

The Criminal Prosecution of the International Trafficking of Human Beings in the Federal Justice System of Brazil

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Abstract

The article analyzes the decisions of the organizations of the federal justice system in Brazil in charge of the cases concerning the international trafficking in persons. The research is an exploratory descriptive, quantitative and qualitative research of data. We analyze the inter-organizational relations and the basic assumptions of the decision making of the criminal justice system. The problem that we focus on answering is: how is the prosecution in criminal proceedings for international trafficking in persons implemented? The research is oriented by the organizational approach of the systemic theory and by the analysis of the network of governance for the fighting of trafficking in persons and it also involved the direct contact with the federal authorities that acted in the conduction of the investigations and criminal processes.

Key words

Criminal justice system; organizational analysis; trafficking in persons

Resumen

Este artículo analiza las decisiones de las organizaciones del sistema federal de justicia de Brasil a cargo de los casos sobre tráfico internacional de personas. Se ha realizado una investigación exploratoria-descriptiva cuantitativa y cualitativa de datos. Analizamos las relaciones entre organizaciones y las suposiciones básicas del proceso de toma de decisiones dentro del sistema de justicia penal. El problema que intentamos resolver es el siguiente: ¿cómo se lleva a cabo el enjuiciamiento penal por tráfico internacional de personas? La investigación ha estado dirigida por un enfoque organizacional de la teoría sistémica y por el análisis de la red de instituciones para el combate del tráfico de personas. Asimismo, hubo relación directa

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con las autoridades federales que dirigieron las investigaciones y los procesos penales.

Palabras clave

Sistema de justicia penal; análisis organizacional; tráfico de personas

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1. Introduction

There is a gap in the studies of the penal control of trafficking in persons in Brazil¹ aimed at the analysis of the Criminal Justice System through the decisions of the many stages of the investigation and of the criminal process. Preliminary studies show the absence of the obtaining and treatment of empirical data focusing on the analysis of the scope of the organizations involved in the prosecution of the trafficking in persons in the Brazilian judicial system.

The precious existing studies started from regional data and not broad ones: the 1st *Diagnosis about the Trafficking of Human Beings: São Paulo, Rio de Janeiro, Goiás and Ceará*, done by the International Labour Organization (ILO) and by the National Security Agency (SNJ) was restricted to the states of São Paulo, Rio de Janeiro, Goiás and Ceará (Colares 2004); the research done by the National Security Agency (SNJ) in partnership with the United Nations Office on Drugs and Crime (UNODC), aimed at determining the socio-economical profile of the women and transgenders deported or not admitted who arrived at the Airport of Guarulhos (SP), was restricted to the state of São Paulo (SNJ 2005).

In the year of 2006, the National Security Agency (SNJ) in partnership with the International Labour Organization (ILO) conducted a research with the registration of the observations in the field diary of the researchers and 73 interviews with the people deported and not admitted with visas to learn about the dynamics related to the international trafficking in persons among Brazilians who were deported or not admitted in other countries (SNJ and ILO 2007) and in 2009 the global report of the United Nations Office on Drugs and Crime (UNODC) did not show big news, since it used the data from the Federal Police cited in the report of *Acting of the Department of Federal Police in the fight of the crimes that violent the human rights* (Ministério da Justiça 2016).

In the United States of America, in the website of Harvard Kennedy School, an empirical study shows the determining causes of the trafficking in persons and it covers the period of 1995 to 2010, suggesting that it shares reasons for an economic migration, and it is also a reference for future studies which are aimed at the specific circumstances of the trafficking of human beings, offering relevance to public policies in the area (Cho 2015). The Department of State of the United States of America, in a report about the trafficking in persons, entitled *Trafficking in Persons Report, 2016*, disclosed annually, listed Brazil in the so-called Group 2, along with Argentina, Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Panama, Paraguay, Peru and Uruguay, classified as those that do not fulfill the compromises in concerning the trafficking in its totality, though with significant effort (US Department of State 2018).

The study that we present in this article is related to those mentioned above, as in the example of the research done by the International Centre for Migration Policy Development (ICMPD), in the year 2011, aimed at analyzing the trafficking of human

¹ As it is in the Brazilian Criminal Code: "Art. 149-A. Agency, entice, recruit, transport, transfer, buy, host or host a person, through serious threat, violence, coercion, fraud or abuse, for the purpose of: I – remove organs, tissues or parts of the body; II – submit it to work in conditions analogous to that of a slave; III – submit it to any kind of servitude; IV – illegal adoption; or V – sexual exploitation. Penalty – imprisonment, from 4 (four) to 8 (eight) years, and fine. Paragraph 1. The penalty shall be increased from one third to half if: I – the crime is committed by a civil servant in the performance of his duties or on the pretext of exercising them; II – the crime is committed against a child, adolescent or elderly or disabled person; III – the agent prevails from relationships of family, domestic, cohabitation, hospitality, economic dependence, authority or hierarchical superiority inherent in the exercise of employment, position or function; or IV – the victim of trafficking in persons is removed from the national territory. Paragraph 2. The penalty is reduced from one to two thirds if the agent is a primary and does not belong to a criminal organization".

beings in Brazil to the European Union, especially Portugal² and Italy which brought indicators in relation to the victims: "low school educational levels, reduced expectations of social mobility and age group between 20 to 30 years old" (ICMPD 2011, p. 16).

The following research intends to demonstrate that the trafficking in persons is a phenomenon of peculiar characteristics and with its own identity, pointing at economic causes in its roots, requiring public policies aimed at the prevention, repression and support to those, by any means, are in the eminence of being involved (state of danger), with the State being able to count on the support of the organized society in face of its incapacity of acting alone in all the fronts, where it can be studied in face of the organizational interactions of all the players who take part in the many stages of these public policies.

The current work is part of a profound research of a Doctorate Degree thesis and has as its aim to identify, from the data empirically collected in field, with qualitative and quantitative techniques, the flow of the processes of international trafficking in persons in the Federal Courts of Brazil, competent for the judgment of this crime. We analyze them according to the decision basis of each of the organizations involved in the criminal prosecution of this crime, checking the favorable divergences to an ideal matching of such investigative structures.

The objective arises from a problem connected to the acting of the organizations related to the fighting of the international trafficking in persons: in the institutional modeling idealized to the criminal control of the international trafficking in persons in Brazil, how do the Federal Public Ministry, Judiciary and Federal Police proceed? In order to answer this question, we have entered the investigative field to collect and analyze the data related to the acting of each one of these actors, such as the number of police investigations and divergences shown with the number of cases reported and sentenced, acquittal/sentencing sustained in the superior courts. The technique of the flow of the justice system used here consists in observing the System of Criminal Justice (SJC) from the decisions produced by the organizations that act on it, identifying the incoherencies, gaps and re-works (harmful) in all the phases of the processing of the police investigations and the criminal process.

The diagnosis of the processes of criminal prosecution in the system of federal criminal justice in Brazil intends to evidence the criminal justice system decisions concerning the trafficking in persons, and we focus on inter systemic relations, to comprehend the manner of approaching and the selectivity that are given by the Police, Public Ministry and Judiciary in the configuration or not of the crime. The processes are analyzed, in this research, with the use of the methodology as follow described as the systemic theory.

The starting point for the analysis of the material collected in field is the systemic functional theory of Luhmann, in which the directing is the analysis of the communications, which are expressed in the decision processes of a system judicially programmed; the judicial system "which is observed and describes itself, and, therefore, develops its own theories, proceeding in a 'constructivist manner'" (Luhmann 2016, p. 32).

2. Methodology and temporal limitation of the research

The necessary information for the elaboration of the work used the techniques of the bibliographical research (indirect documentation) and the field research (direct

² The Report of Trafficking of Persons *Tráfico de pessoas: estatísticas da justiça 2008-2015* [Statistics from the Justice System 2008-2015], of the Observatory on Trafficking in Human Beings, and the *Relatório Anual de Segurança Interna 2016* [Annual Report of Internal Security 2016], of the Internal Security System – Cabinet of the General Secretary (2017) in Portugal, show 118 confirmed victims by the criminal police, 108 in Portugal and 10 abroad. The victims came from 23 different nationalities, community or non-community, with special incidence from people coming from Africa, Asia and Brazil (Guimarães 2018).

documentation), and interviews with Federal Judges, Federal Prosecutors and Federal Police Officers, all acting in Brazil. The research was done based on data supplied by the Federal Public Ministry and by data supplied by each one of the five Federal Regional Superior Courts that form the Federal Justice in Brazil, in charge of constitutionally judge the cases of trafficking in persons.

In a last phase of the research there was the displacement of each one of the Judicial Sections in which the Federal Regional Courts is divided; the Judicial Sections chosen obeyed to criteria in which two factors could be contemplated: higher number of cases in the Judicial section and space aspect, in such a way to contemplate at least one Judicial Section per region of Brazil, obtaining a significant sample of the many regions (South, Southeast, West Central, North and Northeast); in this phase the research involved the Judicial Sections of the Federal Justice in the states of Goiás, São Paulo, Rio de Janeiro, Paraná, Santa Catarina, Bahia, Pernambuco, Ceará and Pará.

In the field research, the processes were selected to maximize the variation between the different regions of the country (South, South East, West Central North East and North), allowing the observation of the flow of justice in different contexts of implementation. Though, the methodological demands for the quantitative and quantitative analysis were satisfied: external homogeneity, since it was analyzed inquiries and processes only about international trafficking in persons in judiciary sections in all the five regions of the country, and also internal heterogeneity, since distinct processes were analyzed within the same judiciary section.

The interviews were done in a written form and, when allowed by the authorities, in an oral form and with recording, simultaneously with the qualitative field research covering the diverse regions of Brazil, which allowed to have the amplitude of the organizational relations, deepening the field of research. For ethical purposes, the identification of the people interviewed is omitted and substituted by the abbreviations of the positions held ("PR" for Prosecutor of the Republic, "DF" for Federal Police Officer and "JF" for Federal Judge); afterwards, the order number of the person interviewed was inserted. The interviews involved seven Prosecutors of Goiás, four Federal Police Officers and nine Federal Judges.

For the delimitation of the temporal aspect, likewise the empirical knowledge of the question, an internal survey of the Federal Police has confirmed the objective aspect of the period from 2004 to 2015 as the target for our work: it was during this period that an increase, following by a pinnacle and finally, a reduction on the cases involving the phenomenon of trafficking in persons. Figure 1 (below) demonstrates the questions we present.

FIGURE 1

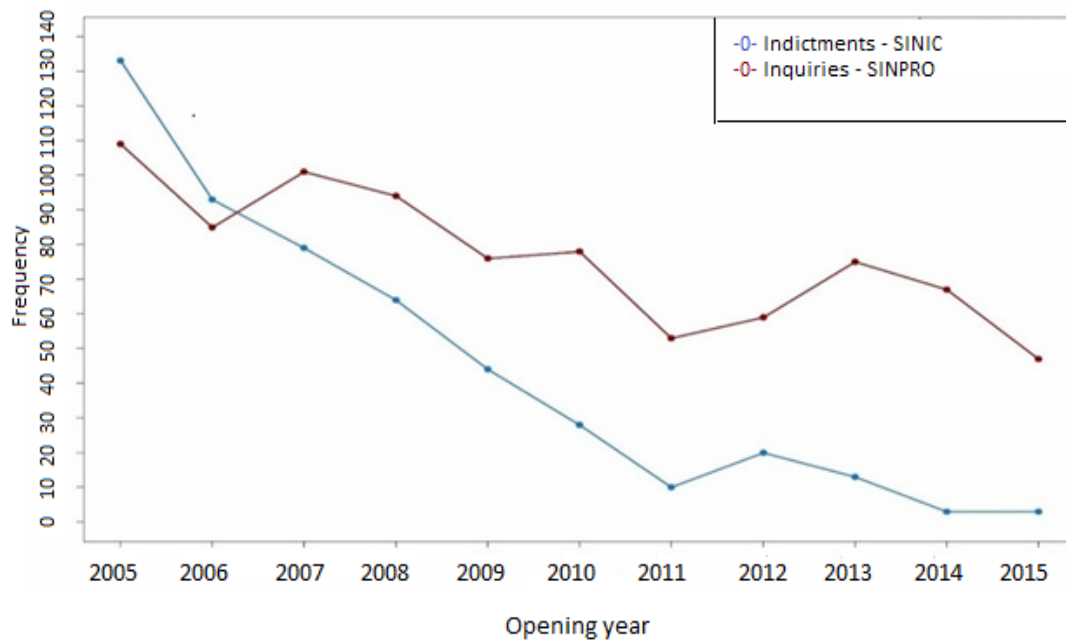


Figure 1. Distribution of the proceedings instated (red) and the indictments (blue) done by the Federal Police in the International Trafficking in persons (CP, art. 231) between 2005 and 2015. (Source: Proceedings of the Federal Police in the crimes against Human Rights 2016).

Figure 1 shows that the temporal delimitation of the period of the research contemplates the time comprehended between the rise in the number of criminal proceedings of international trafficking in persons in the justice system (from 2004) and its decline (from 2015).

3. Flow of the processes and the time in the course of the criminal prosecution

The technique of the flow of the justice system, which consists in observing the Criminal Justice System (SJC) from the decisions produced by the organizations that act in it, identify the incoherence, gaps and re-works (harmful) in all the phases of the inquiry and the criminal action.

Based on the statistical data obtained from the report from the Attorney General of the Republic, in charge of promoting the criminal actions for international trafficking in persons in Brazil, we aimed at analyzing the organizational interactions in the system of criminal justice, observing the moment when the Prosecutors are in the highest demand in the flux of the processes of justice and its relation with the Federal Police in face of the numbers of cases dismissed³ and complaints to the investigations initiated, and the time of its duration, in this case, verifying the lapse of time between the assessment and the conclusion.

The reconstruction of the flow of the Criminal Justice System (SJC) allowed to verify the selected criteria that guide the conditional and finalist premises of the organizations involved in the fighting against the trafficking, analyzing the so-called

³ The term "case dismissed" means the closure of a case, but not necessarily that the merits have been examined for acquittal or conviction of the suspect (perpetrator); The case may have been terminated because of a procedural irregularity.

“impunity funnel”⁴ and to set the occurrences of procedural slowness in determined cases (Adorno 2002, Ventura 2006, Oliveira and Machado 2018).

The data is relevant when compared with international studies, such as the one performed by Liz Hales (2018), independent researcher and consultant in Criminal Justice and Immigration Cases of the University of Cambridge, who sets an average penalty of 2 months for the victims of trafficking in possession of false documents, which shows that the authorities such as the ones from The United Kingdom do not worry only in to restrain human trafficking, but also in to punish the victims, which is not verified in our study.

Initially, the analysis of the data from the Federal Public Ministry, in Brazil, focused on the “concluded” police inquiries. Defined as “concluded inquiries” those investigative procedures in which there was the presentation of a complaint or a request for case dismissed (considering the manifestation).

The research in the data system of the Federal Public Ministry pointed to the existence of 195 police inquiries considered as concluded, which corresponds to a total of 54% of the proceedings; out of these 54% concluded, only 38 (19.5%) were for the offering of a complaint and 157 (80.5%) were for the request of case dismissed.

TABLE 1

MANIFESTATION	Number of cases	Percentage (%)
CASE DISMISSED	157	80.5
COMPLAINT	38	19.5
TOTAL	195	100.00

Table 1. Concluded Police inquiries.
(Source: Federal Public Ministry.)

The number of only 19.5% demonstrates a decrease in the efficacy of the criminal justice system between the entrance (the complaint that is offered by the Federal Public Ministry) in relation to the total of concluded investigations; from the total of concluded investigations, 157 cases, which correspond to 80.5%, are filed, suggesting that the investigation system can be improved. The police inquiries concluded with the offering of a complaint and the police inquiries filed were submitted to analysis. For these inquiries, time was calculated, in days, passed between the opening of the inquiry by the police and the manifestation of the complaint or case dismissed, by the Public Ministry.

The statistical summary, with the counting, average and standard deviation of the times are found in Table 2 (below). It is also presented, in the same table, the scheme of the 5 numbers (minimum, 1st quart, median, 3rd quart and maximum), which allows the analysis of the asymmetry of the distribution of the times between the complaints and the cases dismissed. It is observed that the average time for the conclusion of the inquiry in the cases of complaint is significantly lower than the time in the cases of case dismissed.

⁴ The metaphor is one of the greatest critical points from the Federal Public Ministry in relation to the Federal Police (PF) and remits to the disparity between the number of processes that are in the Criminal Justice System and the number of sentences that result from them (Oliveira and Machado 2018).

TABLE 2

STATISTIC	COMPLAINTS	CASES DISMISSED
COUNTING	37	144
AVERAGE	658.94	894.58
STANDARD DEVIATION	719.04	843.88
MINIMUM	0	0
1st QUART	20	315
MEDIAN	405	665.5
3rd QUART	1,022	1,233
MAXIMUM	2,186	4,209

Table 2. Time of the complaints and cases dismissed – Total of inquiries concluded.
(Source: Federal Public Ministry.)

As in the case of the median, the quarts, the median and the maximum time are higher in the cases of case dismissed. In the investigation of the international trafficking in persons, the investigations have shown empirically more promising – from the police point of view, with the possibility of reaching the evidence and authorship of the crimes – the lower the time of investigation, which can better be observed in the graph below.

FIGURE 2

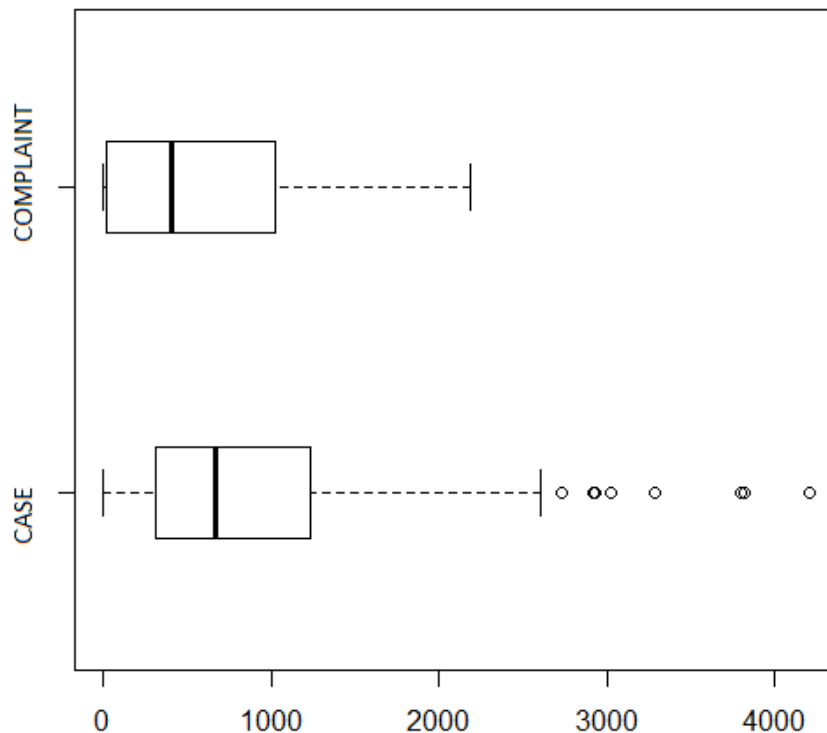


Figure 2. Comparative of the time of the complaint and the case dismissed.
(Source: Federal Public Ministry.)

By using the semester scale, we calculated the percentage of inquiries that resulted in a complaint or case dismissed in each period and the graph of Figure 3 (below) was built. It is noted, clearly, that until one year the percentage of complaints (50.00%) is very superior to the percentage of case dismissed (29.41%), a situation that is inverted after the first year.

FIGURE 3

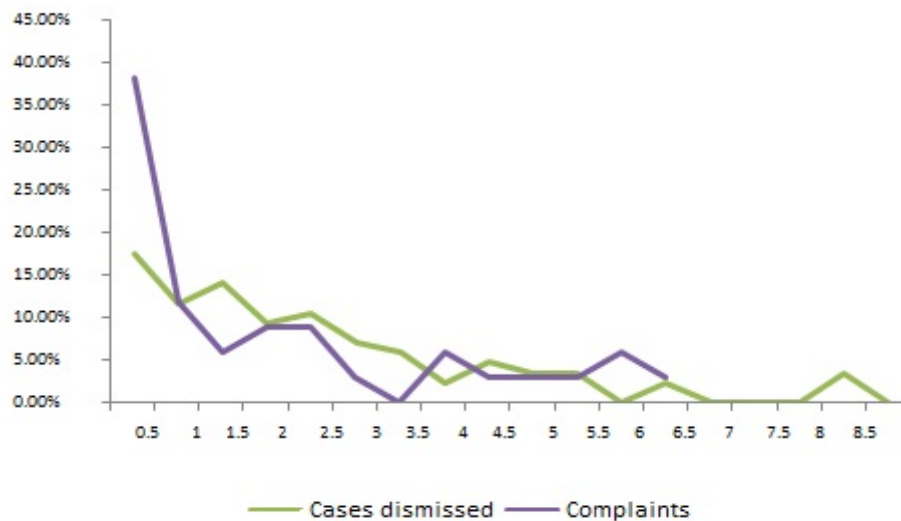


Figure 3. Percentage distribution of the times of the complaints and cases dismissed (in years) – 1st Region.
(Source: Federal Public Ministry.)

The time elapsed for the conclusion of the investigation proceedings is correlated to the complaints and the cases dismissed. The delay in the conclusion of the inquiries in the international trafficking of persons compromises the efficacy of the proof and constitutes an obstacle to a reasonable process; the data collected show that the temporal lapse directly affects the quality of the proof produced. This achievement is not unusual as it was also detected with other crimes in the federal justice system (Machado *et al.* 2016).

4. The organization interaction

The international judicial cooperation for the penal control of the trafficking in persons is the effort of two or more States aiming at reaching a common objective with juridical results, with or without jurisdictional character. The international judicial cooperation does not remove the necessity of institutional cooperation in the internal sphere of each State, taken as the embracement between the states' public agents or, also, between these and private agents, aiming at the collaboration for the preservation and repression of the trafficking and the protection of the victims.

For the international cooperation to be effective it is necessary that there is an alignment of the international and internal judicial system of the countries involved in the fighting against human trafficking, facilitating that the requests that are sent and received between the authorities involved are accomplished without any barriers.

With the new redaction of the Article 149-A of the Brazilian Criminal Code, given by the Statute 13,344/2016, the fighting against human trafficking became more insightful, since it began to comprehend not only those cases in which the victims are sent abroad without being aware of the purpose or, also, with the vicious fraudulent consent, coercion or threat, adapting the criminal type to the International Conventions.

In this point, while treating of the decision premises and the networks of governances we refer not only to the bases used by the organizations that precede the positioning taken and that guide their decisions; the result of the inter-institutional interactions between the players that act in the system of criminal justice is analyzed in face of the statistical data of the processes analyzed in the empirical research, complemented by the interviews done with the Federal Police Officers, members of

the Federal Public Ministry and Judges that necessarily have participated in the processes of international trafficking of persons.

4.1. Analysis from the condemnations

The Law, as the recognition of a decision-making process, subjected to argumentation and demonstration (Luhmann 1983, 1985), makes it the result of judicial decisions, oriented by decision-making premises. Among the decision making premises, the programs are highlighted, the people, the channels of communication (Machado 2014, p. 38) and the auto-descriptions, when they provide guidelines for the concrete operations (Seidl 2003); the programs, in its turn, are classified in conditional programs (oriented by "input") and finalist (oriented by "output") (Luhmann 2010, Machado 2014).

The study of the decision-making premises of the organizations and the way in which they communicate presupposes the definition of the conditional programs and the finalist programs. The first ones are based in the treaties, in the laws and in the normative acts, defining causes as triggers of expectations (applying the formula if/then), and the second ones, finalists, are based in the priorities, in the strategic plans and in the cognitive routines (organizational culture) (Machado and Vieira 2016).

In the field of penal control of the trafficking in persons, The Additional Protocol to the Palermo Convention, which has as its objective the prevention, the suppress and the protection of the victims, is a good example of a conditional premise. The attention to the finalist premises is relevant for the comprehension of the acting of the players in the fighting of trafficking in persons, since not all the countries act pressed by the same ideal; studies by Liz Hales (2018, p. 66), researcher at the Institute of Criminology at Cambridge University, notice that the United Kingdom has been utilizing the flag in the combat to the trafficking in persons to limit the access to the "United Kingdom" (UK) (Hales 2018, p. 66); some countries aggregate to the trafficking in persons other subjects such as slavery work and mix it with sexual exploitation and prostitution, removing the focus from the trafficking and contributing to the repulse of a collectivity of people, to whom are include the migrants who dedicate themselves to exorbitant labor and the desired prostitution (Jones and Winterdyk 2018, p. 6).

Firstly, considering the total of police investigation inquiries, without discerning the Federative Unity (UF), it is possible to measure the level of proactive persecution, that is, by the initiative of the official mechanisms of the criminal action; we have, in the table below, the distribution of the sources of information. In this case, the *notitia criminis* of the non-identified person as victim corresponds to 38.7% of the registers of the cases of trafficking in persons

It is observed that only 14.7% of the cases of investigations were initiated by a proactive conduct of the police authority in charge of the fighting of trafficking in persons, in another process; now in 1.3% the investigations were initiated in a proactive manner by the police authority, but as a result of another investigation by a diverse crime in which there were located, fortuitously, proofs of trafficking in persons.

TABLE 3

Source of information	Counting	%
<i>Notitia criminis</i> of the non-identified persons as a victim	29	38.7
Deployment of another internal investigation in which an analogue case is being investigated	11	14.7
<i>Notitia criminis</i> of the person identified as the victim	8	10.7
Anonymous <i>Notitia criminis</i>	6	8.0
Foreign Police Authority (Police corporation)	4	5.3
Routine activity of the PRF	1	1.3
COAF	1	1.3
Tutelary Council	1	1.3
Brazilian Consulate in Hong Kong (China)	1	1.3
Brazilian Embassy in Laundê	1	1.3
Ex-husband	1	1.3
Civil Police investigation initiated in 12/03/2004	1	1.3
Police investigation in another procedure (fortuitous finding of proofs)	1	1.3
Call – Special Secretary for the Protection of Women/Ministry of Justice	1	1.3
MPE	1	1.3
<i>Notitia criminis</i> of the nucleus of fighting against the trafficking of persons in Ceará	1	1.3
Routine operation of the PRF	1	1.3
Request for international judicial cooperation	1	1.3
Dismemberment of the Police investigation inquiry 200635000060309.	1	1.3
Proofs sent by international cooperation	1	1.3
Not part of the Police investigation inquiry	2	2.7
Total	75	100.0

Table 3. Source of information that gave reason to the opening of IPL.
(Source: Federal Regional Court of the 1st. a 5th Region.)

The qualitative field research based on the documental analysis of the police inquiries allowed comprehending the meanings of the methods of investigation and the impacts in the result of the processes. In this way, we asked how does the investigation interfere in the judicial process? There was a request for the extension of time for the conclusion of the investigations in practically 80% of the police inquiries (79.7%), according to Table 4 (below).

TABLE 4

Extension of time	BA	CE	GO	PA	PE	PR	RJ	SC	SP	Total
Yes	5	4	15	5	7	4	6	3	10	59
No	2	1	4	2	-	-	2	3	1	15
										(79.7%)
										(20.3%)
Total	7	5	19	7	7	4	8	6	11	74
										(100.0%)

Table 4. Distribution in the number of IPLs by request of a time extension.
(Source: Federal Regional Court.)

The successive requests for a time extension of the inquiries harm the elucidation of the facts, if not only because of its forgetting, but also in face of the difficulty in locating the victims, due to the victimization and also because of their constant change of address.

While crossing the existence of a request for time extension with the type of sentence, it is clearly noticed that, as we inspect Table 5 (below), the proportion of the

absolving sentences is substantially higher when there is a request for time extension. We are facing one of the biggest “findings” in this research: the lapse in the course of the investigations is substantially relevant to the final result of the flow of justice.

TABLE 5

Request for time extension	Criminal condemnatory sentence		
	Yes	No	Total
Yes	12 (21.8%)	43 (78.2%)	55 (100.0%)
No	7 (58.3%)	5 (41.7%)	12 (100.0%)
Total	19 (28.4%)	48 (71.6%)	67 (100.0%)

Table 5. Distribution in the number of IPLs by request of a time extension.
(Source: Federal Regional Court.)

In a little more than a quart of the cases researched (26.7%) there was a criminal condemnatory sentence, which demonstrates the low effectiveness of the processes. Most of the criminal condemnatory sentences happened in the State of Goiás (see Table 6 below).

TABLE 6

Condemnatory sentence	BA	CE	GO	PA	PE	PR	RJ	SC	SP	Total
Yes	1	1	5	4	1	1	1	2	4	20 (26.7%)
No	1	5	20	2	6	4	7	3	7	55 (73.3%)
Total	2	6	25	6	7	5	8	5	11	75 (100.0%)

Table 6. Distribution of the number of processes by the existence of a criminal condemnatory sentence.
(Source: Federal Regional Court.)

The data collected allowed the elaboration of the statistic between “what the police says” and “what the Federal Judiciary says”. The data show that there is a high percentage of divergence between the Public Ministry, which offers the complaint, and the Federal Judiciary, which judges the cases.

Table 7 (below) relates the number of indicted (lines) with the number of sentenced (columns). The diagonal assigned in blue shows the cases in which all the indicted were sentenced, which represent 38.57% of the cases of occurrence: 27 cases. For all these cases, it is possible to affirm a tuning between the Federal Justice and the Federal Public Ministry.

TABLE 7

	Number of sentenced								TOTAL	
	0	1	2	3	4	5	6	7		
1	16	16								32
2	3	6	7							16
3	2	4	1	3						10
4	-	1	1	2	-					4
6	-	-	-	-	-	-	-			-
7	-	-	-	-	-	-	-	1		1
8	-	-	-	-	1	-	-	-		1
9	-	-	-	-	-	-	-	-		-
10	-	-	-	-	1	-	-	-		1
11	-	-	-	1	1	-	-	-		2
TOTAL	21	27	9	8	4	-	-	1		70

Table 7. Distribution of the number of indicted x sentenced.
(Source: Federal Regional Court.)

On the other hand, the first column represents the processes in each none of the indicted were sentenced, which represents 30% of the cases (21 cases); in this case, the coefficient of efficacy is zero and there is no interaction between the Public Ministry and the Justice. Obviously, the area above the blue diagonal is not filled because it is not possible to have more sentenced by the Federal Justice than the indicted by the Federal Public Ministry.

Observing the decisions on the appeals of the Federal Regional Courts in the cases of international trafficking, the reorientation of the first decisions, according to what is decided by the superior hierarchy, it is inferior to 10% of the decisions made, since the great part of what is decided is maintained in the appeals. In the great majority of the cases, it is, 90.3% of the processes (28 of the 31 cases), the sentencing is maintained:

TABLE 8

	Sentenced in 2 nd instance								TOTAL	
	0	1	2	3	4	5	6	7		
0	1	-	1	-	-	-	-	-		2
1	-	12	1	-	-	-	-	-		13
2	-	-	7	1	-	-	-	-		8
3	-	-	-	4	-	-	-	-		4
4	-	-	-	-	3	-	-	-		3
5	-	-	-	-	-	-	-	-		-
6	-	-	-	-	-	-	-	-		-
7	-	-	-	-	-	-	-	1		1
TOTAL	1	12	9	5	3	-	-	1		31

Table 8. Distribution of the number of sentenced in 1st instance x 2nd instance.
(Source: Federal Regional Court.)

The blue line on Table 8 (above) show the cases in which the sentencing of the number of people in first instance was maintained in second instance. As an example,

there were seven cases of sentencing of two people in first instance that were maintained in second instance. An in only three cases, the number of sentenced in second instance was higher than the number of sentenced in first instance for the same process; in another analysis, there was a case in which, an individual sentenced in first instance, there was an increase in the number for two sentenced in second instance.

All the cases in which the number of sentenced in second instance surpasses the number of sentenced in first instance are shown in Table 7 (above) above the blue line. The confirmation of the sentences in second instance generates expectations of orientation, of conforming to the decisions of the higher hierarchy.

Figure 4 (below) illustrates the number of victims by age (in years) to the time of the enticement. While the peaks of enticement happen with victims with age usually around 19 to 22 years old, the number of victims is located in the age group between 19 to 24 years old.

FIGURE 4

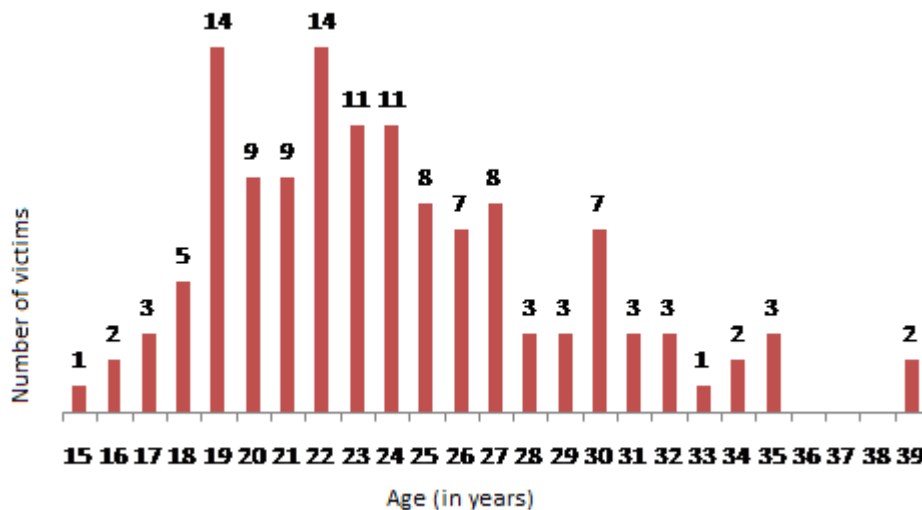


Figure 4. Distribution of the number of victims by age at the time of the enticement.
(Source: Federal Regional Court.)

The statistic also showed an analysis of the age of the victims by Federative Unity (UF) where the cases were researched. Table 9 (below) presents the distribution of the age of the victims by Federative Unity (UF). The measuring of the ages by UF allows to affirm that there isn't a great variation in the values, which are situated between 21 to 25 years old, with the exception of Rio de Janeiro, in which the age of the victims is around 29 years old, while in Santa Catarina, the victims for the international trafficking are younger, from 18 years old.

TABLE 9

Statistics	BA	CE	GO	PA	PE	PR	RJ	SC	SP
Counting	11	8	55	15	4	7	9	3	17
Median	26.6	24.1	23	25.3	22.3	22.7	26.9	18.7	24.9
DP	7.6	3.9	4.0	4.7	6.0	5.2	6.6	3.1	3.6
CV	28.7%	16.0%	17.6%	18.7%	27.1%	23.0%	24.7	16.4%	14.6%
Minimum	15	19	17	20	17	16	19	16	19
1 st Quart	21.5	21	19	22.5	17.8	20.5	20	17	22
Median	25	24	22	24	21	21	29	18	24
3 rd Quart	33.5	27	25.5	26	25.5	24.5	30	20	27
Maximum	39	30	35	35	30	32	39	22	32

Table 9. Age of the victim by UF.
(Source: Federal Regional Court.)

Figure 5 (below) illustrates, through the Box-plot graph, the age of the victims detailed by federative unity, in Brazil. The application of this test of Analysis of Variance in the data of the age of the victims of the federative unities represented on Table 8 (above) didn't indicate a significant difference in the average ages of each federative unity,⁵ which can be verified by the inspection of the figure.

FIGURE 5

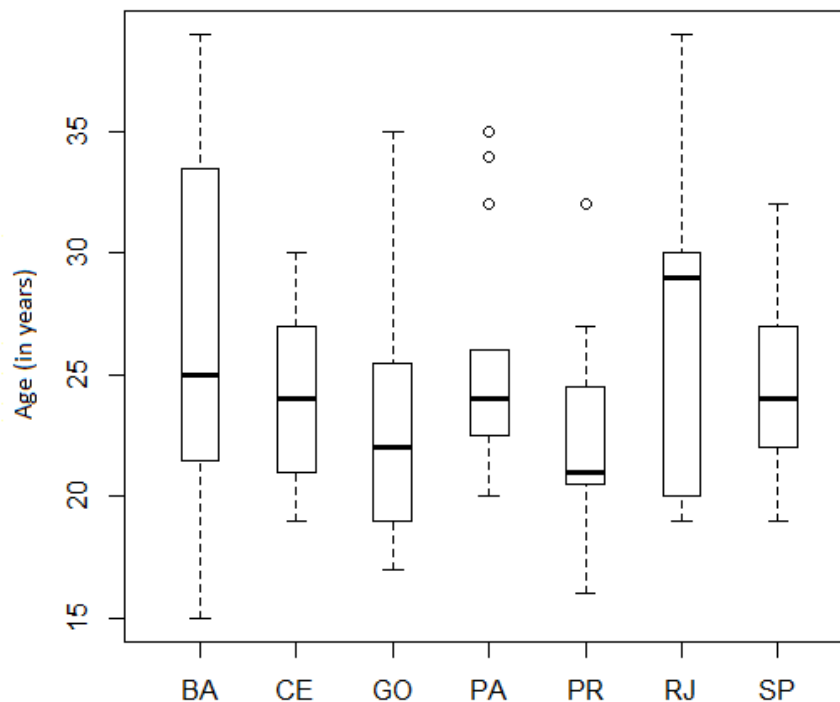


Figure 5. Distribution of the age of the victim (in years) in relation to the UF.
(Source: Federal Regional Court.)

⁵ Value-p=0.09638 for the test of ANOVA.

4.2. Networks of governance

The systemic analysis presupposes to make explicit the governance tools in networks used in the penal control of the trafficking in persons in order to comprehend the "arrangements" elaborated for its fighting, with the exploration of its characteristics that, at the end of the process, it will enable a critical reading of the procedural movement and the cluster of relations of power the act for what has been named the "suppressing of the trafficking in persons" in Brazil.

The governance must be translated as "institutional conduction" (Kenis and Schneider 1996) and it is associated to an analysis of the institutions centered in their players, maybe be referred to inter-organizational arrangements; in the networks of governance the decisions deserve to be made in alignment with a public policy that guides the acting of the players who act in the suppressing of the trafficking in persons.

Evidently, it implies that the concept in public policies is not formulated only by a solo player, the State, as well as there is not a unified hierarchy of public policy, but rather a network of organizations with relative autonomy (Schneider 2005, p. 49), causing a progressive internal differentiation in consequence of the organizational field of the State.

Besides the self-interested exchanges – that can refer to the products and services, as well as to the information – the notion of governance implies the relations of "interdependency, trust, identity, reciprocity and sharing of values or objectives (high flexibility and solidarity, but low sustainability)" (Pires and Gomide 2016, p. 124) in a structural attachment with the environment of cooperation, above all international, in the case of trafficking in persons.

It is to say, the international interactions, that precede the decisions, can avoid gaps, incoherence and re-work, constituting in important tools of governance and avoiding harmful practices to the public policies of suppressing the trafficking in persons; "the organizational interactions are equally relevant, since many decisions are made through the social interactions" (Seidl 2005, pp. 145-170, Machado 2014).

The deeper contact with the processes of trafficking in persons in the Courts of Justice and the interviews allow parameters to map how the different players act in the flow of the process; to listen to the players suggest clues about the forms as how they act and interact towards the decision making, which is relevant to the analysis of the organizational interactions.

The interviews aimed at qualified informants, thus seemed as those who have a qualification, be it by their living experience, being it by their contact with the subject object of the interview (Begniss *et al.* 2007) and were done in a semi-structured form, in a way to allow that the interviewed ones, from their experience and following their own thoughts, could actively participate in the interview according to the hypothesis suggested with the previous answers, making open the field to the collection of data (Triviños 1987).

The research suggests that the high level of rotation of the inquiries dealing with the trafficking in persons and the continuous extension of time practiced in the course of the investigations can be linked to the prescription as cause of the extinction of the criminality in face of the increasing of the temporal lapse necessary for the conclusion, deserving attention from the players involved in the criminal prosecution, in a way to help in the clarifying of the criminal practices.

The Police Officers interviewed pointed to the lack of support as a cause of the delaying in the investigations: "there is a team to help the police authority" (DPF3, SP, written).⁶

Allied to the overload of work, the police officers point to the absence of a necessary specialization to the suppressing of the trafficking that also harms the flow of the work and say that training is necessary: "Training, because our personnel doesn't still have the know-how; the people need training because our personnel receive the investigation and they get lost" (DPF4, CE, oral).

The data obtained and mathematically conjugated with the field interviews suggest a joint analysis of both for a satisfactory result to the causes of prescription in the investigations of trafficking in persons, where the total loss of the object can't be attributed to the police authorities that suffer the undesirable effects of the lack of human structures and training.

The Prosecutors of the Republic interviewed were questioned about "what is the most evident sign of vulnerability (if there is) of the victim in relation to the enticer during the enticement?". The answers of the Prosecutors were listed as follows:

CHART 1

<i>Extreme poverty</i> and low level of school education; usually the enticement happens – at least in the cases in which I worked – against poor victims from cities in the countryside and with a low level of school education (PR1, GO, written).	<i>Poor</i> women anxious to have a better financial situation (PR2, GO, written).
It is frequent: to have (a) previous involvement with prostitution; (b) <i>serious economic lack of sufficiency</i> ; (c) family relationship with the enticer or with the mediator (PR3, GO, written).	It is frequent: to have (a) previous involvement with prostitution; (b) <i>serious economic lack of sufficiency</i> ; (c) family relationship with the enticer or with the mediator (PR4, GO, written).
Promise of easy obtaining <i>money</i> ? (PR5, GO, written).	<i>Economic dependency</i> for the payment of the travel expenses (PR6, GO, written).
1 – <i>Poverty</i> ; 2 – Material Supremacy (PR7, GO, written).	<i>Poverty</i> and low instruction (PR8, DF, written).

Chart 1. Signs of vulnerability cited by the prosecutors.
(Source: Prosecutors of the Republic.)

In all the interviews done the material question is shown in the answers of the Prosecutors of the Republic with a vocabulary that refers directly to the question: "poverty", "poor", "economic lack of sufficiency", "serious economic lack of

⁶ To reference the interviews performed during the research of the Doctorate Degree, of higher relevance, we adopted the following abbreviations preserved in this article: Prosecutors of the Republic: Prosecutor 1 – GO (PR1, GO, written); Prosecutor 2 – GO (PR2, GO, written); Prosecutor 3 – GO (PR3, GO, written); Prosecutor 4 – GO (PR4, GO, written); Prosecutor 5 – GO (PR5, GO, written); Prosecutor 6 – GO (PR6, GO, written); Prosecutor 7 – GO (PR7, GO, written); Prosecutor 8 – DF (PR8, DF, written). Federal Police Officer: Oral: Federal Police Officer 4 – CE (DPF4, CE, oral). Written: Federal Officer 1 – RR (DPF1, RR, written); Federal Officer 2 – BA (DPF2, BA, written); Federal Officer 3 – SP (DPF3, SP, written). Federal Judge: Oral: Federal Judge 1 – SP (JF 1, SP, oral); Federal Judge 2 – SP (JF 2, SP, oral); Federal Judge 3 – RJ (JF 3, RJ, oral). Written: Federal Judge 4 – GO (JF 4, GO, written); Federal Judge 5 – GO (JF 5, GO, written); Federal Judge 6 – GO (JF 6, GO, written); Federal Judge 7 – PE (JF 7, PE, written); Federal Judge 8 – CE (JF 8, CE, written); Federal Judge 9 – RO (JF 9, RO, written).

sufficiency", "money", "economic dependency" and "poverty" (twice). It is noticeable that the perspective of vulnerability of the Members of the Prosecutors of the Republic who have worked in the processes of international trafficking of persons is, generally, a measure of economic outcast; in all the answers from the Prosecutors, a trace of economic question is point out as a factor of vulnerability.

The research showed a coordinated acting of the Members of the Prosecutors of the Republic with the Federal Police, in Brazil, in the fighting against trafficking of persons directed to sexual exploitation, which constitutes a great part of the objective of human trafficking, but it was not possible to hide investigations when there are other objectives of this offense (commerce of organs, slavery work, etc.), since the Federal Police promotes autonomous investigations according to each objective of the offense.

Public policies that lead to a possibility of opening work opportunities with better payment to the vulnerable people exposed to international trafficking is presented as necessary to the prevention of the occurrence of the crime. From the Prosecutors' interviews, we notice the necessity of specialization, not only in the area of prosecution (Police Stations and Courts), but also with special techniques of investigation aimed at the trafficking in persons.

The discontentment is the result of the articulation between the Federal Police Units involved in the investigation of the trafficking in persons and the Attorney General Office. A dialogue between the forces of repression is shown necessary so higher importance can be given in the investigative sphere to those proofs that the Federal Public Ministry understands as of higher relevance to the proposition of the criminal action.

The research also involved the perception of judicial activity from the perspective of the Prosecutors. Questioned about the functioning of the relation between Public Ministry and Justice, one Prosecutor answered "bad" and seven answered "good". Nobody mentioned that the relation is "excellent" (in which it satisfies more than 90% of the expectations). Asked to inform, from their point of view, what the difficulties found in relation to work with the Federal Justice are related to the trafficking in persons (open question), two Prosecutors registered the following answers: "though the flagrant are authorized, the penalties are usually low – I attribute it to the machismo of our culture that faces the consenting of the victim as a strong attenuation for this type of crime". (PR1, DF, written); "little priority to the topic, delay in the processes" (PR8, DF, written).

One of the Members of the Federal Public Ministry identifies the personal reflex of the formation of the Magistrates during the jurisdictional activity: the "machismo", characterized by the exaggerated sense of masculine pride and that ends in stereotyping the opposite gender, aggregating to it elements of "fragility".

For the Police Officers, a relevant point that is presented in the investigations related to the international trafficking of persons is the absence of support for the police authority after the triggering of the operations: "There is no team (personnel) to help the police authority" (DPF3, SP, written). Although the start of an "operation" by the Federal Police ends an important scene in the "theater" of the investigation, with the climax of the spectacle, soon after the short resources aimed at new "operations", which again will produce holophotes over the police organization, causing that first spectacle to be slowly forgotten and, its internal responsible, thrown to the limbo.

The relation between the Federal Police Office and the Attorney General Office in the course of the request for international cooperation suggests the existence of an undesirable noise in the field of communication between the decisions of the different players in the moment of the dispute for an instrument of power: the process of international cooperation.

One of the standards used by the Federal Judiciary in the interview for the confront of vulnerability is characteristic of the occupied genre ("they would come with a purse better than mine"): the Magistrate demonstrates a perception over the aspect of the victim, the vulnerability, and the condition of discerning to classify her as someone who deserves or not the protection of the State (JF 1, SP, oral).

In relation to the vulnerability, the interviews suggest, in the perception of the Magistrates that the financial condition of the victims in each many facets "precarious financial situation", "substantial gain in another activity", "financial situation", "better life", "lack of self-sufficiency", "economic dependency") is shown as a preponderant factor to the vulnerability of the victims, set against economic abundance ("better purses") in the situations of São Paulo.

Not all the people who are in the scene of sexual exploitation, serving to the lascivious satisfaction of another person, appear as victims and the "correct identification of the victims of trafficking in persons is essential for their protection and the protection of their rights" (UNODC 2008, p. 257). The question puts in evidence distinct criminological semantics about the victims of the trafficking in persons, exploring the different view between the players in the field of acting in the suppressing. On one side, the police are focused and worried about the necessary proof to the sentencing of the enticers; on the other side, the police of the destiny, in general, is worried about the illegal immigration.

As for the people exposed to enticement, the term "victim" may not contemplate them with the expectations. The condition of the victims, many times, does not adequate them and the police action only causes an obstacle for their intention in the trip.

The interviews with the Magistrates reinforce the qualitative research in relation to the percentage distribution of the time of the complaint and the cases dismissed; the criminal processes of trafficking suffer the effects of time, in such a way that the "excessive delay in the fulfillment of the acts of cooperation" (JF 9, RO, written) and even the absence of "rapidness in the processing of the criminal action in order to avoid that, in the course of time, the victims cannot be found for deposition" (JF 4, GO, written) are factors that need to be overcome for the effectiveness of the jurisdictional service. Among the nine Magistrates and Federal Magistrates interviewed, three exposed some deficiency or necessity of improvement in the agility of the acts of international cooperation. JF 5, GO exposed the necessity of communication to the countries of the traffickers, which also involves international cooperation.

Analysis of the answers in relation to the investigative deficiencies lays in the lack of specialization of the unities of criminal persecution (police stations and lower courts), besides the expertise of the police work, which needs to be improved. The answers of the Prosecutors demonstrate a discontentment with the work done by the investigative police.

The discontentment is the result of a lack of articulation between the Units of the Federal Police involved in the investigation of the trafficking of persons and the Prosecutors of the Republic. A dialogue between the forces of repressions is shown to be necessary in order to give a higher level of importance in the investigative sphere to those proofs that the Federal Public Ministry understand as more relevant to the proposal of the criminal case. The interviews made it clear that the police investigation is not a self-reference activity; since it aims at subsidizing the criminal persecution (Machado 2014, p. 46).

The answers suggest that the absence of specialization, aligned to the overload of work in the activities of the judicial police, according to the Federal Police Officers. This necessity of specialty, due to the specificities of the crime of trafficking of persons, is also shown in an eloquent way in the interviews performed with the Prosecutors of the Republic.

5. Conclusions

The Federal Police and the Public Ministry need to reinforce and reduce the time as a way of effectiveness of the investigations: the data suggest that the lower the time of the investigations the more promising the cases are; up to one year, the percentage of complaints (48.65%) is much higher than the cases dismissed (28.47%), situation that is inverted after the first year.

On the other hand, subsequent extensions of time of the inquiries harm the elucidation of the facts, being both harmful practices avoided and that are related as causes of prescription. While crossing the existence of a request for the extension of time with the time of sentencing, it is clearly noticed that the proportion of absolving sentences (non-condemning) is directly and substantially higher when there is a request for the extension of time during the investigations.

The case dismissed arising from the absence of proofs (42.2%) and the extinction of punishment (14.5%) surpasses those substantiated by the final evidence of atypicality (7.2%), hypothesis in which the investigation would have fulfilled its objective and should be considered as successful.

In relation to the decisions the higher courts of the Federal Regional Courts, in terms of international trafficking, we have noticed that the high part of what is decided in the lower courts is maintained in the appeals, which is an interesting aspect of the conservative intra organizational culture of the Federal Justice to be taken in consideration by the Federal Police and the Federal Public Ministry together, as a conditional premise in the criminal prosecution.

In the inquiries researched, less than a third resulted in a criminal condemnatory sentence, showing there is a high percentage of divergence between the decision-making premises of the Federal Public Ministry, which communicates through the complaint, and the Federal Judiciary, that, in most of the cases, absolve the defendants. The percentage between the complaints and the condemnatory sentences allows to infer different organizational premises that guide the decisions.

An exploratory analysis of the criminal persecution of the corruption and the economic offenses in the system of the Federal Justice shows the prescription and the absence of proofs as the main causes of dismissals of the investigations (Machado *et al.* forthcoming 2020, p. 515). From the 218 indicted, there were a total of 38 cases dismissed: 30 of them (78.95%) by the extinction of the punishment (prescription), six (15.79%) by absence of proofs and two (5.26%) by the absence of the crime (Costa *et al.* 2016, p. 267).

The inefficiency of the system of criminal justice in Brazil shows inefficiency in other areas as well, such as in the crime of homicide. A research performed in the metropolitan and surrounding areas of Brasília showed, in relation to the homicides committed in 2010, that only 0.99% of the cases of homicides committed in Águas Lindas de Goiás was object of a final decision sentence, 2.75% of the cases in Luziânia were concluded and 1.75% of the cases in Valparaíso de Goiás had a sentence with a final judgment (Machado and Porto 2016). In this case, the absence of structure of the investigative police is among the main causes of the low index of resolution of the crimes.

The interviews show that the organizations have distinct decision-making premises due to their interest in acting in the process of ascertainment and judging the crime of suppressing the trafficking in persons. Adopting these premises as a vector of analysis, it is possible to highlight points to be detailed, according to the players of each organization.

The Members of the Federal Public Ministry understand that the higher vulnerability of the victims is the expression of their low economic situation; that the specialization of the Police Stations and the Courts is a way to the improvement of the ascertainment of the crimes and that is imperative the necessity of the improvement

of the proof by the Federal Police and the adoption of criteria of priority in the ascertainment of the trafficking in persons (decision-making premises). On the other hands, the Police Officers suggest that the high rotation of the police authorities who conducted the inquiries and the abundant renewal of the request for the extension of time for the conclusion of the investigations are the statistical result of discouragement of the individual psychic systems that form the police organization.

The Federal Magistrates interviewed pointed to the absence of celerity of the requests for international cooperation and the lack of vulnerability of some people exposed to the trafficking, in such a way that it does not configure them as victims, as in the case of São Paulo. One of the standards used by a Federal Magistrate in the interview for the formulation of the vulnerability (decision-making premises) of the victim is characteristic of the occupied genre ("they would come with a purse better than mine"), which is the proof that subjective elements inform the concept of vulnerability (decision-making premise). Comparing the responses of the Magistrates who contributed with the research (written interviews) in relation to the existence of an evident sign of vulnerability of the victims, it is observed that the economic factor is shown as the main element in the formation of their conviction to assure the vulnerability (decision-making premise).

The public policies aimed at the suppressing of the trafficking, thou, must promote more than paternalist aids without perspective for the future of the victims, such as the simple returning to the country of origin in the cases of the confirmation of sexual exploitation; they must create opportunities for the transformation of the life of the victims (decision-making premise). The answers to the requests of international cooperation are important elements of the "game" of systemic interaction and can provide answers on how the players organize themselves in the process of suppressing the trafficking. The analysis of data shows that there was a request for international cooperation in the initial police phase in more than half of the cases, which evidences the importance of temporary arrangements linked to the requests for international cooperation during the investigations.

The interviews done during the field researches suggest that the deficiency on integration between the players makes it difficult for the management of the activities. The organizational interaction, if preceded the decisions, can avoid gaps, incoherence and re-work, constituting an important governance tool and avoiding harmful practices to the public policies of suppressing the trafficking in persons.

References

- Adorno, S., 2002. Crise no sistema de justiça criminal. *Ciência e Cultura* [online], 54(1), 50-51. Available from: <http://cienciaecultura.bvs.br/pdf/cic/v54n1/v54n1a23.pdf> [Accessed 22 November 2019].
- Begniss, H.S.M., Estivaleta, V.F.B., and Pedrozo, E.Á., 2007. Confiança, comportamento oportunista e quebra de contratos na cadeia produtiva do fumo no sul do Brasil. *Gestão & Produção* [online], 14(2), 311-322. Available from: <https://doi.org/10.1590/S0104-530X2007000200009> [Accessed 22 November 2019].
- Cho, S.Y., 2015. Modelling for determinants of human trafficking: an empirical analysis. *Social Inclusion* [online], 3(1), 2-21. Available from: <https://doi.org/10.17645/si.v3i1.125> [Accessed 22 November 2019].
- Código Penal. Decreto-lei nº 2.848, de 7 de dezembro de 1940. Art. 149-A [online]. Available from: http://www.planalto.gov.br/ccivil_03/Decreto-Lei/Del2848.htm#art149a [Accessed 22 November 2019].
- Colares, M., 2004. *I diagnóstico sobre o tráfico de seres humanos: São Paulo, Rio de Janeiro, Goiás e Ceará* [online]. April. Brasília: Secretaria Nacional de

- Justiça. Available from: https://www.unodc.org/documents/lpo-brazil/Topics_TIP/Publicacoes/2004_diagnostico_tsh.pdf [Accessed 15 November 2018].
- Costa, A.T.M., Machado, B.A., and Zackseski, C., 2016. *A investigação e a persecução penal da corrupção e dos delitos econômicos: uma pesquisa, empírica no sistema de justiça federal* (vol. I). Brasília: Escola Superior do Ministério Público da União (ESMPU).
- Guimarães, A.P., 2018. Em torno do tráfico de seres humanos [online]. In: N. Muñoz Fernández, J. Susi Oliveira and A.M. Ortega Pérez, eds., *Aportación interdisciplinar a los retos de la comunicación y la cultura en el siglo XXI*. Seville: Egregius, cap. I, 13-34. Available from: <http://hdl.handle.net/11328/2592> [Accessed 9 November 2019].
- Hales, L., 2018. The Criminalisation and Imprisonment of Migrant Victims of Trafficking. *Oñati Socio-Legal Series* [online], 8(1), 50-70. Available from: <https://doi.org/10.35295/osls.iisl/0000-0000-0000-0924> [Accessed 22 November 2019].
- International Centre for Migration Policy Development, 2011. *Jornadas Transatlânticas: uma pesquisa exploratória sobre tráfico de seres humanos do Brasil para Itália e Portugal* [online] Vienna: UNODC / Brasília: Ministério da Justiça. Available from: <https://www.justica.gov.br/sua-protecao/trafico-de-pessoas/publicacoes/anexos-pesquisas/jornadastransatlanticas.pdf> [Accessed 22 November 2019].
- Jones, J., and Winterdyk, J., 2018. Introduction. Human Trafficking: Challenges and Opportunities for the 21st Century. *Oñati Socio-Legal Series* [online], 8(1), 1-10. Available from: <https://doi.org/10.35295/osls.iisl/0000-0000-0000-0927> [Accessed 22 November 2019].
- Kenis, P., and Schneider, V., eds., 1996. *Organisation und Netzwerk. Institutionelle Steuerung in Wirtschaft und Politik*. Frankfurt: Campus.
- Luhmann, N., 1983. *Sociologia do direito I*. Rio de Janeiro: Tempo Brasileiro.
- Luhmann, N., 1985. *Sociologia do direito II*. Rio de Janeiro: Tempo Brasileiro.
- Luhmann, N., 2010. *Organización y decisión*. Mexico City: Herder.
- Luhmann, N., 2016. *O direito da sociedade*. Trans.: S. Krieger. São Paulo: Martins Fontes.
- Machado, B.A., 2014. *Justiça criminal: diferenciação funcional, interações organizacionais e decisões*. 1st ed. São Paulo: Marcial Pons.
- Machado, B.A., and Porto, M.S.G., 2016. Violência e justiça criminal na Área Metropolitana de Brasília: Dinâmicas organizacionais e representações sociais. *Tempo social* [online], 28(3), 217-242. Available from: <https://doi.org/10.11606/0103-2070.ts.2016.108746> [Accessed 22 November 2019].
- Machado, B.A., and Vieira, P.B.S., 2016. O controle penal do tráfico de pessoas: construção jurídica, interações organizacionais e cooperação internacional. *Revista de direito internacional* [online], 13(3), 484-503. Available from: <https://doi.org/10.5102/rdi/bjil.v13i3.4383> [Accessed 22 November 2019].
- Machado, B.A., Zackseski, C., and Raupp, R.M., 2016. Tempos da investigação: o transcurso do inquérito policial no sistema de Justiça Federal. *Revista Brasileira de Ciências Criminais*, nº 124, 143-181.
- Machado, B.A., Zackseski, C., and Raupp, R.M., forthcoming 2020. Corrupção e delitos econômicos no sistema de Justiça Federal. In: D. de R. Salgado, R.P.

- de Queiroz and V. Aras, eds., *Corrupção: Aspectos sociológicos, criminológicos e jurídicos*. Salvador: JusPodivm, 491-521.
- Ministério da Justiça, 2016. *Atuação do Departamento de Polícia Federal no combate aos crimes violadores dos direitos humanos*. Brasília: Ministério da Justiça, Departamento de Polícia Federal.
- Observatório do Tráfico de Seres Humanos, 2016. *Boletim. Tráfico de pessoas: estatísticas da justiça 2008-2015* [online]. December. Barcarena: OTSH. Available from: https://www.otsh.mai.gov.pt/wp-content/uploads/REC-Boletim_Trafico_de_Pessoas_Estatisticas_da_Justica_2008-2015.pdf [Accessed 22 November 2019].
- Oliveira, M.V.B.N., and Machado, B.A., 2018. A análise do fluxo do sistema de justiça criminal (SJC) como técnica de pesquisa empírica no direito e no campo da segurança pública. *Direito e Práxis* [online], 9(2). Available from: <https://doi.org/10.1590/2179-8966/2017/26702> [Accessed 22 November 2019].
- Pires, R., and Gomide, A., 2016. Governança e capacidades estatais: uma análise comparativa de programas federais. *Revista de Sociologia e Política* [online], 24(58), 121-143. Available from: <https://doi.org/10.1590/1678-987316245806> [Accessed 22 November 2019].
- Schneider, V., 2005. Redes de políticas públicas e a condução de sociedades complexas. *Civitas* [online], 5(1), 29-58. Available from: <https://doi.org/10.15448/1984-7289.2005.1.33> [Accessed 22 November 2019].
- Secretaria Nacional de Justiça and International Labour Organization, 2007. *Tráfico internacional de pessoas e tráfico de migrantes entre deportados(as) e não admitidos(as) que regressam ao Brasil via o aeroporto internacional de São Paulo*. Brasília: Ministério da Justiça.
- Secretaria Nacional de Justiça, 2005. *Relatório: indícios de tráfico de pessoas no universo de deportadas e não admitidas que regressam ao Brasil via o aeroporto de Guarulhos*. Brasília: Ministério da Justiça.
- Seidl, D., 2003. Organisational identity in Luhmann's theory of social systems. In: T. Bakken and T. Hernes, eds., *Autopoietic Organization Theory: Drawing on Niklas Luhmann's Social System Perspective*. Copenhagen Business School Press, 123-150.
- Seidl, D., 2005. Organization and Interaction. In: D. Seidl and K.H. Becker, eds., *Niklas Luhmann and Organization Studies*. Kristianstad Boktryckeri, 145-170.
- Sistema de Segurança Interna, 2017. *Relatório Anual de Segurança Interna 2016* [online]. Report. Lisbon: Government of Portugal, Cabinet of the General Secretary. Available from: <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=9d5c59f3-3b06-41d1-a224-d7d62a4fd816> [Accessed 22 November 2019].
- Triviños, A.N.S., 1987. *Introdução à pesquisa em Ciências Sociais: A pesquisa qualitativa em educação*. São Paulo: Atlas.
- United Nations Office on Drugs and Crime, 2008. *Travaux Préparatoires de las negociaciones para la elaboración de la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional y sus Protocolos (Nº de venta S.06.V.5)* [online]. New York: United Nations. Available from: https://www.unodc.org/documents/treaties/UNTOC/Publications/Travaux%20Preparatoire/04-60077_Ebook-s.pdf [Accessed 15 November 2018].
- US Department of State, 2018. *Trafficking in Persons Report 2016* [online]. Washington, DC: Office of Website Management, Bureau of Public Affairs

Available from: <https://2009-2017.state.gov/j/tip/rls/tiprpt/2016/index.htm>
[Accessed 15 November 2018].

Ventura, A.B., 2006. Fluxo do funcionamento da justiça criminal para o crime de homicídio doloso na Região Metropolitana de Florianópolis em 2003. *Revista Mosaico Social*, nº 3, 305-319.