up with the explicit purpose of aiding traffickers.** Other cases involve irregular use of funds intended to support rescued victims. For example, auditors in the United States have found several cases of non-profit organizations that receive millions in government grants to provide shelter and attention to trafficked individuals but fail to provide evidence of how some of the funds are spent and/or they report expenses that are not allowed or are unreasonable. Other organizations received public funds but denied victims access to important services they had a right to receive, particularly sexual and reproductive health-care, due to the religious beliefs of those running the organizations. In other cases, large amounts of money were granted for the construction of shelters that were never built (Nagle, 2017).

**Table 5:** Sexual slavery: Examples of corruption in each stage

Stage	Corruption occurring in...	Examples
Victim Sourcing	Public administration (Permits and Licensing)	Bureaucrats allow recruitment firms to operate without permits and/or despite violations.
	Public service	Public officials in schools or shelters are bribed to identify potential victims.
	Border control and police	Complicity in not investigating kidnappings, turning a blind eye at borders.
Migration and/or transportation	Public administration (travel and identity documents)	Bureaucrats issue irregular travel documents or work permits. Lawyers, medics, and others may produce sham marriages or certifications.
	Border control	Border officials allow individuals to enter a country without documents, sell their information or obstruct investigations.
	Private Sector	Private companies or their employees are complicit by allowing traffickers to operate in hotels or trains.
Exploitation	Public administration (permits and licensing)	Officials in charge of business or zoning permits that allow for the operation of brothels or other venues that can serve as a cover.
	Police	Examples include bribery, kickbacks, extortion, fixing of investigations/evidence, failing to report violations, diversion of police resources, tipping off criminals ahead of police raids. In some cases, police are the traffickers themselves or cooperate with traffickers, such as by returning escaped victims to the them.
	Judiciary	Criminal networks most often target prosecutors and judges to avoid charges or to ensure impunity in legal processes.
Protection	Law enforcement	Some officials demand sex or other bribes from victims and/or witnesses in their care.
	CSOs	CSO workers may return escaped victims to their traffickers for a fee. Some organizations receive public funds to help victims but condition the help or use the funds for other purposes.

\* Sextortion can occur in all stages of sexual slavery. For example, officials can extort or accept sexual favours in exchange for something they are empowered to confer.

### Sexual slavery: Blind spots

Progress in training law enforcement and justice operators about the linkages between contemporary forms of slavery and corruption has not been sufficient to overcome blind spots that cover up illegal acts or create an excuse for making decisions favourable to perpetrators or for not intervening at all. All of this creates further risks of corruption.

For example, in many countries, **there is a lack of clarity within law enforcement agencies and the judiciary on the conditions and dynamics that make up slavery-like practices.** This leads to confusion between consent and exploitation, prostitution and human trafficking that can often mean the difference between the arrest of the victim or the trafficker. The brutal violence and/or psychological manipulation that criminal gangs exercise over women and girls have been widely

documented around the world and serve the goal of achieving complete domination over their victims. For example, gangs aim to make trafficked individuals see their situation as so hopeless that victims do not attempt to escape. Traffickers are able to routinely put victims into a cab, have the victims perform a service in a hotel and bring back the money without attempting to escape (Interview with Pierre Justine, a researcher). This highlights the importance of deeper understanding by law enforcement about the positions of vulnerability in trafficking victims.

This is possible in part due to trauma bonding, which occurs when repeated trauma and psychological coercion makes victims “disconnect” from themselves and expect structure from traffickers. They then accept any act of “kindness” from the traffickers with gratitude and attachment in order to survive (US Department of

State, 2020). However, to uninformed observers, these behaviours in trafficking victims<sup>15</sup> may simply appear to be “consent.” The same has been noted with regard to trafficked women who do not identify themselves as trafficking “victims”. As a Latin American prosecutor explains for the case of Argentina, many girls are given away by their own families to trafficking rings for sexual exploitation and returning them home may mean not only abuse and further exploitation but also extreme poverty (seen in housing structures with soil floors or a lack of drinking water). In those cases, trafficking may appear to be an improvement of sorts, which explains why some “victims” may not look pleased when authorities “rescue” them (Díaz and Solano, 2019). However, complicit authorities can also leverage these misunderstandings to cover for decisions actually motivated by corruption.

**Other blind spots originate in regulatory gaps or failures that, depending on the jurisdiction, may allow perpetrators to operate partly or completely under the guise of legality or even without the need to pay bribes** – at least until regulations are tightened and traffickers find new ways to violate them. In sexual slavery, emerging blind spots include pornographic videos and legalized sex markets.

In recent times, **perpetrators not only exploit their victims by selling them to one client at a time but also by monetizing them at mass scale by using them to create pornographic videos and posting them online** (UNODC, 2018). The tech companies behind online pornography are rarely held responsible for the materials posted (even though they may monetize it) and many operate without reliable age and consent verification. This has attracted perpetrators and allowed videos of the rape and sexual abuse of adults and children alike to flourish without much intervention from authorities (Grant, 2020; Interviews with Laila Mickelwait and Pierre Justine). A 2018 law in the United States established that victims of sex trafficking can seek civil remedy against the websites that facilitated their victimization, but this would require victims to have both freedom and the economic means to fight giant technology companies in court. As some observers have noted, posting a video without having the proper rights can have more legal consequences than posting a video of the rape and sexual exploitation of victims, which points to a gap in the human rights framework as applicable to technology. In 2019, US federal authorities brought up trafficking charges against two pornographic producers<sup>16</sup> and the ruling could potentially pave the way for justice for victims of trafficking rings (Hassan and Van Syckle, 2019).

In the case of prostitution, several studies show that legalizing the sex trade increases demand and attracts traffickers (Holmes, 2009). This supposition needs to be examined further, without disregarding the fact that trafficking and prostitution are not to be conflated and understanding that poorly designed anti-slavery measures can worsen the conditions that prostitutes can be subjected to. A cross-national study in Jakobsson and Kotsadam (2010, p. 1), shows that:

**trafficking of persons for commercial sexual exploitation is least prevalent in countries where prostitution is illegal, most prevalent in countries where prostitution is legalized, and in between in those countries where prostitution is legal but procuring it illegal. Case studies of countries that have changed legal frameworks confirm the direction of causality as well as the causal mechanisms. The results suggest that criminalizing buying and/or selling sex will reduce the amount of trafficking to a country.**

In the Netherlands, for instance, a study suggests that because regulations focus on brothel owners rather than the relationship between pimps and prostitutes, monitoring the compliance of licensing conditions does not create levels of transparency that would enable sex trafficking to be exposed. As a result, perpetrators can continue to exploit victims through coercion and outright violence but under the façade of legality, while authorities focus on checking licences (Huisman and Kleesmans, 2014).<sup>17</sup>

## 4.2 FORCED LABOUR

The ILO estimates that roughly 16 million people (57% of them women) are in forced labour and, among them, about half are in debt bondage situations in which personal debts are used to force them to work for little or no pay. Individuals exploited this way do not normally have much or any control over what the traffickers add or deduct from the debts, and added fees are known to be excessive, increasing the debt over time.

Abuse associated with forced labour can include coercion to prevent them from leaving, withheld wages, threats of non-payment, threats of violence or actual

<sup>15</sup> This discussion refers to trafficking victims and should not be read as making broad inferences about people participating in prostitution markets.

<sup>16</sup> Sex trafficking charges were filed against owners and employees of two pornographic websites claiming they coerced several women to engage in sex videos that were posted on the internet. It should be noted the main business of the producers is porn, unlike trafficking networks for whom porn is just one part of the exploitation.

<sup>17</sup> Those who support legal prostitution correctly warn against the conflation of sex work with human trafficking. The difference between the two perspectives is often a matter of a public debate whose examination is beyond the scope of this study. However, it should be noted that the evidence shows, on the one hand, that the legalization of the sex trade leads to more trafficking, and, on the other, that poorly targeted anti-trafficking regulation can also help perpetuate the precarious conditions prostitutes are subjected to (SexSWIFA, 2020).

physical violence against them or their families, and sexual violence (especially in the case of female workers). In some cases, particularly in societies where bonded debt has traditionally been passed from parents to children, it is not uncommon to see minors of primary school age become bonded workers (Than-gavel, 2020).

“The largest share of adults who were in forced labour were domestic workers (24 per cent). This was followed by construction (18 per cent), manufacturing (15 per cent), and agriculture and fishing (11 per cent) sectors” (ILO, 2017a). This section focuses on the latter types of forced labour, while forced domestic work is discussed separately in the following section because the conditions in which it occurs have different implications from a corruption standpoint. Even though construction, manufacturing and the mining, fishing and agriculture industries have important differences, they tend to be regulated by roughly the same institutional regulatory structure.

### Forced labour: Victim sourcing

As described in Section 4.1 in the case of sexual slavery, perpetrators use several identification methods and often find and select victims with the active or passive help of public officials.

- **Some recruitment agencies or firms that offer misleading jobs to attract and later entrap vulnerable individuals stay in business by targeting bureaucrats who have the power to shut them down or impose fines.** Plant or factory owners may also work without intermediaries to recruit economically vulnerable individuals in using loans or advance payments, with repayment conditions that constitute forced labour, such as prohibition to leave work premises. These offerings are usually well known among those in the communities where they happen and can only continue across time if labour inspectors, often in complicity with police and other local authorities, fail to act against that type of recruiting strategy.

### Forced labour: Migratory process

When forced labour involves migration, the types of corruption associated with it are similar to those described in Section 4.1 for sexual slavery, but the extent of the corruption risks may be greater due to the more complex regulatory environment that perpetrators must navigate to be in business.

- The “myriad official approvals, documents, and associated fees – foreign worker quotas, job order attestations, exit and guest worker visas, medical certifications, police clearances, work permits etc. – required to deploy a migrant worker from one country to another” (The Freedom Fund and Verité, 2016) is a complex and lengthy process. **Because much of the cost associated with that paperwork and corresponding bribes are passed down to the migrant workers in the form of excessive and/or illegal fees, corruption becomes “a significant contributing element to migrant worker vulnerability to debt bondage, human trafficking, and forced labour.”** In some cases, by the time aspiring workers arrive at the intended destination, the debts

they incurred along the way change their status from being smuggled across borders to being trafficked directly into forced labour (UNODC, 2017).

- **The presence of foreign workers in a given market expands the pool of vulnerable individuals from whom complicit officials (in the police and/or immigration sector, depending on each country’s regulations) can extract bribes to avoid arrest and/or deportation.** Corruption in these industries also creates risks for companies under origin and destination countries’ laws and anti-corruption frameworks. The US Foreign Corrupt Practices Act (FCPA), the UK Bribery Act (UKBA), and others establish that multinationals can be liable for the acts of their foreign subsidiaries, franchisees, joint venture entities, and suppliers using third party agencies (The Freedom Fund and Verité, 2016; IBA, 2016).

Corruption in this phase creates a vicious cycle in which corruption feeds its own increase. One of few studies that used a “follow-the-money” approach, investigated corruption in several migrant corridors and found that the types of corruption may be similar in nature but that there are significant differences across territories. For example,

**In the Nepal-Qatar corridor, heavy visa documentation requirements and the distance between countries combine to encourage frequent visa fraud, both with and without migrants’ cooperation. In contrast, in Myanmar and Thailand, fluid borders and a large network of unregistered PRAs (private recruitment agencies) result in easy undocumented migration, but with high levels of bribes to officials along the way. In Malaysia, a disadvantageous legal context placed heavy financial burdens on workers upon arrival (The Freedom Fund and Verité, 2016).**

The network of quasi-legal intermediaries and broker sub-contractors that flourishes in such contexts adds to costs and varies from place to place. This type of more granular and context-specific knowledge is important to draft more targeted policies and strategies and minimize the risk of unwanted or unexpected results.

### Forced labour: Exploitation

Forced labour exploitation relies upon corruption in public administration, police and the judiciary as much as sexual exploitation does. However, perpetrators of forced labour tend to work in formal environments or those more difficult to conceal (for example, a mine or a factory cannot disguise location or operating status). This makes them more visible to authorities and the community and also subjects them to more regulatory conditions. In order to achieve the appearance of meeting all requirements and/or to prompt officials to turn a blind

eye, traffickers need to weave networks of complicit government employees across regulatory and enforcement institutions at high and low levels. The nature of each industry in addition to cultural factors in the markets where they operate may also shape these arrangements. The following are some examples of corruption in this stage:

- Some factories regularly use bonded labour and prohibit workers from leaving the premises until they pay off their debts, despite bans on such practices. Far from occurring in secrecy, these arrangements are usually known among residents in the communities where they operate. **Administrative or police officials may act jointly to ignore claims and sometimes may even take action against those who attempt to complain.**

In India, where thousands of workers are estimated to be in bonded labour in different business sectors, a man working at a mill was required to live with his family in a house within the premises. They were not allowed to leave the house until the debt was paid off. One day, when the parents needed to do something outside the plant, they were forced to leave their two daughters as collateral and came back to find that their six-year-old had died electrocuted after touching a fence while playing. Taking the girl's body out of the plant required the help of a local NGO dedicated to rescuing children in bonded labour. "The mill owner came to the spot and fought with us and picked our camera and car key and locked the door. He also called a few owners over the phone and nearly 50 mill owners came to the spot and threatened us," the NGO director explained (Thangavel, 2020). When the family and NGO asked the district administration to intervene, officials refused to register the case as bonded labour. Instead, the police filed paperwork classifying the case as parental negligence. Five years later, and only after the intervention of a human rights organization, the couple were officially recognized as victims of bonded labour and granted compensation (Reuters, 2019). As the NGO director explains, in some cases it is not only corruption but also racial identity that drives official complicity. As authorities and mill owners are often from the same castes, they may be more inclined to support fellow caste members over bonded workers who are typically from other castes.

- **In industries with transnational supply chains, border-control complicity may go beyond just migration in conjunction with administrative officials to keep workers locked up and out of sight in different points of the production chain.** For instance, in the fishing sector in Southeast Asia, investigations by the Environmental Justice Foundation (EJF) show that corruption is organized at multiple levels: trafficking syndicates bribe immigration officials to allow undocumented workers into the country, then pay local police officers to work as security guards (to keep crewmembers out of sight of authorities in the different seaports), and to avoid or delay investigations of abuse within fisheries by colluding with regional law enforcement (EJF, 2013, 2015). Additionally, "high-level officials have reportedly accepted bribes from vessels to pass inspections and issue valid fishing permits in their waters," as well as enabled fraudulent practices such as flag

hopping and buying multiple boat registries (UNODC, 2017). In addition to using forced labour, according to witnesses, these fisheries often also commit other crimes such as extreme violence, including torture and murder, and laundering illegally caught fish. In the words of one onlooker, "they would torture and murder the fishers then throw them into the sea. They abused the crew in many ways – beating, hitting and killing out on the ocean. I witnessed murder with my own eyes" (EJF, 2015). Multiple reports about corruption in fisheries describe sustained impunity across time (EJF, 2013; IOM, 2016).

- **Labour inspectors are meant to exercise oversight in worksites but this function can be compromised in countries with high levels of corruption, not just because of direct bribes to individual inspectors but also because higher political or administrative levels may not provide inspectors in some regions with the resources necessary to do their jobs.** For instance, numerous reports describe forced labour – including of children – in coffee plantations in Guatemala, but few claims are ever filed or brought to court (Milne, 2020; Verité, 2016). In some cases, labour inspectors (whose wages are low) are known to be susceptible to skip inspections or to hide the list of authorized labour brokers. Furthermore, workers do not necessarily trust labour inspectors. Some employers even intimate workers by threatening to call labour inspectors. Labour inspectors who do try to do their job often face a mountain of obstacles. In some areas, there may be as little as four inspectors in charge of both inspections and conciliations for every 286,000 inhabitants. Sometimes they have to pay for their own gas to reach very remote farms, where they fear violence. One inspector was threatened with a gun, and another was told to leave by armed men on horseback when he attempted to meet with a worker who wanted to file a complaint (Verité, 2016).
- With the emergence of growing public awareness about slavery, certifications of slavery-free products have gained popularity among consumers who are willing to pay an extra US\$1 or US\$2 per purchase to help discourage forced labour (Brown, 2016; Teixeira, 2019). However, **corrupt producers sometimes find ways to benefit from those certifications while still using slave work, casting doubt about the credibility of the verifying organizations.** In 2019 in Brazil, a Thomson Reuters Foundation investigation found that "coffee produced by forced labour was stamped slavery-free by top certification schemes and sold at a premium to major brands such as Starbucks and Nespresso" (Teixeira, 2019). At least ten farms certified by the Rainforest Alliance or Certifica Minas were identified as committing violations, raising questions about the effectiveness of the labelling system. "Certifiers know that there are big problems with non-compliance in certified supply chains [...] Consumers believe that when they pay US\$2 more for certified coffee, that money is being handed to workers when there is very little actual evidence that is the case," a politics professor who has studied labour conditions at certified tea plantations in India told the Thomson Reuters Foundation. One of the certifiers, the Rainforest

Alliance, said it was considering changing its system and making more sudden visits to plants, while a Brazilian government-owned certifier was monitoring the cases exposed by labour prosecutors (Teixeira, 2019).

### Forced labour: Protection

No literature was found that suggests corruption at this

stage is particularly different for forced labour than for sexual slavery. However, one could argue that sextortion is less likely to occur because there is a higher percentage of male victims in forced labour than in other contemporary forms of slavery – 42.4 percent of victims of forced labour are male versus only 1 percent of victims in sexual slavery (ILO, 2014).

**Table 6:** Forced labour: Examples of corruption in each stage

Stage	Corruption in...	Examples
Victim Sourcing	Public administration (Permits and Licensing)	Labour inspectors and other local authorities disregard complaints and/or issue permits despite well-known forced labour cases in the community.
Migration and/or transportation	Public administration (Foreign labour documentation)	Bribes are required to issue a long list of documents (foreign worker quotas, job order attestations, exit and guest worker visas, medical certifications, police clearances or work permits) needed to deploy a migrant worker from one country to another.
	Law enforcement	Officials from different agencies with power over foreign individuals (which range from country to country) demand bribes in exchange for not arresting them or not deporting them.
Exploitation	Public administration and police	Bureaucrats and police collude in disregarding complaints or threatening victims with arrest, particularly in smaller towns where they are friends of the owners of workplaces that use forced labour.
	Border control and police	Trafficking syndicates bribe immigration officials to allow undocumented workers, then pay local police officers to work as security guards to keep crewmembers out of sight of authorities in seaports or factories.
	Labour inspection	Traffickers bribe individual inspectors and/or higher political or administrative levels so they fail to provide inspectors with the resources necessary to do their jobs.
	Private sector	Some companies that issue slavery-free certifications for products have been questioned due to failures in their inspections or lack of transparency.

### Forced labour: Blind spots

While supply chain transparency and compliance initiatives have gained traction in the last few years and slavery-free product certifications have emerged (such as those described above for coffee), in many places it is still possible to import goods and products made by forced labourers. According to Rauscher and Willet (2019, p. 3), forced labour is to a large extent a transnational problem. “In contrast to other illegal activities like the trade in drugs, counterfeit goods, or wildlife contraband, products generated by illicit labour are not prohibited per se,” even if forced work is illegal.

In 2016, the US Congress closed a loophole that allowed products made with forced labour to be imported when the demand could not be met by local production (Grodén, 2016). But if such regulations become normalized across the world, new corruption risks may

likely emerge, particularly in those countries where the prevalence of corruption is already high.

## 4.3 FORCED DOMESTIC LABOUR

The largest share of adults in forced labour are in forced domestic labour or domestic servitude, which primarily affects women and girls. Workers in this contemporary form of slavery face exploitation that often includes: double shifts, being on call 24 hours a day to work at a moment’s notice, having their passports taken, prohibition to leave the residence where they work, denial of needed medical attention, physical and sometimes sexual abuse, insufficient access to food, threats of arrest or deportation and withholding of wages or no wages at all. In some cases, the abuse is

so extreme that they die in the homes where they work. Examples of corruption in support of forced domestic labour are as follows:

#### Forced domestic labour: Victim sourcing

- **Recruitment firms are often involved in forced domestic labour. In some cases, the agencies are owned by or affiliated with high-level government officials.** In Cambodia, for example, brokers bribe officials to avoid delays in obtaining documents such as passports and/or to ensure they will issue passports for minors as young as 12 or 13 years old without asking questions. Human Rights Watch conducted interviews among girls 15 to 18 years old, which revealed that many did not have to answer any questions at all when they obtained their passports. “A few large recruitment agencies are either owned by or affiliated to powerful government officials. Such close affiliation with powerful officials makes it difficult for labour inspectors, police, or other officials to conduct proper investigations or hold these agencies accountable for recruitment-related abuses” (HRW, 2013).

#### Forced domestic labour: Migratory process

- **When domestic workers are moved to other countries, corrupt recruitment firms often have illicit arrangements with border-control officials to guarantee passage.** The dynamics underlying this type of corruption were already described in the context of other forms of forced labour and sexual slavery, but field investigations specifically looking into how domestic workers are transported have been particularly revealing about the variety of methods complicit officials may use. In the Philippines, traffickers gave workers a paper embossed with the letter ‘A’ on the back that would ensure they would pass through immigration in Manila. In other instances, migrating workers have been asked to wear a pink hair tie on their wrist so an immigration official could identify them as one of the people whose passports they were meant to stamp (IBA, 2016).

#### Forced domestic labour: Exploitation

- **Corruption risks exist in the inspection of private homes and training sites for domestic workers.** Domestic workers are usually placed in private homes where routine police and/or labour inspections rarely take place. However, the firms often place newly recruited workers in training sites, which can be inspected. The agents’ offices can also be inspected when complaints are filed. Such claims, though, fail to prompt police action in many countries but existing research is not conclusive about whether this is due to corruption, to perceptions about domestic labour being unimportant, or both. To the extent that enforcement officials do their job, corruption risks exist. For example, in Cambodia, “police were reportedly unwilling to pursue investigations of several suspected trafficking establishments during the year because the establishments were thought to be owned by or affiliated with high-ranking officials. Information leaks by law enforcement authorities to traffickers were reported to significantly harm efforts to enforce anti-trafficking laws” (US Department of State, 2011). In Oman, some police officers reportedly “informed Omani sponsors if their runaway domestic workers filed charges of trafficking or related crimes against them” (US Department of State, 2020).
- **Diplomats from different countries have been found to issue fraudulent papers to aid in the trafficking of domestic workers, sometimes for their own use.** In 2019, the US charged a Moroccan diplomat and two relatives with causing several domestic workers to submit fraudulent contracts about the work that they would supposedly do at the Moroccan Mission or at the Consulate General of the Kingdom of Morocco in Manhattan. Instead, once they arrived in the US, the domestic workers were employed “as their personal drivers, domestic helpers, farmhands, and assistants” at a home and a farm. They also required them to surrender their passports, made them work seven

**Table 7:** Forced domestic labour: Examples of corruption in each stage

Stage	Corruption occurring in...	Examples
Victim sourcing	Public administration (Permits and operations)	Recruitment agencies bribe officials to allow them to operate despite violations. In some cases, these agencies are owned by high-level public officials.
Migration or transportation	Border control	Traffickers bribe border-control officials and use various means of identifying workers to indicate to immigration officials they are one of the people whose passports must be stamped.
Exploitation	Police (Inspection and investigation)	Police officials avoid checking claims of forced domestic labour in places owned by high-level government officials. They may also fail to follow up on complaints filed by the victims or inform the employers when their domestic workers attempt to report them.
	Public administration (Falsification of documents)	Some diplomats have been found to falsify documents to secure travel documents for workers they keep in slavery-like conditions.

days a week, and paid them less than the minimum wage (US Department of Justice, 2019).

### Forced domestic labour: Protection

No literature was found that suggests corruption for the stage of protection for forced domestic labour would be significantly different from that for sexual slavery, but this may also be related to the presence of fewer opportunities for corruption. Many forced domestic workers are unaware that they may be entitled to protection, particularly migrant workers who are often threatened with deportation by those who exploit them – and hence learn to fear authorities. Furthermore, protection is not necessarily available everywhere, as “sponsorship” laws in some countries “grant the employer of a foreign domestic worker the power to decide when she can leave the workplace and when she can leave the country, even if she has run away to escape abuse” (US Department of State, 2010).

### Forced domestic labour: Blind spots

Corruption in forced domestic work is less documented than in other contemporary forms of slavery and a gender approach may help understand why. Work traditionally assigned to women, such as domestic tasks, continues to be devalued in many if not all societies, which has social and economic implications and is reflected in the legal framework (Ferrant et al., 2014; UN Women, 2020; Voeten, 2013). Laws in many countries do not consider domestic work as work, or do not protect domestic employees to the same extent as employees in other sectors, exposing domestic workers to labour without contracts in unregulated workplaces (Anti-Slavery, 2019).

**Moreover, there is little legal recourse should labour violations, ranging up to and including forced labour, occur. This lack of legal protections, when combined with the social isolation and a lack of personal autonomy inherent in live-in domestic service, provides an enabling environment for slavery (US Department of State, 2010).**

The ILO adopted C189 Domestic Workers Convention (No. 189) in 2011 but only 30 countries had ratified it as of 2020. There has been progress in recent years and while forced domestic labour is officially banned, it is a particularly difficult contemporary form of slavery to detect. Labour inspections in domestic work sites are rare and exploitation can thus stay hidden for years. Migrant workers’ fear of arrest or deportation is used by their exploiters for psychological coercion and manipulation. Patriarchal dynamics enable families to coerce girls into domestic service and obedience in the homes of relatives or neighbours.

In parallel, complaints are often dismissed without investigation, even when they involve potential criminal violations such as domestic servitude or physical violence. This crime can even be perceived as less serious or dangerous because the exploitation is committed by

“regular” families (even in complicity with the girls’ own families) rather than criminal gangs or rich mill owners. However, the characteristics of the abuser does not change the fact that individuals are being deprived of their freedom and exploited. Some women and girls suffer injuries or die in domestic servitude, others commit suicide or die trying to escape, and a few have disappeared (Anti-Slavery International, 2008; US Department of State, 2010).

Reports by Human Rights Watch explain that in some countries, such as Cambodia, police often place the burden of the investigation on the victims, asking them to find witnesses and evidence instead of investigating reports of abuse. The attitude is the same when the cases involve minors. A labour agent recounted a long list of employers he dealt with who failed to pay their child domestic workers for months said: “I would not bother reporting to the police anymore. It is a waste of time and money. I have tried it before and I have never had any follow up” (HRW, 2009). Even in confirmed cases, the sanctions may amount to just fines rather than criminal punishment. For example, in 2019, the Saudi government considered that a fine issued by a European government against one of its diplomats charged with trafficking while stationed in Europe was sufficient punishment. The case was closed in the defendant’s favour because of diplomatic immunity (US Department of State, 2020).

Corruption may thus not be widely documented in forced domestic work for the following reasons: 1) gaps in both laws and law enforcement make it possible to exploit these workers without needing to pay bribes or favours, particularly within the same country; and 2) comparatively less attention is paid to this contemporary form of slavery, likely because it is neither as financially “profitable” as sexual slavery nor does it have as many implications for the corporate world as do other forms of forced labour. As such, research specifically designed to investigate corruption in domestic slavery has been rare.

However, this form of trafficking does affect close to 4 million individuals around the world and, as more measures against it are likely to be put into place in the future, more corruption risks can be expected to emerge that need to be documented. Such has been the case, for example, when governments have attempted to prevent the abuse of their own citizens abroad by banning the emigration of domestic workers to certain countries. This not only restricts basic freedoms (especially those of women) but may also lead them to illicit channels that create greater corruption risks and pave the way for potential bonded labour situations due to the debts migrants will incur to bypass the travel bans (US Department of State, 2010; Whiteman, 2015).

## 4.4 FORCED MARRIAGE

**Forced marriage is the most prevalent contemporary form of slavery after sexual slavery.** Even though it is prohibited through international and matching national frameworks, **it is estimated to affect about 15 million**

## “Forced marriage is the most prevalent contemporary form of slavery after sexual slavery...it is estimated to affect about 15 million people around the world.”

**people around the world.** While it can happen to men and boys, the majority of the victims are women and girls (88%). About a third of forced marriages occur when the victims are below the age of 18 and close to half were forced to marry when they were younger than 15 years of age (ILO, 2017b).

A forced marriage occurs when a person is forced to marry without their consent under conditions of physical, emotional or financial duress, deception by family members, and/or the use of force, threats or severe pressure. Even though the practice has existed for centuries in many places, child marriage is today considered a contemporary form of slavery because, by definition, one party has not expressed full, free and informed consent.<sup>18</sup> Forced marriages usually involve sexual exploitation, domestic servitude and forced pregnancies, and the victims are expected to stay in the marriage indefinitely or until the buyer releases her or him from the marriage (UNODC, 2019). In addition to sexual exploitation, forced marriages may also involve other types of domestic violence.

Forced marriage is likely the contemporary form of slavery for which the least number of anti-trafficking norms and controls have been put into place, even though it tends to predominantly affect children, who are the most vulnerable of the vulnerable. As previously discussed, eradicating slavery in general is a long process and, legal and institutional barriers have been put into place to prevent all contemporary forms of slavery over time and in different geographical locations.

However, progress has not been equal. More barriers have been created to tackle sexual and labour exploitation than forced marriage. And, because corruption usually targets those entrusted with enforcing such barriers, corrupt practices seem to be more prevalent in sexual and labour exploitation. In contrast, forced marriage can still be carried out with relative ease and there is thus less need for corruption. For example, an important portion of the corruption in sexual and labour trafficking consists of bribes to avoid the inspections of brothels and workplaces that would stop their operations. But victims can still be forced into marriage without any paperwork and, unlike workplaces, due to the private nature of the marriage institution, there are no institutional checks to monitor or inspect whether they are being exploited.

Despite the above, corruption and corruption risks exist, and they depend on the type of forced marriage (whether it is organized by an intermediated or by a family).

### Forced marriages organized by intermediaries

Forced marriages organized by intermediaries like recruiting agencies or brokers aim to satisfy the demand for brides in countries such as China and India, where men outnumber women by 70 million and thus marrying someone from their own country is unlikely for millions of males (Denyer and Gowen, 2018). These agents recruit potential victims in countries where economic opportunities for women and girls are scarce and work abroad may seem like the only way to help their families. Misleading ads and word of mouth are often used in small communities, where many girls first hear about these opportunities from a neighbour, co-worker or friend of the family.

Some are offered a job, but when they arrive are instead told they have to marry. Others are told in advance they need to get married to be able to work, but when they arrive they learn that marriage does not necessarily include a work permit and/or the conditions of the marriage are different than what had been agreed upon. If they refuse, they are coerced into marriage by having their passports taken, threatening them with arrest unless they repay the cost of the trip, withholding food, and, in some cases, with threatened or actual violence (UN-ACT, 2016).

Corruption risks are present in several stages of the trafficking chain. Recruiting agencies are not necessarily legal in some countries and in order to stay in operation they may need to pay bribes. The victim sourcing and migration phases of the trafficking chain in this case are similar to the previous types of contemporary forms of slavery but may require less extensive paperwork than many types of labour migration. The brokers also tend to handle all the paperwork before departure, such as obtaining passports and visas in origin countries, as well as after arrival, such as marriage licenses in destination countries. If or when administrative officials screen these cases they may be able to identify them as examples of trafficking, which makes them corruption targets. However, existing case studies are inconclusive about whether or how corruption intervenes, because the research is not designed to check for corruption indicators.

In some cases, the networks described mirror those of other types of trafficking operating in countries where bribes are regularly expected for any paperwork processing.

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<sup>18</sup> Forced marriages are not to be confused with sham marriages. As the UNODC explains, “Forced marriages are not the same as sham marriages. In the context of the latter, two persons agree to marry upon payment of a fee. Specifically, one person is paid a “price” to marry another person to facilitate the illegal entry or stay of the second person in a country of which he or she is not a national or permanent resident. If the agreement to marry starts off as a voluntary agreement but then an element of deception or coercion is introduced, this may transform a situation of smuggling into trafficking in persons” (UNODC, 2019).

Regarding police, a study about the flow of brides from Cambodia to China found that when the women escaped the husbands they were forced to marry, the police often returned them to their husbands and advised them to settle their “domestic problems” (UN-ACT, 2016). In other cases, the police connected them with their countries’ consulates to get help. Whether the police decide to help trafficking victims in those cases may depend on training and guidelines but may also be an opportunity for corruption. More corruption-centred research is needed about this growing type of trafficking.

### Forced marriages organized by family

In many countries, child marriage is part of broader patriarchal property and inheritance systems in which daughters are seen as a commodity to trade through marriage or a burden (UNFPA, 2020). For many families, daughters are an investment waiting to be cashed in on. “Girls are born so that people can eat,” said one man who gave away his 14-year-old niece in forced marriage in South Sudan (HRW, 2013). Some families may even think that marrying girls off at a young age secures their financial future and/or protects them from early pregnancy or sexual assault.

However, the practice also involves the negotiation of a payment to be distributed among the girls’ extended families. Furthermore, after marriage, girls’ freedoms disappear and they are forced to do domestic labour and produce children. They are expected to obey the husband and the broader family that paid for them, which often includes dropping out of school, giving birth starting at a very young age, and enduring domestic and sexual violence. Despite widespread laws against child marriage, the practice continues to be justified “under the guise of tradition, religion or culture,” and girls who resist or try to leave those marriages face violence, a lack of protection, and many obstacles to find redress (HRW, 2013). In some cases, they are killed by their families with impunity.

In South Sudan, provisions in the Transitional Constitution of 2011 guaranteed women and girls the right to consent to marriage and criminalized “kidnapping or abducting a woman to compel her to get married.” However, gaps in policies and legislation and lack of resources in the justice system mean the right to consent continues to be largely symbolic and forced marriage victims are not able to obtain protection or justice (HRW, 2013). Additionally, many girls don’t know where or how to find help beyond their families and community elders, who are the ones who profit from forcing them to marry. Even when they do know where to go, government institutions often send them back to their families.

Religious communities, health-care providers, commercial enterprises and even state institutions such as the police are widely complicit. For example, a 14-year-old girl was forced to become the second wife of a 50-year-old man in exchange for 75 cows. She fled, but several male relatives beat her up and brought her to a police station to “be taught a lesson.” After one night in jail, she was beaten again and delivered back to the husband. Police and other authorities are often older males with conservative views about exercising power

over women, so they may not need to be bribed to aid in the trafficking of these girls. If and when laws start to be systematically enforced, these situations are likely to become corruption risks as families, incentivized by the money (or cattle) they can receive for marrying a girl, may feel compelled to bribe authorities to let them complete the transactions. In poor areas, these bribes may also represent important sources of income for corrupt officials.

On the other hand, it should be noted that much of the research conducted to date about forced marriage does not usually ask explicit questions about corruption and whether favours, gifts, or other services or goods between the families and the local authorities may be a part of the informal arrangements underlying the lack of enforcement of anti-trafficking laws. Legal frameworks around the world are increasingly recognizing the right to consent to marry for women and children. Even if normalizing enforcement is a slow process, it is possible that corruption is already starting to emerge in response to enforcement. For example, in some countries, judges dealing with such cases are reportedly under pressure to rule against the girls. Whether this pressure is entirely social or includes targeting with bribes or other incentives is unknown and more research is necessary on this topic.

## 4.5 ORGAN TRAFFICKING AND FORCED SURROGACY

The removal of organs and reproductive slavery are far less common than the other contemporary forms of slavery described thus far and have hence been researched to a lesser extent. They are discussed here to explore the issue of corruption and corruption risks among medical professionals, medical venues administrators, and other healthcare workers.

### Organ trafficking

There are no clear estimates of trafficking for organ removal but according to UNODC, at least 700 cases in 25 countries have been detected in the past 15 years. The victims tend to be adults, because traffickers want fully developed organs, and two-thirds of the victims were men (UNODC, 2018). Authorities believe that about 5 to 10 percent of all kidney and liver transplants are done with illegally sourced organs, which are considered to result from human trafficking when obtained by means of coercion, deception, or abuse of vulnerability.

Organ trafficking is usually carried out by highly organized criminal networks capable of working across borders in corrupt environments where they are able to operate for long periods of time before being detected. In one case, the network conducted about 500 transplants in medical facilities and private homes before being caught (UNODC, 2018).

These networks target vulnerable individuals with misleading offers and use a combination of international and local brokers to identify potential victims and move them across borders. They rely on similar forms

## THE CHILLING SIMILARITIES BETWEEN OLD-STYLE SLAVERY AND FORCED MARRIAGE

The similarities between the lives of the millions of young girls in forced marriage today and those of slaves of previous times are chilling.

Girls, given to whoever pays for them, receive instructions to do whatever that person orders. The parting words from the family of one such girl were clear, “to provide whatever my husband says, and to respect and obey him and his relatives because he had paid dowry for me” (HRW, 2013).

The new families expect the girls to work and to “produce”. “My in-laws were abusing me saying, ‘We have given out our cows for you and you are not producing.’ My husband was also complaining that he had wasted his cows on me and I could not give him children,” remembers a girl after being forced to marry.

These girls are not asked their opinion about the transaction and are violently silenced if they express one. Those who escape from their families or from the person who paid for them are often arrested, beaten, and sometimes killed in ways reminiscent of slave lynchings.

In one case, a family inspected the 200 cows offered for their daughter and became angered when she refused to marry the offeror. “They tied her to a tree and beat her up until she died. There are so many other stories...” said a senior inspector in the Directorate of Alternative Education.

And just as during slavery in old times, when runaway slaves could be killed with impunity, in South Sudan “a man who beat his sister to death for refusing to marry an elderly man was released the same day without any charges” (HRW, 2013).

Girls who defy the authority of their families and community elders and desperately ask for help from formal institutions may find a good Samaritan who wants to help, but gaps in laws, lack of guidelines and scarcity of shelters means the government fails these girls in the end. In addition, enslaving them may involve elements of corrupt practices including bribery, favours and gratification.

For instance, a representative from the Human Rights Commission in South Sudan told Human Rights Watch about the case of a girl who escaped after several beatings and being locked in a room with her wrists and ankles tied with metal wire. The Commission kept her for a couple of weeks but did not know what to do with her and returned her when her family demanded it. She was then married against her will.

Accounts usually identify the “family” as the party that decides to marry the girls but it is often the men in the family who make the decision, negotiate the price, and beat the girls and their mothers if they resist. “‘You will marry this old man whether you like it or not because he has given us something to eat.’ They beat me so badly. They also beat my mother because she was against the marriage,” said Aguet, forced to marry at 15.

Some families claim that forcing girls to marry is a matter of “tradition” and for their own good, but the economic conditions of the transaction paint a different story. “If you decide to delay your daughter’s marriage, she may get pregnant. The man may not pay many cows,” said a father who was worried his daughter’s market price would drop with a pregnancy.

“He said the family had used the money my husband gave and were not in a position to repay, so I had to marry him,” a 15-year-old girl remembers her cousin told her before male relatives dragged her to the husband’s home.

The payment a family receives for a girl is shared amongst her extended family and a divorce is only possible if the money is repaid, which means “families have a financial incentive to ensure that marriages remain intact even if the girl faces abuse” (HRW, 2013). Some women have been imprisoned for requesting a divorce.

Once a girl has been bought under the guise of marriage, the buyer minimizes the risk of losing the investment, for example, by denying her education. “Education is not good [...] You can even lose a woman you have married with so many cows because of education,” said a community elder.

In the background of these economic interests, “judges are having a hard time passing sentences for early marriage. The Child Act cannot be implemented completely because of tradition,” lamented a government official in South Sudan.

But slavery is always about money, not tradition. “Parents sell their girls. They don’t value education. They value cows,” as Alfred Lodiong, deputy director of the Directorate of Gender Equity and Social Change, puts it.

of corruption as those described above for the victim sourcing and migration phases of the trafficking chain. However, in this type of trafficking, the participation of white-collar criminals is essential to access laboratories to test donor-recipient compatibility, conduct medical procedures and surgeries, and for patient recovery. In some cases, medical staff can be deceived into thinking the arrangements are legitimate. In others, they are complicit with the traffickers or are even part of the trafficking networks themselves (OSCE, 2013; UNODC, 2018).

An OSCE study into how these networks operate found that several categories of medical professionals are required:

**Specialist doctors include transplantation surgeons, nephrologists and anaesthesiologists. The transplant surgeons may come from different countries. In addition, nurses and other assistants to the transplant surgical team are involved. Other doctors and medical staff may also be required for post-operative care for the organ recipient (OSCE, 2013).**

In some cases, the staff supporting the doctors are also charged with crimes. Medical facility administrators and other medical authorities have been found to be involved in helping with regulatory paperwork such as licensing of doctors and surgery approvals. In one case, prosecutors made the case that two transplant surgeons were responsible for establishing and directing the trafficking network and conducting the transplant surgeries with the help of other doctors. Administrative and support staff are believed to “assist the network directly, such as through alleged provision of official paperwork and licences in order to operate, or alleged provision of false titles, or indirectly, through wilful blindness in the face of indications of potential criminal activity” (OSCE, 2013).

While more research is needed about these networks and their operations, complicity of medical professionals is clear. Based on the types of networks observed so far, it is possible to argue that focusing on the surgeons involved may be an effective way to disrupt the network, depending on their role within it, while shutting down facilities may have a more limited impact.

### Forced surrogacy

Forced surrogacy or reproductive slavery is an under-reported contemporary form of slavery in which women and girls are forced by intermediaries to become pregnant and give birth to babies for other people. Surrogacy is a growing, multimillion-dollar business that operates in a regulated or unregulated way, depending on the country, and is dependent on a supply of vulnerable women. Surrogacy clinics offer clients medical services and the availability of a womb to deliver a baby for couples who cannot or do not want to

conceive. The fees can range between US\$30,000 to US\$150,000 depending on the costs in the country where the fertility agencies are located.

These agencies often – though not exclusively – recruit in poor countries where women have limited economic opportunities and accept becoming pregnant for a fee. While the business itself is not considered a form of trafficking, different accounts show that some women may be forced to act as surrogates. In one case in India, a 15-year-old girl who was initially recruited as a domestic worker reported that she was made to sign papers she did not understand and undergo medical checks, blood tests and injections she did not know she needed. She was moved to a house with other girls, some of whom were pregnant, and a few weeks later she learned that she was also pregnant. She was not allowed to go out by herself, but eventually managed to escape back to her village and have an abortion (Singh, 2017). Similarly, in 2015, the Child Welfare Committee (CWC) stated that it received complaints by two girls, 15 and 17, who said they were forced to bear children (Saxena, 2015).

In some cases, recruitment agents use misleading tactics similar to those used in trafficking in which false monetary promises are made and the women are then coerced into entering or continuing surrogacy arrangements, sometimes with financial threats. “Numerous reports on surrogates in India document a lack of informed consent to surrogacy procedures, finding that Indian surrogates often had little or no knowledge of the medical processes involved or the terms of their contracts” (University of Chicago Law School, 2019). Illiterate women have been manipulated into signing papers they did not fully understand and told they are not allowed to access the documents until their obligations are fulfilled (Contemporary Law, 2020). Similar concerns have been reported in Nepal (Atreya and Kanchan, 2017).

Exploitative and “unethical commercial practices” have prompted several countries such as Nepal, India and Thailand to ban or severely regulate surrogacy, which often results in clinics moving to places with less or no regulation (Banerji, 2020; Bhomwick, 2016). Cambodia was a common destination and banned the practice in 2016 due to concerns that “women in financial straits would face exploitation,” but “a network of Cambodian and international intermediaries persists, with raids and arrests exposing the extent of the demand” (Banerji, 2020). However, authorities target the women rather than the networks. In one case, 32 pregnant women were charged for trafficking and allowed bail only after they agreed to keep the babies. “These women are victims of unethical agents and, if illiterate, are unlikely to even understand the ban in place in Cambodia,” explains the director of an NGO specialized in surrogacy (Agence France-Presse, 2018).

Despite reports of forced surrogacy, exploitation concerns, and the growth of underground surrogacy networks in some countries, most of the existing research focuses on the formal aspect of the business or the rights of the children born in surrogacy and not enough

research seems to be available specifically assessing red flags of slavery and trafficking-related corruption that would be necessary to inform policymaking. A 2017 report by the UN Special Rapporteur on the sale and exploitation of children encouraged “other human rights mechanisms and United Nations entities to contribute with further research to discussions on surrogacy and its impact on the human rights of women and other stakeholders concerned, in order to develop human rights-based norms and standards and prevent abuses and violations” (Human Rights Council, 2017).

As a growing, multi-billion-dollar industry with profits highly dependent on vulnerable individuals operating in corridors where trafficking networks are already active, this industry poses an important risk of slavery and trafficking-related corruption that deserves attention. More research is also needed about the terms of the relationship between medical personnel and brokers, and to what extent the medical professionals are involved in or are aware of their brokers’ recruitment and negotiation methods. In cases involving minors such as those mentioned above, it is unlikely that medical staff performing the procedures can be deceived into thinking the arrangements are legitimate. On the other hand, they may not necessarily know or may choose not to know if coercive practices are being used to force vulnerable adult surrogates into entering or continuing surrogacy arrangements.

## 5

# Moving forward: An integrated approach to anti-corruption and contemporary forms of slavery

## 5.1 KEY FINDINGS

Corruption is one of the main facilitators of contemporary forms of slavery, as revealed in the literature review and the expert interviews exploring the linkages between corruption and contemporary forms of slavery. For example, in many studies that have used a “follow-the-money” approach at a more granular level by studying various points of the stages of contemporary forms of slavery, corruption emerges as or poses a major risk.

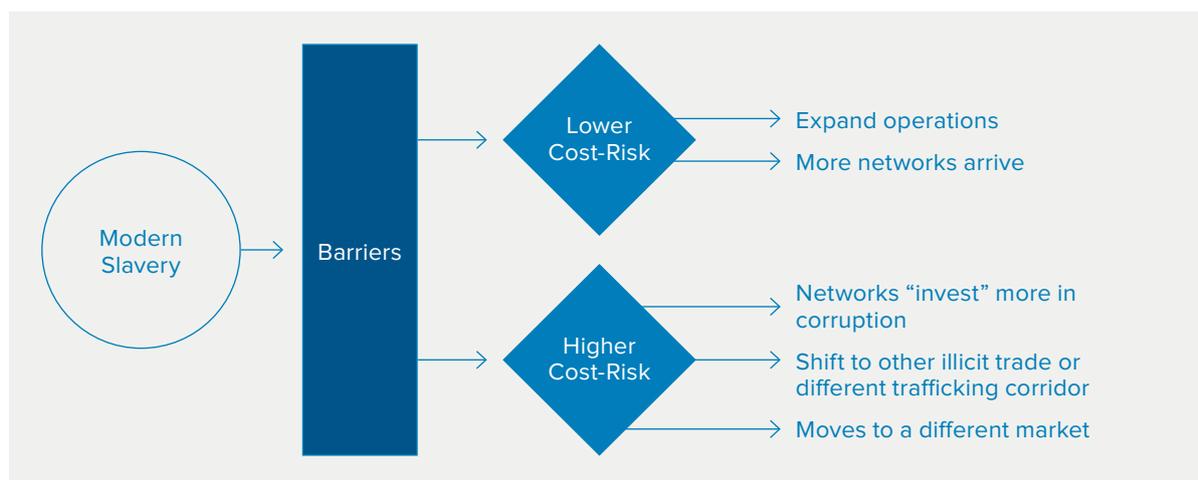
**Thus, an integrated approach to anti-slavery and anti-corruption must be adopted if contemporary forms of slavery are to be eradicated.**

Yet, through exploring the literature on countries’ efforts to prevent, detect, and punish corruption in many contemporary forms of slavery – **sexual slavery, forced labour, domestic servitude, forced marriage, and organ trafficking and forced surrogacy**, this study finds that many countries are failing to address corruption across various contemporary forms of slavery.

Moreover, no international organization or coalition of organizations is systematically collecting and analysing data on countries’ actions and omissions on corruption in contemporary forms of slavery. Such information should be tracked and made visible, providing a powerful impetus to push for a change of direction, building the necessary partnerships and bridging the policy and knowledge gaps between anti-corruption and human rights communities.

This study also explored the gender dimensions of contemporary forms of slavery and corruption. Institutional approaches to some types of contemporary forms of slavery affecting millions of women and girls involve the same stereotypes that devalue women’s work and suppress the basic freedoms of girls and women, while corruption exacerbates this negative impact. In particular, sextortion (or sexual corruption), which disproportionately affects women, can occur in all stages within each type of contemporary form of slavery. More granular data is required to shed light on the private spaces that cover up such practices and to inform the design and implementation of more effective gender-sensitive policies and strategies. The key findings of this study are described in further detail below.

**Diagram 5:** The adaptive relationship between corruption and contemporary forms of slavery



**Key Finding 1: Corruption and various contemporary forms of slavery are closely linked, and have an adaptive and self-expanding relationship because corruption is a key factor fuelling a vicious cycle that creates further opportunities for corruption.**

Contemporary forms of slavery cannot take place at a large, sustained, profitable scale without corruption. Research on trafficking chains on the ground confirms that contemporary forms of slavery rely on corruption in different phases of the trafficking chain. Factors such as the nature of the activity, the anti-trafficking barriers governments have in place (depending on how effective or ineffective these may be), and cultural notions about the victims of contemporary forms of slavery come into play.

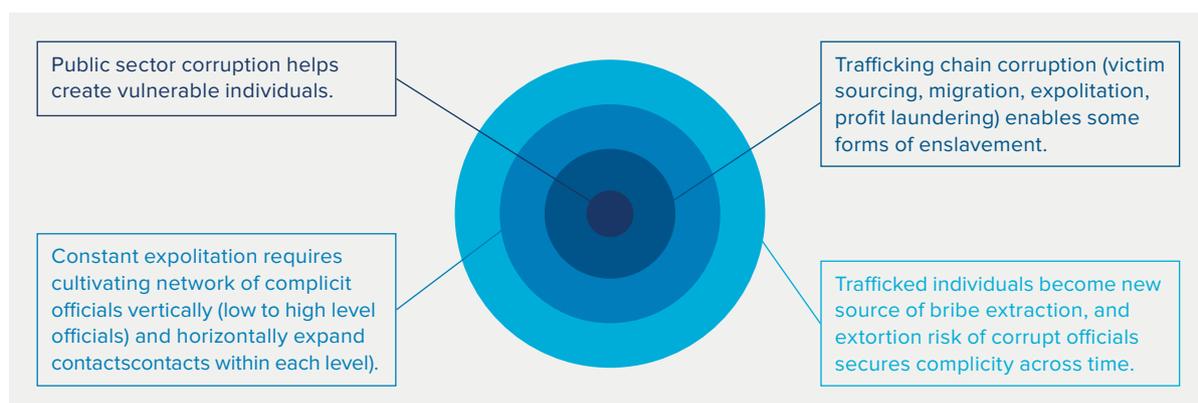
Most importantly, the study found that adaptive, self-expanding relationships underpin the linkages between corruption and contemporary forms of slavery. This is because corruption often emerges or changes as a reaction to barriers that alter the cost and risk balance that makes trafficking profitable in a given market. Depending on the impact of newly introduced barriers, trafficking networks may find it profitable to: 1) “invest” more in corruption, 2) shift operations to a different type of illicit trade or to a different trafficking corridor, or 3) move to a different geographical location. Inversely, when regulatory changes have the effect of lowering cost and risk, higher profit potential may lead to the expansion

of trafficking operations and/or the emergence of new networks in that market. Disrupting these equilibriums requires targeted approaches (see Diagram 5).

**The relationship between corruption and contemporary forms of slavery is adaptive and self-expanding because corruption is a key factor fuelling a vicious cycle that creates further opportunities for corruption.**

As a root cause of contemporary forms of slavery, corruption helps create a pool of vulnerable individuals. To exploit these individuals, perpetrators involved in some contemporary forms of slavery need to cultivate complicit officials across the trafficking chain (victim sourcing, migratory process if needed, and exploitation). Unlike other illicit trades, human trafficking is not a one-time transaction because exploitation is ongoing thereafter, so cultivation of complicit officials is constant and expansive both vertically (from lower-level officials who can facilitate trafficking and avoid detection to high-level officials who can protect the networks from punishment when detected) and horizontally (to cultivate sufficient complicit officials at each level). In parallel, trafficked individuals in many cases constitute new targets from whom corrupt officials can also extract bribes. Additionally, complicity with trafficking networks exposes corrupt officials to extortion risks that can help guarantee their sustained complicity across time, completing a vicious cycle of self-expanding corruption loops (see Diagram 6).

**Diagram 6:** The self-expanding relationship between corruption and contemporary forms of slavery



**Key Finding 2: Across all stages of contemporary forms of slavery, cross-border trafficking is most prone to corruption.**

This is particularly the case for forced domestic labour and forced marriage trafficking chains that run into immigration administrative requirements that they may need to avoid through corruption (bribes, trafficking networks led by public officials). Once they have delivered trafficked individuals, the exploitation stage begins, which is the most profitable and long-lasting in the trafficking chain. In this stage, anti-trafficking barriers rarely exist for forced domestic labour or forced

marriage such as workplace inspections, license compliance and supply-chain transparency initiatives even though they are common for forced sexual and labour exploitation.

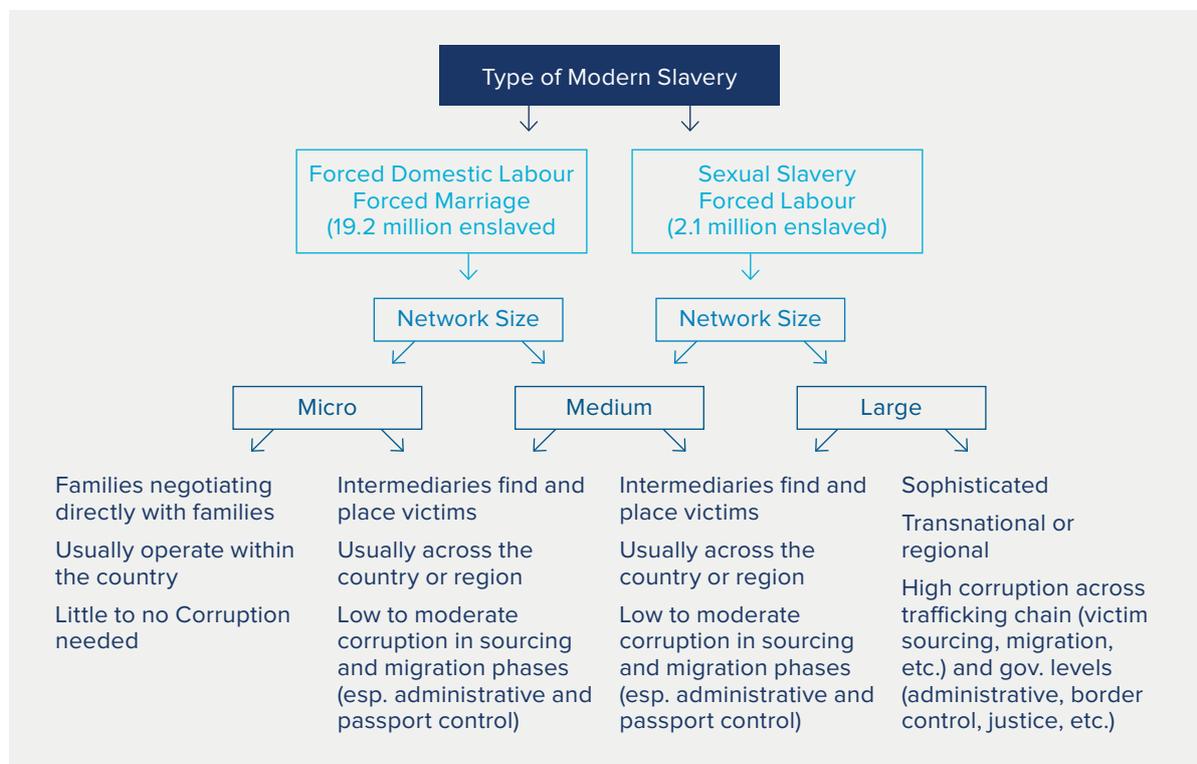
Moreover, institutional mechanisms to assist victims, such as reporting physical and/or sexual assault to the police or seeking medical help, are often non-existent, inaccessible, dysfunctional, unable to identify signs of enslavement, or even anti-victim, as victims are returned to their owners to face possible punishment and worsened conditions.

**Key Finding 3: Not all contemporary forms of slavery rely on corruption to operate, but corruption risks emerge when barriers are created or implemented to target forced domestic labour or forced marriage.**

Anti-trafficking barriers have been designed to prevent and stop certain contemporary forms of slavery but not others, while corruption usually emerges as a reaction to such barriers. For example, in many countries, multiple layers of anti-trafficking barriers have been put into place to prevent and stop forced sexual and labour exploitation, but few or no barriers have been put into place against forced domestic labour or forced

marriage. In practice, this means that sexual and labour trafficking tend to depend on corruption to be able to operate in a profitable manner, while forced domestic labour and forced marriage can often take place without the need to bribe public officials. Whether corruption has a major role or not depends on many factors, such as the extent and specific types of anti-slavery barriers put into in place, the size of the trafficking operation, social tolerance to gender discrimination, presence or absence of institutional mechanisms to help victims, the scalability of the profits, and the local or cross-border nature of the contemporary form of slavery (see Diagram 7).

**Diagram 7: Not all contemporary forms of slavery depend upon corruption**



However, it should be noted that **corruption risks are likely to emerge when anti-trafficking barriers are created or implemented to target forced domestic**

**labour or forced marriage more systematically.** This may already be starting to happen in contexts where constitutional

**Key Finding 4: Data to monitor progress on corruption in contemporary forms of slavery is lacking.**

The literature review shows that **no data is being systematically collected at a global level to monitor progress on corruption in contemporary forms of slavery.** The limited information that exists suggests that in any given year, two thirds of countries do not open investigations or punish official complicity in various contemporary forms of slavery.

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**Key Finding 5: Investigating, prosecuting and convicting corruption in contemporary forms of slavery is still more of an exception than a rule.**

There is very limited data and evidence about successful investigations, prosecutions and convictions of corruption cases related to the various contemporary forms of corruption, due to the absence of a joint approach between anti-slavery and anti-corruption laws and enforcement, limited resources to conduct training and investigation, and institutional limitations as well as corruption across the justice system.

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**Key Finding 6: Gender roles and sexist stereotypes encourage or dissuade the creation of barriers to different contemporary forms of slavery.**

The presence of barriers against sexual slavery coincides with broader, long-standing societal concerns about the undesirability of certain sexual conducts in cultures rooted in religious traditions. And for forced labour, only the recognition of fundamental freedoms as inherent to all human beings can lead to a society that puts in place barriers to forced labour. The absence of barriers against forced marriage and forced domestic labour coincides with the continued assignment of marriage and domestic tasks to women. Transgressions against societal prescriptions about sexual behaviour are perceived as pertaining to the public sphere and deserving of swift official action, while transgressions that reinforce culturally accepted restrictions on women's freedoms and rights are perceived as pertaining to the private sphere and expected to be solved by the individuals themselves. More research could be done to examine these linkages but that should not distract from the urgency of creating and enforcing anti-slavery barriers.

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**Key Finding 7: Trafficking networks tend to build layers of protection within the institutions they are more likely to need.**

This has been confirmed by studies tracking the points of the trafficking chain in which corruption emerges, differing across sectors and shaped by the nature of the activity as well as the specialization of the network. Criminal networks that perpetrate exploitation in different types of merchandise, such as transnational networks that traffic not only human beings, but also drugs and cigarettes, tend to develop more expansive and sophisticated layers of complicit officials. Groups dealing with bonded labour tend to focus on community-level contacts including political, administrative and police authorities, building relationships sometimes also mediated by non-monetary factors such as racial, gender and political loyalties. For instance, fishing vessels need to make stops in multiple ports and depend heavily on corruption to deal with border controls and labour inspections, while organ-trafficking rings may depend on cultivating a smaller number of highly specialized medical authorities who are in a unique position to identify the red flags of trafficking. Capturing only partial components of a network or more seriously disrupting it requires not only blanket regulations and identification of the corruption structures that have been built, but also identification of the factors more likely to disrupt the cost and risk balance perpetrators need to be profitable.

## 5.2 RECOMMENDATIONS

Based on the key findings, this study provides the following recommendations for key stakeholders working on tackling contemporary forms of slavery and corruption. These recommendations specifically focus on bridging the gap between the efforts of the human rights and anti-corruption communities, such as collecting data, offering training, and creating or refining mechanisms to report and sanction corruption linked to the contemporary forms of slavery.

### INTERNATIONAL ORGANIZATIONS

- International organizations should develop a global monitoring system specifically focused on corruption in contemporary forms of slavery, including statistics about the number of related complaints, investigations, prosecutions and convictions. The statistics should detail granular data such as the type of charges, modalities of corruption, contemporary form of slavery involved, sentencing (jail time, suspended sentences, probation, fines), time in court (from when charges are filed to when sentences are firm), types of complicit officials involved, stages of the trafficking chain in which corruption intervened. A multi-stage approach could be useful:
  - Launch a multi-stakeholder dialogue and/or consultation among international organizations to explore the possibility of creating harmonized data on corruption and contemporary forms of slavery.
  - International organizations such as UNDP, UNODC and OECD could play the role of a convener to bring together Member States and key non-state actors to develop a common understanding on contemporary forms of slavery, given different national legal frameworks as well as understandings of existing international instruments.
  - Collaborate with civil society, law firms, private companies, academics and others to collect data and knowledge about human trafficking, including leveraging new technologies, such as artificial intelligence, to analyse and triangulate information in new ways. Exploring possible collaborations that can inform other actors about new techniques and methods of identifying various forms of corruption schemes could be valuable.
  - Launch a pilot data-collection exercise targeting existing sources in the short term. The pilot would assess what information is currently available and how close it is to providing the data points necessary to monitor the detection and sanction of trafficking-related corruption. Based on the pilot initiative, international organizations could then promote the collection of detailed statistics at the country level with a template guiding data reporting of the types of data necessary for meaningful monitoring within an information system designed to monitor corruption in contemporary forms of slavery.
- International organizations could play a key role in calling attention to the disconnect between data collection related to corruption and that related to slavery. In particular, the role of corrupt officials as a key component of the trafficking chain should be properly documented. To date, periodic reports have largely focused on the perpetrators and victims of contemporary forms of slavery, leaving corrupt officials out of the equation even though their role is essential. This is a missed opportunity to raise awareness about the need to fill the informational gaps to inform better anti-trafficking strategies.
- International organizations should support qualitative studies and field investigations on corruption in contemporary forms of slavery to document at a more granular level how corruption intervenes in the different stages of slavery, types of slavery, and regions.
- International organizations should support research designed specifically to examine: 1) if corruption may be occurring more than it has been documented since the introduction of constitutional laws and international frameworks that forbid forms of slavery such as forced marriage and forced domestic work, and 2) whether corruption may be occurring in fast-growing, multi-billion dollar industries, such as surrogacy, operating in countries where human trafficking is already common. Many reports about forced marriage, forced domestic work, and surrogacy usually focus on the conditions of vulnerability of the individuals involved and the abuses they suffer, which are important to document, but corruption may be one of the missing indicators of human trafficking.
- International organizations should support and/or provide research and training that routinely incorporate a gender perspective in order to find new ways to track trafficking perpetrated by victims' families and to identify potential corruption points. Similar efforts should be conducted to tackle the drivers of the societal demand for female enslavement, and to support the design of anti-slavery mechanisms capable of reaching into the private homes and spaces where much of the enslavement of women and girls takes place. Tools such as labour and police inspections of factories or brothels may not be appropriate for private homes, but comparable tools need to be designed if all contemporary forms of slavery are to be eradicated.
- While estimates have been produced of the millions of individuals enslaved in those sectors, little information exists about the profits generated by their forcibly extracted labour and about how the proceeds are distributed and laundered. Furthermore, in the case of forced marriage, research has yet to map out the market share that corresponds to micro traffickers (families) versus trafficking rings operating at the national or international levels. International organizations should support the collection of data and design of methodologies to produce actionable intelligence to inform anti-slavery policies and strategies.

- International organizations could reenergize the integration of anti-corruption into anti-slavery strategies. They could also provide governments with technical support, capacity building, and training. Gender issues should also be incorporated into knowledge sharing and training programmes. Similarly, training should strategically consider closing the blind spots identified in this study. For example, knowledge gaps have yet to be filled and much information has yet to be systematized and easily accessible and usable for policymakers, field workers, training providers, civil society, academics, journalists and private sector actors. It should also be noted that training could be used as an excuse for not intervening at all. Further corruption risks and occurrences can only increase in such conditions.

## GOVERNMENTS

- Governments should partner with international organizations and other actors working on data initiatives that could help mine existing data and refine the statistics to include, for example, the type of charges, modalities of corruption, the contemporary forms of slavery involved, sentencing, time in court, types of complicit officials involved, and stages of the trafficking chain. Data should be harmonized with regional and/or global data efforts, and be made publicly available.
  - Sharing information about trafficking networks – including about their infiltration within the public administration and financial sector – with regional and/or global law enforcement and other stakeholders is recommended. Aggregating data at a regional and/or international level and building joint intelligence maps of networks and/or their contacts is also recommended, as well as work with investigators from journalism, the academia or civil society when possible and useful.
  - Increased public sector resources should also be allocated for financial investigation of contemporary forms of slavery, commensurate with the scale and gravity of the problem. Regulators, financial intelligence units (FIUs) and private-sector actors should work together to develop better indicators of AML/CFT risks associated with current and emerging contemporary forms of slavery such as human trafficking, especially those linked to corruption.
- Governments should assess the major gaps in their anti-slavery and anti-trafficking policies and strategies specific to forced marriage and forced domestic labour and incorporate a gender perspective in the design of a national strategy focused on reducing demand for female modern slaves. Measures to mitigate risks should also be considered, such as, for example, ensuring that female officers are part of inspections or eliminating opportunities for one-to-one meetings between bureaucrats and those seeking stamps or other paperwork. Furthermore, strategies should be designed specifically for cases of micro trafficking, recognizing that such cases pose different but no

less damaging risks of human trafficking than more complex criminal networks. Countries where forced marriage, forced domestic labour, and surrogacy involving vulnerable individuals are common should take measures to ensure compliance with existing anti-trafficking laws. Prevention campaigns warning vulnerable individuals about contemporary forms of slavery are important, but coordination among anti-corruption, anti-slavery and anti-trafficking authorities is strongly recommended to minimize the risk of increased corrupt practices as a result of increased efforts to enforce anti-slavery laws in many countries (e.g. in the case of trafficking and bribery).

- Governments should follow up on proposals previously made by OECD, UNODC and other international organizations to reenergize the conversation about strategies to address corruption and contemporary forms of slavery in a joint manner and increase coordination between the different units and entities of government. This does not necessarily require legal reforms and could be achieved by creating task forces or modifying existing instruments and tools. For instance:
  - Training for law enforcement agencies (e.g. anti-trafficking agents) and the judicial sector should include how to screen for indicators of corruption and vice versa, as anti-corruption agents may not be aware of the conditions that constitute trafficking and may benefit from learning how to screen for slavery ‘red flags’ in a variety of situations.
  - Codes of conduct and integrity frameworks for public officials should be revised and strengthened with an eye to common types of corruption in contemporary forms of slavery. For example, police corruption has been associated in some cases with officers working side jobs in strip clubs, bars and other businesses with higher risk of being façades for trafficking networks.
  - Governments should also create, revise and/or improve channels, such as anonymous hotlines and whistle-blower provisions, for citizens and officials to report corruption related to contemporary forms of slavery in both the public and private sectors. These mechanisms should ensure that protections are available for those who fear retaliation, including for NGO employees working with trafficked individuals. Officials receiving the reports and/or interacting with the public should be trained in contemporary forms of slavery to avoid the risk of miscategorising cases as domestic violence, labour violations, or other practices.
  - Governments should raise public awareness about possible signs of contemporary forms of slavery and what constitutes corruption in relation to it, the main types believed to operate in a country, and what the public should do about when they come across suspicious situations. Targeted campaigns – through social media, journalistic outlets, and/or institutions like schools and transportation services – should aim to reach high risk and vulnerable individuals so that they are aware of

problematic signs and know where to go for help if needed or in case of doubt.

- Information about arrests, convictions and rescues should be made available to the public to help dispel perceptions that authorities are complicit with perpetrators of contemporary forms of slavery – a belief known to discourage victims from approaching authorities – and to deter trafficking networks from setting up or expanding operations.

## CIVIL SOCIETY

- NGO reports about contemporary forms of slavery should incorporate the role of corrupt officials as a key component of the trafficking chain. Focusing only on the perpetrators and victims of contemporary forms of slavery, without factoring in complicit officials, leaves out an essential actor in the equation. This would otherwise be a missed opportunity to help fill the informational gaps about linkages between corruption and contemporary forms of slavery that can inform better anti-slavery strategies.
- To the extent possible, civil society should report corruption when they come across it, whether directly or through the trafficking individuals they work with. When this is not possible for safety or other reasons, documenting the cases and sharing the information with others could be an important contribution. This can help meet the goal of filling knowledge gaps about the linkages between corruption and contemporary forms of slavery and to formulating more effective strategies.
- Important insights have emerged from detailed studies about corruption in contemporary forms of slavery produced by civil society using a “follow-the-money” approach, especially in the sexual and labour exploitation sectors. A similar approach is recommended for studies about forced marriage, forced domestic labour, and surrogacy. Reports about the latter three areas usually focus on documenting other aspects, which are important, but may be missing signs of corruption because they do not set out to look for them.
- In addition to doing more research and awareness campaigns, civil society that use strategic litigation to advance human rights causes could consider taking on cases in which anti-slavery laws are not being enforced. This could be in countries where forced marriage continues to occur in large numbers despite constitutional bans. Even if official complicity is not always due to corruption, litigation for failure to enforce the law can help activate institutional mechanisms and even shift attitudes.

## PRIVATE SECTOR

- The private sector could play an instrumental role in data-collection initiatives, leveraging ICTs and new technologies that could significantly increase

analytical capacity. Where appropriate and useful, it is recommended to engage the private sector in multi-stakeholder collaborative initiatives such as those described above in the recommendations for international organizations.

- The private sector is uniquely positioned to contribute to tackling corruption in various stages of contemporary forms of slavery, for example:
  - Businesses should continue to lead voluntary initiatives to raise awareness among their partners, employees, and customers about various contemporary forms of slavery, as well as providing ways for customers to discourage slavery through their purchases.
  - The private sector should take stock of existing experiences and assess their impact on tackling contemporary forms of slavery. For example, doubts have emerged about the “anti-slavery” certification of certain products and thus gaps need to be assessed to make the certification process more effective. Similarly, the credibility of disclosures by businesses that claim to have robust anti-slavery mechanisms in their supply chain protocols should be occasionally or randomly assessed by independent parties.
  - The private sector, especially in industries from which traffickers need services, should continue to train employees to screen for human trafficking and provide them with codes of conduct and protocols to follow in those cases. In parallel, there should be mechanisms in place to detect when employees for some reason fail to identify such cases and protections for employees who may want to report anomalies or complicit behaviours without fear of retaliation.
- Given that various contemporary forms of slavery are linked with corruption and some forms of slavery align with gender roles and sexist stereotypes, the private sector should work with experts to incorporate a gender perspective in its anti-slavery efforts and initiatives to minimize the risk of missing signs of trafficking. In addition to incorporating a gender perspective in training for employees and in data initiatives, the private sector in riskier industries (such as hospitality or transportation) could also aim to have more female front-facing employees who women and minors in particular may feel more comfortable approaching to ask for help.
- By adopting the “follow-the-money” approach, companies in the financial sector are encouraged to proactively help in the prevention, detection and confiscation of assets of trafficking networks. Some actions they can take include:
  - Keep an eye on warning signs of the possible involvement of public officials in trafficking rings, including within a country.

- Join multi-stakeholder collaboration initiatives where private-sector input can help facilitate the triangulation of data and mapping of network activity of contemporary forms of slavery in different sectors and stages of the trafficking chain. Such efforts may also include developing and using transaction analysis tools specialized in the patterns and financial flows associated with operations related to contemporary forms of slavery.
- Financial organizations can also discourage contemporary forms of slavery by voluntarily incorporating anti-slavery clauses and conditions in their contracts with clients, especially those in high-risk industries.
- Financial organizations should invest in digital finance to serve vulnerable populations. Priority investment strategies could include investing in rapid roll-out of digital payroll, payment systems and banking services to displaced populations and other populations at high risk of contemporary forms of slavery and human trafficking, including through the development of portable regulatory arrangements, concessionary financing options, and commercial guarantee mechanisms.
- Law firms could offer pro bono help to trafficked individuals in cases where official complicity has been involved. In conjunction with the criminal prosecution or separately, victims could then receive compensation for damages suffered as well as set precedent that can contribute to decreasing impunity.



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**United Nations Development Programme**

One United Nations Plaza  
New York, NY 10017

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