

Corruption as a factor of dissemination of human trafficking and it's prevention



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Abstract. *The phenomenon of corruption as a factor in dissemination of human trafficking was researched, it's interconnection and interaction were revealed, the most effective means of corruption's prevention as a threatening phenomenon for the development of any democratic state were identified. It's includes civil-control institutes, the upbringing of social culture towards the formation of an ideology of anti-corruption behavior in society based on the principles of the cultural concept of counteraction to crime.*

Key words: *corruption, human trafficking, prevention, social culture, culturological concept of counteraction to crime.*

Problem statement

Human trafficking is a crime that violates the rights to freedom, to human honor and dignity, that enshrined and guaranteed by the Constitution of Ukraine. Every year about 4 million people become victims of human trafficking. International Organization for Migration notes that only in the Western Europe about 500 thousand women are being sold each year. According to unofficial data in a sphere of sex industry of the recipient countries, from 100 to 600 thousand Ukrainian women are exploited. The substantial spreading of this crime in Ukraine had prompted national legislators to take decisive actions against human trafficking.

In a Criminal Code of Ukraine in 2001, the norm on liability for human trafficking was enshrined in Article 149 of the Criminal Code of Ukraine (Pidhorodynskyi, V. M., 2005). The prevalence of human trafficking, the imperfection of criminal legislation on liability for it, are predetermine the relevance of the research of this disgraceful phenomenon, which was appeared in ancient times and till nowadays is actual, being modified in more modern forms. The introduction of international agreements, which were directed to counteraction of human trafficking, made it possible to conclude that human trafficking was first internationally condemned only at the beginning of the 19th century. Since then, more than 20 international agreements have been concluded (Pidhorodynskyi, V. M., 2005).

All the countries which are contain in a criminal law the norms, that have some extent relate to counteraction of human trafficking can be divided into the following types: a)

those in which there is a norm, which prohibiting human trafficking, the content of it is corresponding to this phenomenon; b) those in which there is a norm about the responsibility for human trafficking, but it's content does not correspond to the gist of this criminal offense. For the most part, it's about the coercion to prostitution; c) those in which this crime is substantially limited by certain features of the composition of crime: the purpose of engaging in prostitution; the victim is only a woman, a minor (Pidhorodynskyi, V. M., 2005). Despite the growing efforts to investigate criminal proceedings, prosecute and condemn people which are involved in human trafficking, the most convicted traffickers in Ukraine are sentenced to imprisonment by the high level of corruption in the country.

Several significant factors, such as Russian aggression, corruption and ineffective measures are prevent the full implementation

of laws (The official site of web-based media VOA, 2016). Consequently, the problem of counteraction of human trafficking is multidimensional. The reducing corruption in state agencies, where the victims of trafficking are taken out, and in other areas, is of paramount importance. Such acts will contribute to reducing the level of criminality concerning the illegal exploitation of vulnerable populations, and will make the process of illegal migration more manageable in the world and in individual countries.

Analysis of latest research where the solution of the problem was initiated.

Different scientists analyzed criminological and criminal-legal aspects of prevention of corruption and human trafficking in their scientific works. They are: Yu. V. Baulin, V. V. Golina, V. M. Kutc, A. A. Musica, A. M. Orlean, V. M. Podgorodinsky, E. L. Streltsov, M. I. Havronyuk, S. D. Shapchenko and other scholars. However, the research of corruption as a factor in the dissemination of human trafficking did not found its detailed analysis in these works.

Aims of paper.

The purpose of the work is to analyze the phenomenon of corruption as a factor of the dissemination of human trafficking, to reveal its interconnection and interdependence, and to find out the most effective means of corruption's prevention as a threatening phenomenon for the development of any democratic state.

Exposition of main material of research with complete substantiation of obtained scientific results.

According to the report of the American State Department "Human trafficking 2017" Ukraine does not fully responsible to the minimum standards for the elimination of human trafficking. Such report consists information concerning our country about that. Ukraine does not apply all possible measures to put an end to human trafficking. Although marked, that Ukraine makes some progress in this sphere. In this regard, Ukraine during the last four years is on the second level in the ranking of countries in a sphere of the counteraction of human trafficking (the third level - is the lowest indicators in this sphere).

The significantly influence to this situation are extended such factors as Russian aggression, corruption and ineffective

implementation of laws (The official site of The Ministry of Social Policy of Ukraine, 2017). For many countries, this problem is also actual. Public Advocate of the Freedom Network USA Martin Vandenberg works with victims of human trafficking in the United States noted such posts. Unlike the other criminal organizations, human traffickers often work independently, much smaller of the number of participants and therefore they are more difficult to detect. Sometimes these groups consist of family members and therefore very stable. Vandenberg also pay attention to fact, that human traffickers "fueled" by corruption and often the law enforcement authorities by themselves are contribute to organized crime in poor countries.

Victims do not inform about the trafficking cases, because they think that at the homeland law-enforcement bodies are corrupted. They are afraid of police and judges, who are related to criminals. "They are afraid to be simply detained by the police, for them it is more terrible than slavery. Human traffickers use this situation", - notes Vandenberg. The research of the problem of human trafficking proves, that it is necessary to pay more attention to problem of corruption in a state institutions of those countries from where the victims of human trafficking are taken out. Because usually the main accessories of crimes could become law enforcement, customs officers and even diplomats who use their immunity.

Also it was proved, that illegal human trafficking, which is promoted by corruption, is a threat to the national security of the states. Corruption and trade are the sources of instability in many countries around the world. In particular, in Syria and Iraq, in some African countries life becomes more difficult. However the impact of illegal human trafficking and corruption are feel all members of society. Corruption promotes the dissemination of illegal trade both in the real world and in a virtual world, making goods and services of the illegal economy more widely available.

Among the buyers of these illegal goods are all members of society - those who buy a fish, which is forbidden to catch, also wood products, which is derived from protected forests, computers and phones, the main components of which are manufactured by illegally brought workers, including criminals who are traffickers. The counteraction against

such harmful corruption and illegal trade should become a more important priority in the world. It is proved, that corruption promotes the dissemination of illegal trade, making goods and services of the illegal economy more available. The counteraction against such scale corruption and illegal trade should become a more important global priority (The official site of web-based media VOA, 2011).

Particular attention deserves a conflict in Syria, that demonstrated the devastating impact of corruption on human trafficking. Migrants to the urban area, who recently left territory, which was been affected by drought, were concentrated on the outskirts of Syrian cities. With the absence of government control, the vulnerability of newly migrants arrived, who are ignore the corrupt Asad regime, is increased. They are characterized by a high level of criminality, unemployment and eventually they "became the focus of the development of disorders " during the Arab Spring.

It is proved, that all this illegal business, which is promoted by corrupt officials, exists today for transportation or human trafficking. People are selling the latest goods for pay to smugglers who can deliver their families to a safe place. Often they are become victims of human traffickers and often forced to work in slavery in Europe. Moreover, the massive movement of migrants in desperation to neighboring countries and Europe has created serious political and economic crises in destination countries, that were not ready to receive millions of displaced persons. The Syrian conflict, like many others in the world, was partially financed by illegal trade.

This illegal cross-border trade depends on corrupt officials. The smuggling of drugs, people, oil, antiques, cigarettes provides money for the purchasing of weapons and the retention of insurgents and terrorists. The Syrian situation is recognized as the worst example of illegal trade and corruption, which makes it possible in the modern world (The official site of web-based media VOA, 2011).

The analysis of the overview about the human trafficking situation in the world shows, that solving this problem is requires the removal of existing preconditions of it's emergence and spreading. First of all, we are talking about corruption as a catalyst for the human trafficking. In national practice for the tangible results in the process of counteracting

corruption, firstly, it is necessary to change the existing approaches that have emerged in the public consciousness of the perception of corruption as a habitual phenomenon.

Introduction the public education in all spheres of state activity will promote the formation of the proper level of social culture. It will also raise people in the direction of adherence to the norms of law. Ideology, based on the upbringing of a sense of public duty, the desire to be useful to society and the awareness of the value of personal material welfare as a derivative of the public welfare, will provide an opportunity to form the necessary level of social culture of society (Safonenko, A. O., 2004).

It is necessary to change the existing approaches that have emerged in the public consciousness of the perception of corruption as a habitual phenomenon. It will help to get real results in a counteraction of corruption. It was noted by A. O. Safonenko (Safonenko, A. O., 2004), and we should agreed, because increasing the level of social culture, including political culture, is a progressive factor in all anti-corruption activity. Often an obstacle to implementation the anti-corruption strategies is a factor of mentality in Ukrainian society, in particular, the indifference to bureaucratic abuses, the justification of corruption behavior by the circumstances of life, which is primarily due to the tendency of Ukrainians to individualism (The official site of web-based media NATO Review, 2017). In this case, the system of principles of public life may help to limit the corruption manifestations and to form the basis of the ethical environment in the public sector. Once such system was proposed by the Commission of Nolan. These principles include: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. The implementation of such principles should take place both through the state and non-state structures, and the role of the latest plays a very important role here. Indeed, according to some researchers in countries where public organizations are actively involved into the implementation of community programs, corruption is less widespread.

Also, the policy of creating competition among the private entities of providing services in various areas of public relations: information, medical and transport will create the conditions for the demonopolization of

certain areas of public services. The principles of professionalism and integrity of officials also became more stable. But at the same time, it should create the opportunities for the access of all sectors of the population to the use of services of private enterprises, possibly through a system of privileges and grants for the certain group of citizens.

Recognition required of choosing the way to overcome corruption in the direction of breakdown of public consciousness, the establishment of personal public responsibility at all levels of officials. It is confirms of the advantages of the cultural concept of counteraction to corruption.

In the social political sense corruption has long been perceived as a criterion for maturity, for the activity of the modern public society. Public control can be realized through the parliaments, bodies of self-government, mass media, public organizations. With it's help control could set over the activity of state administrative structures and the credibility of trust could increase as for the government and parliament.

The level of interest of the political elite in cooperation with public society organizations is negligible. Although the role of public organizations in anti-corruption activity is admitted.

The development of democratic countries is always accompanied by the strengthening of the institutions of public control over the activities of the public service. This fact helps to increase the trust for the government and parliament. Despite the particular flaws (excessive emotionality of public relations), it is believed that public institutions could be the main chain in the process of prevention of corruption in democratic organizations. There are several reasons. Firstly, the involvement of the public sector into the corruption relations. Also public sector includes more kinds of legal relations than the state sphere. It has more powerful potential in counteraction of corruption. But, on the other hand, it is necessary to unite of state and public forces in this process. The last have to create appropriate normative practice for the development of the public initiatives.

Areas of counteraction of corruption and human trafficking are most in need of involvement of public society institutions.

Corruption is a social, economic, political, and only then a legal problem. Such opinion was expressed by professor M. I. Melnyk (Melnyk, M. I., 2004). Therefore, taking into account the existing social, economic and political problems of counteraction of corruption, we also may analyze the legal aspects of this problem. Or we can analyze it in parallel, but not backwards. In this case, the policy of introducing exclusively legal remedies against corruption, without taking into account the social political, economic situation in the country, will not have a reliable foundation. Such policy will be temporary and can even lead to negative consequences.

Consequently, to eradicate corruption so quickly will be too difficult task. Because it laid the "strong roots" in all spheres of life in Ukrainian society.

It should be noted that from the time of independence the transition to a new political system in Ukraine was not backed by the necessary legal culture. Therefore Ukraine quickly has entered into amount of the most corrupt countries of the world according to information of international organizations (Razumkov Centre, 2012). Consequently, the level of political culture of citizens has a direct impact on the level of dissemination of corruption in the state. If we take into account the fact, that corruption from ancient times was an inalienable attribute of state power, modern anti-corruption measures could neutralize certain mechanisms of state machine and the stable models of business, entrepreneurial activity. After all the disappearance of corruption schemes in such spheres could lead to the necessary transformations in such structures and the new, non-corruption relations could be created. That is, raising the level of political culture will create the basis for the formation of a proper level of social culture of society in general.

The nature of the phenomenon of corruption in a modern society of Ukraine, which determines the existence of a special mechanism for corruption relations, the nature of corruption criminality and forms the crisis type corruption in the country. Such type of it is extending the crisis in all other spheres of public life and requiring the special advanced anti-corruption strategies

Corruption is considered to be a system of negative attitudes, social disease in society, and basically has a psychological setting to use

the public service for the corrupt purposes. Such change of mentality in the direction of improving the social, including political culture of all participants of corrupt relations, should become the effective direction of anti-corruption activity. The corruption of "type of crisis" generates the citizens, who have not the proper level of social culture. The counteraction of such type of corruption needs the corresponding technology with the involvement of international experience.

It is important to know, that it is impossible to solve the problem of corruption only by the criminal legal repression. Therefore, to use the new progressive strategies with a variety of social technologies can be productive way. Thereby the institute of prevention of the "conflict of interests" in the public service requires the special attention. The legislation of those countries, which have achieved the success in the anti-corruption activity, already contains the norms for the regulation of such institute. It can be done by the establishing the corresponding control, prohibited, restricted means, which have to play an important role in counteraction of corruption in general. The application of such experience will create a good practice in this sphere for other states.

There are special bodies in some countries, which control the situation to eliminate such conflict. The Nolan's Committee regulates such "conflict of interests" in Great Britain. Besides, a contender for the ministerial post has to submit a list of all his financial interests, but not just the income declaration. Than, all information has to be analyzed in details. After that a person can be offered to change the location of his assets or to cease the cooperation with some companies. In the Netherlands there are internal security services in all organizations. They detect the blunders of officials. In Germany the official has to obtain the prior permission from the highest official authority for extra work. Besides the new job after the termination of official duties will be prohibited if it harms the interests of the service.

Also it is worth paying attention to the principle of transparency in the activity of public officials, because having the full information about it the general public can actively participate in this sphere. Therefore it will facilitate the ruling of democracy in the country. It is proposed to minimize the number

of licenses, permits, to simplify the procedure of its receiving. At once it should be reduced the registration of a new private enterprise to a single action for minimizing the degree of dependence in these procedures from the officials. Besides, it should be embed the modern information technologies by introducing the electronic forms of documents, automated control systems for receive and review the documents. It will contribute to the practice of correct realization the public services and will minimize the personal contacts of officials with citizens and will increase the transparency of such processes.

It is known that corruption is a destructive factor in the mechanism of state power. It increases the degradation processes in the country. To stop it is necessary to stabilize the political situation. One of the way of stabilization is to choose the formation of public opinion in the corresponding direction (Zhuravskiy, V. S., Mykhalchenko, M. I. and Mykhalchenko, O. M. 2007).

An effective leverage will be the upbringing of an appropriate level of social culture of people who will form the necessary public opinion. It will ensure the political stability of the state. In different sources are note about the inalienable connection of political transformations with the economic and cultural development of society. Also the process of society's renewal needs the value-cultural support. M. I. Mikhalchenko said, that to feel culture as a national essence is possible only with a knowledge of the specificity of national relations, which is one of the form of the system of social relations (Zhuravskiy, V. S., Mykhalchenko, M. I. and Mykhalchenko, O. M. 2007).

The ideas about Ukrainian state-building through cultural reforms, enlightenment, and the development of public self-governance were advocated by scientist M. Drahomanov one time. Such ideas are the basis of the modern culturological concept of counteraction to criminality and have not lost it's relevance today. The idea of the development of Ukrainian society in the direction of education and forming highly culturally European nation was supported by well-known author I. Franko.

Conclusion

Fact is, that Human trafficking is a crime that violates the rights to freedom, to human honor and dignity, that enshrined and guaranteed by the Constitution of Ukraine. Despite the growing efforts to investigate criminal proceedings, prosecute and condemn people which are involved in human trafficking, the most convicted traffickers in Ukraine are sentenced to imprisonment by the high level of corruption in the country. The analysis of the problem of human trafficking give us such conclusion, that it is necessary to pay more attention to corruption in state institutions of those countries from where the victims of human trafficking are taken out. Because usually the main accessories of crimes could become law enforcement, customs officers and even diplomats who use their immunity.

Human traffickers "fueled" by corruption and often the law enforcement authorities by themselves are contribute to organized crime in poor countries. It is necessary to change the existing approaches that have emerged in the public consciousness of the perception of corruption as a habitual phenomenon. It will help to get real results in a counteraction of corruption. Indeed, according to some researchers in countries where public organizations are actively involved into the implementation of community programs, corruption is less widespread. Areas of counteraction of corruption and human trafficking are most in need of involvement of public society institutions.

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