Corruption and Its Impact on the Phenomenon of Migrant Smuggling

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ABSTRACT

Crime is a social phenomenon that is inevitable at the level of society and probabilistic at the level of the individual. It is primarily associated with economic and security conditions. In the context of globalization, new forms of crime have emerged, while traditional offenses have evolved due to the development of transportation and communication technologies. Moreover, victim targeting has become increasingly facilitated, particularly through the exploitation of young people and their susceptibility to inducements disseminated via social media platforms. No continent or nation is exempt from migration as a constitutive element of human societies. As stated in the Holy Qur'an: "Was not the earth of Allah spacious enough for you to emigrate therein?"However, due to the increasing number of migrants, which has generated significant security challenges for receiving States, many countries have adopted stricter immigration laws and specific entry conditions. This tightening of border control measures, combined with the rise of irregular migration networks linked to organized criminal groups involved in migrant smuggling in exchange for substantial financial gains, has transformed migrant smuggling into a transnational organized crime affecting multiple States rather than a single jurisdiction. This evolution has led the international community to adopt the United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air (2000). Consequently, migrant smuggling has become closely interconnected with various forms of organized crime, including trafficking in narcotic drugs and psychotropic substances. This research aims to examine the reality of migrant smuggling, human trafficking, and irregular migration, as well as their interconnection with drug trafficking crimes. It also analyzes how criminal organizations exploit the socio-economic vulnerability of irregular migrants and the fragile economic and political conditions of States, particularly those affected by crises and armed conflicts, in order to facilitate the smuggling of persons into economically developed and politically stable countries. These networks often use migrants as vectors for drug trafficking or transport narcotics through the same logistical channels employed for human smuggling.

INTRODUCTION

The Almighty God states in the Holy Qur'an: "And We have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them greatly over much of what We have created" (Qur'an, 17:70).

Crime constitutes an inevitable phenomenon at the level of the individual and a potential threat at the societal level. With the increasing proliferation and diversification of criminal activities, new forms of crime have emerged that directly infringe upon fundamental human rights, including the right to life, freedom of movement, financial autonomy, and the right to earn a livelihood, among others. Human rights are inherent and inalienable entitlements that must not be violated. They are guaranteed to every individual without discrimination based on race, sex, nationality, ethnicity, language, religion, or any other status. At their core, these rights encompass the rights to life and liberty, freedom from slavery and torture, freedom of opinion and expression, and the rights to work and education, alongside other protections aimed at safeguarding human dignity and ensuring justice for all. Every person is entitled to enjoy these rights equally, without exception or discrimination.Corruption may constitute a direct violation of human rights when corrupt practices are intentionally employed as instruments for infringing upon protected rights. Likewise, human rights violations may occur where the State acts in a manner that deprives individuals of the effective enjoyment of their rights, or where it fails to act adequately to prevent the adverse effects of corruption or to protect individuals from abuses perpetrated by corrupt actors.

RESEARCH PROBLEM

What are the existing linkages between anti-corruption efforts and the crime of migrant smuggling? Through this modest contribution, the present paper seeks to shed light on certain dimensions of the interrelationship between combating corruption and addressing migrant smuggling. To this end, the study is structured into two main sections. The first examines the conceptual foundations of corruption and migrant smuggling, as well as the relationship between them. The second explores the mechanisms for combating corruption and preventing the crime of migrant smuggling.

Section One: The Conceptual Framework of Corruption and Migrant Smuggling and the Relationship Between Them

An understanding of the nature of corruption and migrant smuggling constitutes a necessary starting point for examining the relationship between these two phenomena.

Subsection One: The Nature of Corruption and Migrant Smuggling

Corruption has historically been condemned across all divine religions. Accordingly, it is essential to provide a historical overview of its prohibition and to examine the various attempts to conceptualize and define it.

Branch One: A Historical Overview of Corruption in Religious Traditions

First: Combating Bribery and Judicial Corruption in Judaism

Jewish history has often been characterized by breaches of covenants and rapid departures from divine commandments, as well as tendencies toward corruption on earth.

Biblical texts addressing bribery and its detrimental impact on judicial integrity occupy a significant place in the scriptures of the Old Testament, particularly in light of the fact that bribery is considered among the principal causes of judicial deviation from truth and justice: "Do not accept a bribe, for a bribe blinds those who see and twists the words of the righteous" (Exodus 23; Deuteronomy 16:19, Old Testament).

Likewise, it is stated that: "Cursed before the Lord is anyone who accepts a bribe" (Deuteronomy 27:25), and that such a person "shall receive his due punishment"; furthermore: "Woe to those who acquit the guilty for a bribe, but deny justice to the innocent" (Isaiah 5).

When Moses appointed judges to assist him in adjudicating disputes among the Children of Israel, divine guidance emphasized the careful selection of such individuals: "Select capable men from all the people—men who fear God, trustworthy men who hate dishonest gain [bribery]" (Exodus 18).

Among the most important judicial reform directives issued by King Jehoshaphat was the following: "Fear the Lord and judge carefully, for with the Lord our God there is no injustice, partiality, or bribery" (2 Chronicles 19).

The Prophet Isaiah also criticized the Kingdom of Judah, identifying widespread corruption among its leaders as one of the causes of its invasion by the Babylonians, noting that its rulers were all lovers of bribes (Isaiah 1).

Similarly, one of the defining characteristics of those worthy of dwelling near the Lord and abiding on His holy mountain is that they "do not accept a bribe against the innocent" (Psalms 15)[1].

Second: Combating Corruption and Judicial Injustice in the New Testament

Although Christ and his followers were subjected to numerous trials by Jewish authorities, the New Testament contains relatively few passages explicitly addressing judicial corruption within the disputes that arose between Jewish judges and accused persons.

Nevertheless, several texts warn against false testimony and emphasize its grave consequences, insofar as it reflects the impurity of the heart. As stated: "For out of the heart come evil thoughts—murder, adultery, sexual immorality, theft, false testimony, slander; these are what defile a person" (Matthew 15:19; Mark 10:19; Luke 18:18)[2].

Third: Combating the Causes of Corruption and Judicial Injustice in Islam

Since justice in judicial rulings fundamentally depends upon the availability and integrity of witnesses, the concealment of testimony is regarded as a serious offense in Islam. Given the gravity of its implications for the proper administration of justice, several Qur'anic verses explicitly prohibit such conduct. The Almighty states: "And do not conceal testimony, for whoever conceals it—his heart is indeed sinful, and Allah is Knowing of what you do" (Qur'an, Al-Baqarah, 2:283).

[1] Khaled Ben Mohamed Al-Shaniber, *Human Rights in Judaism, Christianity and Islam: A Comparative Study with International Law*, Al-Bayan Journal, Kingdom of Saudi Arabia, 1434H/2013, pp. 413–415.
[2] *ibid.*, p. 416.

Likewise, the Qur'an provides: "Nor shall we conceal the testimony of Allah, for then indeed we would be among the sinners" (Qur'an, Al-Mā'idah, 5:106).

Moreover, bribery is considered among the gravest sins in Islam, and Islamic teachings strongly condemn all means leading thereto. The Prophet Muhammad (peace and blessings be upon him and his family) stated: "Allah curses the one who offers a bribe, the one who receives it, and the intermediary between them" (Narrated in Sunan Abī Dāwūd, 2/324; Sunan al-Tirmidhī, 3/622).

False testimony likewise constitutes a manifestation of judicial corruption. The Qur'an associates it with polytheism in the following verse: "So avoid the impurity of idols, and avoid false speech" (Qur'an, Al-Hajj, 22:30).

The Prophet also stated: "Shall I inform you of the gravest major sins? Associating partners with Allah, disobedience to parents, and false testimony—or false speech." The Prophet was reclining, then sat upright and continued repeating it until we wished he would stop out of concern for him (Agreed Upon Hadith)[3].

Branch Two: Defining Corruption

Corruption is intrinsically associated with wrongdoing and harm, encompassing acts that produce adverse consequences and negative societal effects. Accordingly, an adequate understanding of corruption requires examining both its linguistic and terminological meanings.

First: Corruption in the Linguistic Sense

The Arabic root (f-s-d) derives from the verb fasada (to become corrupt or spoiled). It is said: fasada al-shay' (the thing became corrupted), and the noun fasād denotes corruption or decay. Classical Arabic lexicons explain that corruption affects living beings more rapidly than plants. The term mafsadah (harm or detriment) is the opposite of maslahah (benefit or public interest), and its plural form is mafāsid. Corruption linguistically encompasses meanings such as destruction, disorder, dysfunction, rupture of social relations, drought, and deprivation. More generally, corruption is understood as the antithesis of reform or rectification[4].

Second: Corruption in the Terminological Sense

Jurists and legal scholars have differed considerably in defining corruption, and no universally accepted definition has emerged, owing largely to the diversity of intellectual approaches and normative frameworks from which such definitions originate.

Among the doctrinal definitions advanced in legal scholarship is the following: corruption refers to "improper and unethical conduct in the exercise of official functions, contrary to integrity and reform, aimed at unlawful gain, deviation from legal norms, and the pursuit of personal interests."[5]

To date, no single, coherent, and internationally recognized definition of corruption exists. Notably, the United Nations Convention against Corruption, which entered into force in 2005 and was ratified by Algeria in 2006, does not provide an explicit definition of corruption, notwithstanding the fact that one of its primary objectives is to promote and strengthen measures for the prevention and more effective combating of corruption, as well as to enhance international cooperation in this field. Rather than adopting a comprehensive definition, the Convention confines itself to identifying criminal acts that are presently regarded as corrupt conduct, thereby leaving States Parties the flexibility to address future manifestations of corruption that may emerge. This approach reflects the inherently flexible nature of the concept of corruption and its adaptability to differing social contexts[6].

The Arab Convention against Corruption, adopted in 2010, states in its preamble that: "Corruption is a multifaceted criminal phenomenon with adverse effects on moral values, political life, and economic and social conditions."

According to the definition proposed by Transparency International, corruption is understood as "the abuse of entrusted power for private gain."[7]

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[3] Khaled Ben Mohamed Al-Shaniber, *op.cit.*, pp. 416–417.

[4] Ahmad bin Muhammad Ali Qayumi, Al-Misbah al-Munir fi Gharib al-Sharh al-Kabir (Arabic Lexicon), Al-Maktaba Al-Shamela, Vol. 2, p. 472 .

[5] Abd al-Karim bin Saad Ibrahim Al-Harithan, The Reality of Security Procedures Adopted to Combat Corruption Crimes, College of Graduate Studies, Naif Arab University for Security Sciences, Riyadh, 2003, p. 21 .

[6] Article 1 of the United Nations Convention against Corruption.

[7] http://www.transparency.org/whatwedo

However, this definition may be regarded as incomplete insofar as it is excessively broad and encompasses a wide spectrum of heterogeneous conduct without clearly specifying the legal characterization of the offense—whether felony, misdemeanor, or infraction. Moreover, the definition excludes numerous practices that fall within the core manifestations of corruption by reducing the phenomenon primarily to the abuse of authority.

The Convention on the Fight against Corruption involving Officials of the European Communities defines corruption in Article 2 as: "the deliberate conduct of an official who requests or receives, directly or through an intermediary, advantages of any kind for himself or for a third party, or accepts the promise of such an advantage, in exchange for acting or refraining from acting in breach of his official duties."[8]

Similarly, the Civil Law Convention on Corruption, adopted by the Council of Europe, defines corruption in Article 2 as: "requesting, offering, giving, or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or conduct required of the recipient of the bribe or undue advantage."

The African Union Convention on Preventing and Combating Corruption defines corruption as: "the acts and practices, including related offenses, prohibited under this Convention."[9]

In broader terms, corruption may be understood as the abuse of power or influence for the attainment of private interests. The nature of the authority or influence exercised is immaterial; whether the actor is a public official vested with governmental authority or a businessperson exercising influence within the private sector, the exploitation of such authority for personal benefit -or for the benefit of relatives or associates- constitutes a criminalized act of corruption[10].

Branch Three: Defining the Crime of Migrant Smuggling

Defining migrant smuggling constitutes one of the principal challenges in the study of this phenomenon. Despite the existence of numerous doctrinal and legal definitions, no complete consensus has yet emerged regarding a universally accepted definition.The term migrant smuggling refers to: "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which that person is neither a national nor a permanent resident."The expression illegal entry refers to: "crossing borders without complying with the necessary requirements for lawful entry into the receiving State."[11]Consistent with the international legal framework established by the Protocol against the Smuggling of Migrants, the Algerian legislator defined the crime of migrant smuggling in Article 303 bis 30 of the amended Penal Code, pursuant to Law No. 09–01, as: "the organization or facilitation of the unlawful departure from the national territory of one or more persons, for the purpose of obtaining, directly or indirectly, a financial or any other benefit."By contrast, trafficking in persons is defined as: "the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or abuse of a position of vulnerability, or by giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs."[12]A close examination of the above definitions reveals important distinctions between the two Protocols supplementing the United Nations Convention against Transnational Organized Crime (2000), namely the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.Furthermore, divergences are evident between these international instruments and the amended provisions of the Algerian Penal Code, particularly Article 303 bis 30.The Smuggling of Migrants Protocol confines the offense to the procurement of illegal entry and emphasizes the pursuit of financial or material benefit. By contrast, Algerian Law No. 09–01 limits the criminal conduct to the facilitation of unlawful departure from the national territory, without expressly criminalizing the facilitation of migrants' unlawful

[8] Nadia Latim & Karima Boughem, "Combating Corruption in Europe: A Reading of the Role of the Council of Europe," Journal of Legal and Economic Studies, Vol. 05, No. 02, 2022, pp. 265–280.

[9] Presidential Decree No. 06–173 of 10 April 2006 ratifying the African Union Convention on Preventing and Combating Corruption, adopted in Maputo on 11 July 2003.

[10] Samia Yettouji, "Combating Corruption from a Human Rights Perspective," Journal of Legal Studies, Vol. 15, No. 01, 2022, p. 69.

[11] Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000). http://www.ohchr.org/ar/inst

[12] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime (2000). http://www.ohchr.org/ar/inst

entry into Algerian territory. From a legal standpoint, this omission appears problematic. However, it may be explained by the fact that unlawful entry into Algerian territory is primarily regulated under Law No. 08–11 governing the conditions of entry, stay, and movement of foreigners, notably Article 46, in conjunction with Article 175 bis 1 of the Penal Code. The offense is further aggravated to the level of a felony where aggravating circumstances are present, including the use of weapons, the plurality of offenders, or the employment of organized means of transportation.

In contrast, irregular migration may be defined as: "the movement of individuals from one State to another with the objective of attaining improved economic, political, social, religious, or other conditions, through means that contravene the legal and regulatory frameworks established either by the State of origin, the State of destination, or both."

Subsection Two: The Relationship Between Corruption and the Crime of Migrant Smuggling

Corruption, as a criminalized and punishable act, exerts a profoundly adverse influence on the growth of migrant smuggling and irregular migration. The proliferation of corruption also generates inequalities in access to public services, favoring those capable of influencing public authorities to act in ways that advance their private interests, often through bribery[13].

In order to understand the implications of any criminal phenomenon, it is necessary to examine its detrimental consequences on both society and individuals. This issue will therefore be addressed accordingly.

Branch One: The Collective Adverse Impact of Corruption on Migrant Smuggling

The corrupt management of public resources within a State undermines the government's capacity to adopt and implement the measures necessary for the realization of economic, social, and cultural rights. Such failures often generate widespread frustration among the population, particularly within lower- and middle-income groups, and more acutely among young people, thereby increasing aspirations to seek a better future abroad.Widespread corruption—often driven by weak ethical and deterrent mechanisms, insufficient oversight, ineffective law enforcement, and corruption within institutions responsible for implementing the law—may permeate the executive, legislative, and judicial branches alike. In this context, the State bears responsibility for human rights violations resulting from the conduct of individuals acting in their capacity as public officials when such individuals facilitate migrant smuggling through corrupt practices, including bribery and abuse of public office.The private sector likewise constitutes a significant actor in the spread of corruption across many States. Numerous fictitious enterprises operating under the guise of entrepreneurship, trade, export, or import activities may become intertwined with organized criminal networks, and vice versa. Such entities may engage in the laundering of proceeds derived from criminal activity through investments, public procurement contracts, and commercial projects, while facilitating illicit activities through the offering or payment of bribes in exchange for financial advantages linked to the facilitation of migrant smuggling. This may involve enabling the departure, entry, or transit of migrants through national territory by corrupting administrative officials, customs officers, members of naval forces, or border police personnel, thereby facilitating unauthorized passage through ports, airports, and land borders.

Branch Two: The Individual Adverse Impact of Corruption on Migrant Smuggling

Corruption frequently results in the direct violation of individual rights, as a broad spectrum of fundamental human rights may be adversely affected. These include, inter alia, the right to work, the right to adequate housing, freedom of expression, the right to political participation through candidacy and voting, the right to health and social security, and the right of the accused to a fair trial. Likewise, individuals deprived of liberty may be compelled to bribe prison officials in order to avoid ill-treatment or to secure minimally acceptable conditions of detention[14].Furthermore, corruption may exacerbate individual vulnerability to migrant smuggling by undermining equal access to opportunities and public services, thereby increasing the likelihood that certain individuals resort to irregular migration channels in pursuit of safety, dignity, or improved socio-economic conditions.

Section Two: Mechanisms for Combating Corruption and Migrant Smuggling

The promotion and protection of human rights -civil, political, economic, social, and cultural rights, including the right to development- constitute a central objective in international anti-corruption efforts, as emphasized in the final report of the Advisory Committee to the Human Rights Council concerning the negative impact of corruption on the enjoyment of human rights[15].The predominant approach to combating corruption is fundamentally criminal in nature. Anti-corruption measures at both the national and international levels primarily rely on the prosecution of perpetrators of criminal and misdemeanor offenses associated with corrupt practices, given that corruption itself constitutes a criminal offense. Consequently, impunity in corruption-related cases must be effectively addressed. States are therefore required to adopt

[13] Samia Yettouji, *op.cit*, p. 70.

[14] Samia Yettouji, *op.cit*, p. 73.

[15] United Nations, General Assembly, Human Rights Council, Twenty-Eighth Session, Agenda Items 3 and 5, A/HRC/28/73, Distr.: General, 5 January 2015.

legislative and institutional measures within their domestic legal systems to criminalize corruption. In this regard, anti-corruption policies and their broader societal implications complement law-enforcement and penal approaches aimed at preventing and sanctioning corrupt conduct.

Subsection One: International Mechanisms for Combating Corruption

In the aftermath of the September 11 attacks, Member States of the United Nations emphasized the interconnections between terrorism, transnational organized crime, illicit drug trafficking, and the transfer and laundering of proceeds derived from drug-related crimes and corruption, including bribery and embezzlement of public funds. States that had not yet acceded to relevant international instruments were encouraged to do so. In this context, the United Nations Security Council adopted Resolution 1373 (2001), establishing the Counter-Terrorism Committee and mandating it to monitor the implementation of measures urging States to adopt preventive and criminal mechanisms to combat money laundering derived from criminal proceeds, including those linked to drugs and corruption, with a view to countering the financing of terrorism. This development reflects a direct recognition of the interrelationship among serious crimes within interconnected criminal networks that mutually reinforce one another.

Branch One: International Mechanisms for Combating Corruption and Migrant Smuggling

First: United Nations Efforts in Combating Corruption

The importance of international cooperation in combating corruption has become increasingly evident, particularly with respect to the degree of binding obligations imposed upon States and the extent to which international agreements facilitate criminal accountability.Measures adopted individually by States within their domestic legal systems, whether through criminal law, criminal procedure, or specialized legislation designed to address corruption pursuant to the principle of territorial sovereignty, often prove insufficient in light of the increasingly transnational nature of corruption-related crimes. The activities of competent authorities responsible for combating crime, including law enforcement and judicial bodies, may encounter limitations arising from State sovereignty, thereby necessitating cooperation through international agreements and reciprocal arrangements.Such cooperation is operationalized through the facilitation of procedural mechanisms, including the exchange of information and judicial cooperation, as well as enhanced security cooperation through organizations such as INTERPOL and AFRIPOL. Judicial cooperation further encompasses the execution of letters rogatory, extradition procedures, confiscation measures, and asset recovery mechanisms[16]. These measures are essential to addressing the growing threat posed by emerging forms of transnational criminality to the international community as a whole.The recovery of proceeds derived from corruption-related crimes constitutes one of the most controversial issues in both political and legal discourse, particularly due to the risks associated with the illicit transfer of criminal assets from countries of origin, especially developing countries that have been disproportionately affected by the transfer of public wealth abroad by corrupt officials[17]. Such assets are frequently deposited in foreign banking systems perceived as "safe havens," where beneficial ownership may be obscured and financial institutions have historically been criticized for insufficient scrutiny regarding the origins of transferred funds or inadequate implementation of suspicious transaction reporting mechanisms envisaged under international anti-corruption instruments. Such practices have contributed significantly to economic instability in affected States.Moreover, the growing activities of transnational organized crime have facilitated the channeling of proceeds derived from corruption, money laundering, and drug trafficking toward the financing of criminal organizations, including terrorist groups. These financial resources may also be used to influence political and military officials through bribery, undue influence, and the formation of lobbying networks designed to shape political and judicial decision-making processes.As criminal phenomena expanded globally and increasingly affected even developed States, the international community moved toward establishing legal frameworks aimed at combating money laundering and terrorist financing, narcotic drugs and psychotropic substances, transnational organized crime, and corruption[18]. Accordingly, States Parties were encouraged to provide one another with the broadest possible measures of cooperation and mutual assistance in these areas.

To this end, the United Nations accorded particular importance to international cooperation and asset recovery in the fight against corruption, devoting an entire chapter to the issue in the United Nations Convention against Corruption, where

[16] United Nations Office on Drugs and Crime (UNODC), "United Nations Convention against Corruption (UNCAC)," accessed May 9, 2026, https://www.unodc.org/corruption/en/uncac.html.

[17] R. Helfer, C. Rose & R. Brewster, "Progressive Development of International Law on the Return of Stolen Assets: Mapping the Paths Forward", *European Journal of International Law*, vol. 35, Issue. 3, p. 701 et seq, 2024.

[18] United Nations Convention against Transnational Organized Crime, adopted November 15, 2000, entered into force September 29, 2003, UNTS vol. 2225, p. 209.

asset recovery is recognized as a fundamental principle[19].

The United Nations Convention against Corruption and regional anti-corruption instruments incorporate both preventive and enforcement mechanisms. Preventive measures include accountability, transparency, access to public information, and asset declaration systems. Enforcement mechanisms encompass criminal investigations, prosecution of offenders, fair trial guarantees, the imposition of appropriate sanctions, international cooperation, extradition, exchange of information, and the confiscation of criminal proceeds.

The international community has also undertaken efforts to establish and strengthen institutions dedicated to combating corruption in its various forms. In particular, the United Nations Convention against Corruption emphasized the expansion of international standards and best practices aimed at countering corruption through the promotion of transparency and institutional integrity.

The efforts of the United Nations in combating corruption have been reflected in initiatives designed to increase transparency in international and domestic transactions, including the convening of numerous conferences and the advancement of regional and global initiatives, several of which ultimately evolved into binding international legal instruments.

The United Nations General Assembly adopted the United Nations Convention against Corruption in 2003, and the Convention entered into force in 2005[20]. It represents the first comprehensive and legally binding international instrument in the field of anti-corruption at the global level. Grounded in the principles of transparency, accountability, and asset recovery, the Convention aims to strengthen preventive and enforcement measures against corruption while fostering international cooperation in this domain. As such, it constitutes a foundational reference in international anti-corruption law and contributes to the promotion of good governance and sustainable development.

Second: The World Bank's Efforts in Combating Corruption

The World Bank has developed an anti-corruption strategy structured around four main pillars, as follows:

Preventing fraud and corruption in projects financed by the Bank.

Providing assistance to developing countries that seek to combat corruption.

Treating anti-corruption as a fundamental condition for the provision of the Bank's services, particularly in relation to the design of assistance strategies and the determination of lending conditions and criteria.

Cooperating with international and domestic organizations in the fight against corruption, including the United Nations and various non-governmental organizations[21].

Third: The International Monetary Fund's Efforts in Combating Corruption

The International Monetary Fund has established a set of core principles to guide its contribution to anti-corruption efforts, including:

Strengthening transparency: The IMF encourages the adoption of transparent fiscal and financial policies, including the publication of budgetary data and information on public debt.

Analysis and reporting: The Fund produces analytical reports focusing on corruption-related issues in different countries, thereby contributing to awareness-raising and policy guidance[22].

Fourth: The World Trade Organization's Efforts in Combating Corruption

The World Trade Organization has established a specialized unit tasked with monitoring transparency in governmental trade practices among Member States, with the objective of conducting studies on relevant governmental practices in this

[19] United Nations Convention against Corruption, chap. V, "Asset Recovery," arts. 51–59 (2003).

[20] United Nations General Assembly, Resolution 58/4, *United Nations Convention against Corruption*, October 31, 2003; and "Entry into Force," December 14, 2005, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-14&chapter=18&clang=_en.

[21] Amrouche Ahsan, "The Role of World Bank Executive Mechanisms in Combating Corruption," Journal of Financial and Accounting Studies, Vol. 13, No. 01, 2022, pp. 125-134.

[22] International Monetary Fund, "The IMF and Good Governance," Factsheet, last updated 2023, https://www.imf.org/en/About/Factsheets/Sheets/2023/the-imf-and-good-governance.

field[23].

Fifth: The OECD's Efforts in Combating Corruption

The efforts of the Organisation for Economic Co-operation and Development are primarily focused on combating bribery in international business transactions and addressing corruption in procurement processes financed through development assistance[24].

Sixth: Transparency International's Efforts in Combating Corruption

Transparency International is a globally recognized non-governmental organization best known for its annual Corruption Perceptions Index, through which it has developed a methodological framework for measuring the prevalence of corruption across different countries worldwide[25].

Seventh: The League of Arab States' Efforts in Combating Corruption

One of the most significant contributions of the League of Arab States lies in the active participation of the Arab Group and representatives of Arab Ministers of Interior and Justice in the drafting process of both the United Nations Convention against Transnational Organized Crime and the draft United Nations Convention against Corruption, which took place in Vienna between 22 July and 8 August 2003[26].

Branch Two: National Mechanisms for Combating Corruption and Migrant Smuggling

In line with and in implementation of the provisions of the United Nations Convention against Corruption, which require States Parties to establish bodies dedicated to combating corruption, Algeria -like other States- has undertaken institutional reforms and legislative adjustments in this field.

First: Institutional Framework

The institutional framework for combating corruption and related transnational offenses constitutes a fundamental pillar within national anti-corruption strategies. In line with international obligations, particularly those stemming from the United Nations Convention against Corruption, States are required to establish specialized bodies endowed with preventive, investigative, and coordination functions aimed at ensuring an effective response to corruption-related crimes.

Within this context, Algeria has progressively developed a multi-layered institutional architecture designed to address corruption through a combination of administrative, preventive, and enforcement mechanisms. This framework reflects an evolving approach that seeks to reconcile principles of institutional independence, administrative oversight, and judicial cooperation. The following section examines the principal national bodies involved in this system, highlighting their legal foundations, functional mandates, and operational interrelations within the broader anti-corruption and anti-crime policy framework.

1. The National Anti-Corruption Authority

The National Anti-Corruption Authority is a legal administrative body characterized by independence and neutrality vis-à-vis all institutions and individuals involved in corruption-related offenses. Its headquarters are located within the Presidency of the Republic[27].

This body has been subject to criticism on the basis that it does not exercise a repressive or coercive function against perpetrators of corruption. In cases where corruption is detected, it refers the facts to the Public Prosecutor, who retains primary competence for initiating criminal proceedings. Moreover, the Authority primarily submits annual reports summarizing corruption-related cases, thereby functioning largely as a statistical and monitoring body. In view of this institutional limitation -particularly the absence of law enforcement powers- the Central Office for the Fight against Corruption was subsequently established.

[23] World Trade Organization, "Transparency in Government Procurement," https://www.wto.org/english/thewto_e/minist_e/min99_e/english/about_e/17proc_e.htm

[24] Organisation for Economic Co-operation and Development, Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted November 21, 1997, OECD/LEGAL/0293, entered into force February 15, 1999.

[25] Transparency International, Corruption Perceptions Index 2025, https://www.transparency.org/en/cpi/2025.

[26] Algeria ratified, pursuant to Decree No. 14–249 of 08 September 2014, the Arab Convention against Corruption adopted in Cairo on 21 December 2010.

[27] Articles 17–18–19 of the Anti-Corruption Law.

2. The Central Office for the Suppression of Corruption and the Central Office for Combating Irregular Migration

This body, placed under the authority of the Minister of Finance, is responsible for gathering information related to corruption offenses, collecting evidence, conducting investigations, and referring perpetrators to the competent judicial authorities[28].

3. The High Authority for Transparency, Prevention, and Combating Corruption

In response to Article 6 of the United Nations Convention against Corruption, which requires each State Party to ensure the existence of one or more bodies responsible for prevention, Algeria established the High Authority for Transparency, Prevention, and Combating Corruption through the 2020 constitutional amendment. This institution was subsequently organized by Law No. 22–08 of 05 May 2022[29].

Furthermore, Article 17 of Law No. 06–01 provides for the implementation of the national strategy for the prevention and combating of corruption[30]. The establishment of this authority as a constitutional institution aims to achieve the highest standards of integrity and transparency in the management of public affairs[31].

4. The National Office for the Suppression of Corruption

In implementation of Presidential Instruction No. 03 relating to the strengthening of anti-corruption mechanisms, dated 13 December 2009, which emphasized the necessity of reinforcing and supporting such mechanisms, the National Office for the Suppression of Corruption was established to operate alongside the National Anti-Corruption Authority.

Second: Legislative Mechanisms

The Algerian legislator has not limited itself to criminalizing unlawful practices committed by public officials under the Penal Code. It has also restructured traditional corruption offenses, introduced new forms of corruption crimes, and criminalized previously unregulated conduct through Law No. 06–01 on the Prevention and Combating of Corruption, as amended and supplemented by Law No. 22–08, in accordance with the provisions of the United Nations Convention against Corruption[32].

These legislative developments are reflected in the following enforcement techniques:

1. Investigation and Inquiry Measures

Investigation and inquiry are carried out using effective special techniques, including interception of communications, audio recording, and photographic surveillance. At the preliminary stage, investigations are conducted by the Public Prosecutor, while at the judicial investigation stage they fall under the competence of the Investigating Judge. Judicial police officers may also be authorized to conduct such measures upon prior authorization from the Public Prosecutor.

a. Undercover Operations (Infiltration)

Undercover operations constitute a mechanism that allows authorized agents to infiltrate criminal networks and operate within them for the purpose of monitoring and documenting criminal activities and understanding their operational structures[33].

b. Controlled Delivery

Controlled delivery operations are commonly used in smuggling-related cases, particularly customs offenses, and involve the monitored passage of illicit goods or persons in order to identify and dismantle criminal networks[34].

c. Interception of Communications, Audio Recording, and Photographic Surveillance

The Algerian legislator explicitly incorporated these investigative techniques under Law No. 14–25 amending and supplementing the Code of Criminal Procedure, particularly within Chapter Seven, while the Anti-Corruption Law also

[28] Article 5 of Presidential Decree No. 11–426 of 18 December 2011 determining the composition, organization, and functioning of the Central Office for the Suppression of Corruption.
[29] Article 3 of Ordinance No. 10–05 amending Law No. 06–01.
[30] Law No. 06–01 of 20 February 2006 on the Prevention and Combating of Corruption, as amended and supplemented by Article 07 thereof.
[31] Article 4 of Law No. 22–08.
[32] Law No. 06–01 of 20 February 2006 on the Prevention and Combating of Corruption, as amended by Law No. 22–08 of 05 May 2022, concerning the organization, composition, and powers of the High Authority for Transparency, Prevention, and Combating of Corruption.
[33] Article 120 to Article 127 of the Algerian Code of Criminal Procedure.
[34] Article 2, paragraph (k) of the Anti-Smuggling Law, Ordinance No. 05–06 of 23 August 2005.

makes reference to their use as special investigative measures[35].

CONCLUSION

Corruption constitutes a central driver of a chain of adverse effects that directly undermines the foundations of justice and civic trust, while eroding confidence in the three branches of government, particularly the judiciary. It contributes to the moral, economic, and social disintegration of societies, which may subsequently extend to political instability and security risks.

The essence of human rights protection lies in ensuring a dignified life for all individuals without discrimination, where access to rights is not conditioned by nepotism, patronage, or personal connections.

This objective can only be achieved through the convergence of national and international efforts, including the development of robust legal frameworks for the protection of human rights and the fight against corruption. This requires strengthening access to human rights mechanisms for anti-corruption monitoring, enhancing oversight of compliance with human rights obligations, detecting and reporting violations, and ensuring the protection of whistleblowers from retaliation, intimidation, or abusive legal proceedings.

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