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Corruption and trafficking in women

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ABSTRACT

Corruption is believed to be one of the key instruments adopted by organised criminal groups to avoid detection and obstruct counter-trafficking efforts. Although the use of corruption is often mentioned along with human trafficking, few studies have examined the empirical evidence of the factors and mechanisms behind this nexus. This report provides new insights in this little explored area, drawing on four studies carried out in Bulgaria, Croatia, Italy and Kosovo, as part of the project ANTICORRP, financed under the FP7 Programme of the European Commission. The study explores key aspects of the link between human trafficking and corruption, especially focusing on the role of corruption in avoiding prosecution, impeding investigations and court trials or – should these efforts fail – minimising punishments. The research findings shed light on the following key aspects of the link between corruption and trafficking: 1) the most prominent corruption channels and the actors involved in protecting organised criminals from persecution; 2) the corruption reach of organised crime groups; 3) main factors facilitating the emergence of corruption schemes (legislation, socio-economic factors, ties between criminals and influential managers of legal companies, heirs to criminal holdings, etc.). The impact that trafficking-related corruption has on victims is also addressed and recommendations for tackling the problem are provided. The methodology of the study included analysis of media reports, analysis of court cases and in-depth semi-structured interviews with NGO practitioners, law enforcement officers and prosecutors.

KEYWORDS

Corruption, organised crime, trafficking in women

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ACRONYMS

COC	Control of Corruption Index
CPI	Corruption Perceptions Index
ECJ	European Court of Justice
GRETA	Group of Experts on Action against Trafficking in Human Beings
HS	human smuggling
ICRG	International Country Risk Guide
ILO	International Labour Organisation
IOM	International Organisation on Migration
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
FRA	Fundamental Rights Agency
OCG	organised crime group
PPU	procédure préjudicielle d'urgence (ECJ urgent procedure)
THB	trafficking in human beings
UNICEF	United Nations Children's Emergency Fund
UNODC	United Nations Office on Drugs and Crime

I. INTRODUCTION

Trafficking in human beings for sexual exploitation is a criminal business of transnational nature, ranking third after narcotics and arms trafficking (UNODC, 2011a) in generating huge amounts of illegal profit, generating an estimated annual revenue of \$99 billion worldwide (ILO, 2014). A conservative estimate puts the revenue generated from trafficking for sexual exploitation in Europe at €2.5 billion (UNODC, 2014b). THB in all its manifestations is a dangerous crime that results in significant psychological, emotional, financial and often physical harm to victims, representing a serious violation of human rights. Despite the seriousness of the crime, law enforcement and criminal justice authorities across the world encounter various problems in investigating and punishing perpetrators. According to the UNODC (2014a: 13) “impunity prevails” with regard to THB. This fact and the estimated considerable scale of trafficking indicate the specific challenges in tackling this crime. One important barrier is corruption, which – as with other criminal enterprises – is a significant facilitating mechanism (UNODC, 2011b). However, while the importance of corrupt practices for THB is often discussed in many academic papers, relatively little is known about the specific roles of corrupt actors and mechanisms utilised. The current report sheds light on the ways in which corruption mechanisms are used by traffickers in carrying out the offence and highlights the problems such practices create for the achievement of effective prevention of trafficking, protection of victims and prosecution of perpetrators in the European Union.

In order to better understand the relation between corruption and trafficking in human beings the broader geographic, social, economic and policy context in which it is embedded should be taken into account. Human trafficking networks recruit victims in particular countries and move them across borders in order to get to the desired destination countries. According to UNODC (2012: 53-57) the majority of identified victims of trafficking in the EU originate from Southeast European countries (Romania, Bulgaria, Albania, Bosnia and Serbia) – 29.1% of all identified victims. The second largest regions of origin are Africa (mostly Nigeria) and the Middle East which provide 17.6% of all identified victims. The importance of Eastern Europe and Central Asia (mostly Russia, Ukraine and Moldova) as a region of origin is declining in recent years – only 4.5% of all identified victims are coming from this region. Less significant regions in this respect are also Latin America and East and Southeast Asia. The UNODC (2012) also reports that a significant share of the identified victims have been trafficked domestically - 25.5% of all victims in the region have been exploited in their country of residence, while another 7.1% have been trafficked from Central to Western European countries, i.e. within the Schengen Area. The major destination countries are in Western Europe – Spain, Italy, Germany, the Netherlands and the United Kingdom (Eurostat, 2015).

The aforementioned facts indicate that about one third of all victims of trafficking in Europe did not have to pass any border control procedures. Moreover, Europol (2013) also assess that increasing numbers of EU nationals are identified as victims of trafficking. The reason for this trend is believed to be the absence of physical border controls. These geographic patterns of human trafficking flows naturally reflect the imbalances of demand across Europe, as well as between Europe and other parts of the world. This is very well illustrated in the case of sex trafficking, although many arguments below are also true for the other forms of human trafficking. The lucrative sex markets in the old EU member states provide better opportunities for higher revenues to organised criminals, compared to the relatively small markets back in the

countries of origin. THB is further fuelled by the steady demand for new and exotic faces in the destination countries. The higher demand in Western Europe is also coupled with more liberal regimes regarding prostitution in some of these countries (e.g. Belgium, Germany, Netherlands), which also ensures low risk to traffickers (Europol, 2013a).

Human trafficking is a complex offence incorporating various activities and involving a number of interactions with the surrounding socio-economic and legal environment. The current report accounts for this complexity by exploring connections between trafficking and phenomena associated with THB. Human trafficking has three main stages – recruitment, transportation and exploitation. During these stages criminals are confronted with a variety of factors which influence their cost-benefit calculations and the actions they take. Legal frameworks and the degree of robustness with which they are applied are crucial in this respect (Rusev, 2013). The link between corruption and trafficking therefore requires that associated (criminal) activities and legal responses to them be examined in order to map the relationship more completely. Notwithstanding the importance of domestic trafficking, THB often involves the (illegal) crossing of borders (although not necessarily border *controls*), demonstrated by the fact that in major European destination countries, identified victims as well as perpetrators are overwhelmingly of foreign origin (Eurostat, 2015). This aspect points to a possible connection with people smuggling, which acquires particular significance in light of the ongoing migrant crisis and the tightening of border controls in Europe. Furthermore, since the majority of victims in the EU are trafficked for the purpose of sexual exploitation the legal framework on paid sex work is also addressed.

The report is structured as follows: the next section outlines the methodology and definitions employed, followed by an overview of the international and European policy context. Legislative initiatives at the European level are examined in more detail in order to account for the impact they have on the need to utilise corrupt practices in Europe. Last but not least, the case studies (Bulgaria, Kosovo¹, Croatia and Italy) and the evidence derived from them on the use of corrupt practices are presented.

II. METHODOLOGY

This report incorporates data from research carried out in four countries – Bulgaria, Croatia, Italy and Kosovo. The analysis has relied on triangulation of data in order to ensure the robustness of findings. A comprehensive review of the available literature on human trafficking and its intersection with human smuggling, prostitution, and corruption was carried out. Statistical data was gathered from national level sources and, wherever possible, from sources using a standardised methodology in order to ensure comparability.

The second method utilised was semi-structured interviews with a variety of stakeholders related to human trafficking - experts (police officers, investigators, officials from human trafficking commissions, prosecutors, lawyers, criminologists), victims of trafficking and perpetrators. A total of fifty-three interviews were carried out in the four countries. The data collected was triangulated and complemented with information from other sources such as media reports, court case files and life story narratives.

This report uses the relevant definitions of **human trafficking** and **human smuggling** from main international and European legal acts and policy documents. The two crimes have

¹ Without prejudice to the contested political status of Kosovo, the current report refers to the territory as a country due to factors such as the extent of international recognition, the decision of the International Court of Justice (ICJ, 2010) and the lasting situation on the ground.

common elements and are therefore often confused. Difficulties in distinguishing between them stem from the following factors: smuggled migrants can subsequently become victims of trafficking; smuggling and trafficking routes may converge and conditions for smuggled migrants might be so dire that their consent might not seem understandable (UNODC, 2003). Smuggling and trafficking are, however, distinct. While smuggled migrants consent to the transaction, trafficking victims do not consent or – due to factors outlined in the definition – their consent is rendered irrelevant. Furthermore, trafficking can be domestic and thus not involve the crossing of borders. The relationship between the actors and the way the perpetrator secures profit point to another difference – smuggling is a contractual transaction while trafficking involves exploitation (Ibid).

The definition of **human trafficking** adopted for the purpose of this report is the one laid down in Art.3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol) supplementing the Convention of the United Nations against Transnational Organised Crime: “the **recruitment, transportation, transfer, harbouring or receipt** of persons, by means of the **threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability** or of the **giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation**” (UN, 2000; emphasis added). The intended exploitation (referred to as the objective of trafficking) is defined as including, 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**” (emphasis added). The offence is subject to two qualifying circumstances. The consent of a victim of trafficking is irrelevant where any of the means listed above are present. When the victim is a child (any person under eighteen years of age) the offence shall be considered as trafficking even if it does not involve any of those means (see further Annex 1).

The working definition of human smuggling adopted in this report is the one laid down in the Protocol on Smuggling of Migrants by Land, Sea and Air supplementing the United Nations against Transnational Organised Crime (Palermo Convention), which defines **smuggling of migrants** as “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 the person is not a national or a permanent resident”. It provides also detailed definitions of illegal entry and fraudulent travel or identity document (see further Annex 1).

Corruption has been recognised as an important facilitator of many criminal activities, including trafficking in human beings. The UNODC (2011: 8) recognises corruption as “possibly the main cost factor” in human trafficking which can occur in all stages of the trafficking process – recruitment, transportation, exploitation. Corruption is a complex phenomenon, referring to a number of different criminal activities. In order to encompass the full range of corrupt behaviours, the widely adopted definition put forward by Transparency International (2016) – “abuse of entrusted power for private gain” – will be used in this report. Corruption can be classified as grand, petty and political, depending on the impact it has, the money lost as a result and where it occurs (Ibid).

III. POLICY AND LEGAL CONTEXT

The analysis of human trafficking should take into account the relevant policy and legal acts at the international and EU levels. The relevant policy and legal framework on human smuggling

should also be considered, since the two crimes are often hard to distinguish in practice and in many instances smuggled persons end up in an exploitative situation.

Human trafficking and human smuggling are considered very serious crimes and in the last decades international awareness has grown, resulting in a number of multilateral initiatives aimed at their suppression. The most important international legal documents laying down rules and criminalising human trafficking are the two protocols supplementing the 2000 UN Convention against Transnational Organised Crime: the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, more widely known as the Palermo Protocol, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. The Convention and Supplementing Protocols have been followed by a number of policy initiatives. In 2007, the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) was launched. UN.GIFT combines the efforts of UNODC, ILO, UNICEF, IOM, OHCHR and OSCE in pursuing the following goals: awareness raising, strengthening prevention, reducing demand, supporting and protecting victims, improving law enforcement, implementing international commitments, enriching knowledge, strengthening partnerships, creating a special purpose fund for projects aimed at ending trafficking and creating an informal contact group (UNODC, 2007). In 2010, the UN General Assembly declared its commitment to combatting trafficking by adopting the UN Global Plan of Action to Combat Trafficking in Persons to counter trafficking. This declaration was followed by the unveiling in 2012 of the UNODC Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants setting out a number of objectives and responsibilities in the fight against the two crimes.

Several legal documents have been adopted at the European level. The Council of Europe Convention on Actions against Trafficking in Human Beings was adopted in 2005. Monitoring of the compliance with the Convention has also been established through the CoE's Group of Experts on Action against Trafficking in Human Beings. The European Union has undertaken a number of policy initiatives aimed at combatting THB since the 1990s. Of note among those are the 2002 Brussels Declaration on Preventing and Combating Trafficking in Human Beings and the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016. The EU commitment to preventing and combating trafficking in human beings is implemented by setting minimum standards on issues such as criminalisation, penalties and other sanctions including aggravating circumstances, jurisdiction and extradition.

With regard to smuggling, the EU Council Directive 2002/90/EC of 28 November 2002 Defining the Facilitation of Unauthorised Entry, Transit and Residence is the relevant EU legal document. Council Framework Decision 2002/629/JHA on Combating Trafficking in Human Beings was the first EU legislative document on trafficking. In addition, there is an array of other documents with provisions on issues related to THB, including on assistance to victims of crime, residence permits for trafficked third country nationals, measures against employers hiring illegal workers, etc. The most recent legislative act is the EU Directive 2011/36 of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, which establishes a comprehensive legal framework at the Community level. While the 2002 Council Framework Decision employs a somewhat limited concept of what should be considered human trafficking, Art. 2 of Directive 2011/36/EU borrows the comprehensive definition of the Palermo Protocol and its two modifications (European Union, 2011). The expansion of definition at the EU level is crucial as it brings into the limelight forms of exploitation, such as forced begging and trafficking for the removal of organs, which are often overshadowed by the much more pervasive problem of trafficking for sexual purposes. The Directive also lays down a set of minimum common standards regarding such issues such as the prevention and identification of

trafficking, the appropriate punishment for those responsible and the establishment of adequate protections for the victims.

Art. 4 of Directive 2011/36/EU establishes a maximum penalty of at least five years of imprisonment, while in the presence of aggravating circumstances the penalty is doubled to at least 10 years. For legal persons, the Directive mandates that member states ensure the entity concerned can be subject to both criminal and non-criminal sanctions. The Directive addresses the rights of victims during criminal proceedings and the safeguards they should be afforded. In addition, each victim is entitled to compensation from the state (Art.17, Ibid.). An important element is the recommendation for non-prosecution of the victims of trafficking for offences that they have been forced to commit in the context of their exploitation (Art. 8). Nevertheless, the Directive states that the „safeguard should not exclude prosecution or punishment for offences that a person has voluntarily committed or participated in“(Ibid.: 7). Special care is to be provided to child victims. In terms of prevention, Art.18 of the Directive encourages member states to consider criminalising the use of services of persons with the knowledge that they are objects of exploitation (Ibid.). Another aspect of the Directive worth mentioning is that, in some instances, it allows for national law to cross beyond the boundaries of the state. Art.10 of the Directive stipulates that a state can decide to extend its jurisdiction to crimes carried out in another EU country by one or more of its nationals or by persons residing habitually within its territory (Ibid.). This provision attests to the Union’s continued commitment to the principle of extraterritorial jurisdiction as a way of tackling crimes of human trafficking which themselves have little regard for territorial borders.

The Directive mandates that each member state establishes a national rapporteur or an equivalent mechanism, tasked with conducting assessments of trends in the crime of trafficking, measuring how successful anti-trafficking actions are, gathering statistical data and reporting on its findings (Art. 19). This body is also expected to collaborate actively with relevant civil society organisations working within the territory of the country.

1. Free movement in the EU

Closely related to the legal framework on human trafficking and human smuggling is the EU legislation on the free movement of people – one of the fundamental values of the Union. UNODC (2014) distinguishes between three different scales of trafficking – domestic, subregional (between countries in the same continent) and transregional (between continents). Since trafficking in the EU is often of a sub-regional and transregional nature, the rules relating to movement of people and labour are important to consider. The EU immigration control policies can be divided in three main areas – border management control policies, return policies and sanctions to employers using illegal labour. The Schengen acquis is the legislative foundation of the first of these pillars.

The Schengen Agreement is a unique experiment in the removal of border controls between nation states. In 1997, the agreement was integrated in the EU *acquis communautaire* with the Amsterdam Treaty. The Schengen area currently includes 22 of the EU member states.²

² Certain regions and territories of the Schengen states are not in Schengen however: territories of France not situated in Europe; territories of the Netherlands not situated in Europe; Greenland and the Faroe Islands (Denmark); Svalbard (Norway). Countries/territories within the geography of the EU, but not in Schengen: Andorra, Gibraltar (UK) and Kaliningrad Oblast (exclave of the Russian Federation); and three states with de facto Schengen status (open borders): Monaco (although border checks are conducted by France), San Marino (open border to Italy, but random checks are conducted) and the Vatican (which has applied to join Schengen). Ceuta and Melilla (Spanish territory within the geography of Morocco) have border checks.

Exceptions include Cyprus for which the Agreement is not yet implemented and Bulgaria, Croatia and Romania, which have not yet acceded. Nevertheless, these three countries are obliged to meet the required criteria and join the area. The UK and Ireland are not part of the Schengen due to an opt-out. Iceland, Norway, Switzerland and Lichtenstein, which are not part of the European Union, have adopted the Schengen acquis and are currently part of the area. Meanwhile, the European Union has also started a process for liberalisation of the Schengen visa regime with third countries, which resulted in partial waiving of the strict immigration control for citizens of the Western Balkan countries, as well as a number of Latin American countries.³ Bulgaria and Romania were among the first to enjoy this liberalised regime back in 2001. Although the physical border controls with these countries still remain, their citizens are allowed to enter the Schengen zone only with valid passports. Moldova was granted visa free travel within Schengen and Schengen associated countries in April 2014 (European Commission, 2014a) and recently the European Commission has proposed the same for Georgia (European Commission, 2016a). Steps have been taken for waiving the visa regime with Ukraine and Kosovo and visa issuing has already been simplified. Turkey has been making progress and the current objective for the country is visa waiver by October 2016 (European Commission, 2016b). Talks on visa matters with Russia, however, were suspended following the 2014 Ukraine crisis (European Union, n.d.).

The Schengen regime has removed all internal border controls between 26 states, thus creating a common external border where immigration checks are performed following identical procedures by all countries. Furthermore, the functioning of the Schengen zone has been secured through the introduction of the Schengen Information System (SIS), which allows national border control and judicial authorities to obtain information on persons entering the country. The Schengen regime and developments in the visa policy of the European Union have important implications in the area of border control and human trafficking flows. The removal of control over the internal borders, together with the accompanying measures for fighting illegal immigration within the European Union, have led to increased strain on the countries guarding the external borders of the Schengen area in terms of preventing both human trafficking and illegal migration. The migrant crisis which intensified in 2013 has further increased this pressure on outside border countries and altered the situation on the ground. The large flow of third country nationals prompted the reaction of countries on major migrant routes as well as desired destinations - internal border controls have been reinstated on the German, Austrian, Hungarian, Slovenian, Swedish and Norwegian borders (European Commission, 2015a). Subsequently, Slovenia notified the European Council that it would lift restrictions (Slovenian Delegation to the EU, 2015). France and Malta have also reintroduced border controls. While some have quickly seen the situation as a serious challenge to Schengen (Guild, 2015), it should be noted that these measures are allowed for when there are serious threats to public policy and internal security and are subject to time limits and proportionality restrictions. Rules regulating such actions are contained in articles 23-25 of the Schengen Border Code.

In addition to measures regulating entry within the Community, the European Union has also adopted measures laying down standards for the return policies for third country residents staying illegally in a given member state. The most important piece of legislation in the field is

³ European Council Regulation 539/2001 contains two lists of countries. Under Annex I is the list of countries whose nationals must be in possession of visas when crossing the external borders of Schengen area. Annex II is listing the countries, whose nationals are entitled to visa exempt entering and 3 months stay. Nationals from Macedonia, Montenegro and Serbia has received the right to visa-exempt travels in December 2009, while for the citizens from Albania and Bosnia and Herzegovina the liberalization took place in November 2010. Latin America countries like Brazil, Mexico, and Paraguay have also signed mutual agreements with EU in the period 2009 – 2011.

Directive 2008/115/EC (European Union, 2008). Furthermore the European Union has adopted purposive measures targeting employers hiring illegal workers provided in Directive 2009/52/EC (European Union, 2009). There are no systematic evaluations on the overall effects of these policies on human trafficking on the European level yet. However, existing research points to some important consequences, which become even more salient considering recent developments in border protection and management introduced by member states. First of all, stricter border control regimes stimulate potential migrants to search for the aid of intermediaries, as stricter regimes render it impossible for them to otherwise ensure their entry into the desired destination country without facilitation. Accordingly, more stringent return policies require the aid of intermediaries, which could assist with harbouring and protection from deportation authorities, while harsher employer sanctions can create the need for assistance in securing illegal job placements (Friebel & Guriev, 2006; Davies & Davies, 2008; Djadjic & Vinogradova, 2013). Nevertheless, these suggested effects would very much depend on the effectiveness of the enforcement of these policies. The most adverse consequence is that strict border controls combined with stern deportation regimes and weak enforcement of employer sanctions lead to an increase of incidence of debt-financed migration and render it impossible for a third country resident to enter a desired destination country without facilitation.⁴ At the same time, stricter deportation and employer's sanction regimes, favour enforcement of debt contracts in the illegal sector. The threat of deportation practically serves as a guarantee to the traffickers and makes it unlikely for illegal migrants to default on their debts (Guild & Carrera, 2007).

The described model is to some extent applicable to the current situation in Europe and might be even more relevant with regard to the large wave of irregular migrants on the territories of the Union, as both smuggling and trafficking of human beings are acknowledged as activities often undertaken by organised crime groups, which procure safe crossing of the external borders (Ibid.: 55-61). Moreover, some research indicates that enforcement of employer sanctions is relatively weak – around two percent of all companies are inspected annually on average in EU, whereas at least ten percent should be checked in order to achieve the desired effect of this measure (Ibid.). However, the suggested model has limited explanatory power in regards to cases where trafficking occurs within the Schengen area and involves European citizens, as well as to certain types of trafficking, such as trafficking in children for example.

In any case, it could be concluded that the tightening of immigration policies and the restricted access to labour markets in the EU pushes potential migrants into the informal economy and in the hands of organised crime. Hence, the tightening policy approach also indirectly increases the corruption pressure over border control authorities, as corruption remains one of the main instruments of organised crime to circumvent border surveillance.

2. Corruption

The analysis on the link between THB and corruption should also take into account the international and EU legal framework on corruption. With regard to corruption the most important international document is the United Nations Convention against Corruption (UN, 2003). The Convention requires all state parties to set criminal penalties within their domestic

⁴ Davies & Davies (2008) and Djadjic & Vinogradova (2013) assume that debt-bonded migration is a rational choice involving the consent of the illegal migrant and therefore something distinct from human trafficking and rather a form of human smuggling. On the other hand debt bondage is explicitly defined as one of the major forms of forced labour under the ILO Convention on Abolition of Forced Labour and recognised as a form of exploitation as per the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Therefore it should rather be considered human trafficking.

legislation for a range of corrupt offences. Another central aspect of the Convention is the focus on establishing effective prevention policies, an obligation set out in Art. 5. International cooperation is a key element when it comes to tackling corruption as often criminal activities do not stop at state borders. Art. 41 requires members to help other states to their abilities in investigation and prosecution of offences recognised by the Convention. The most important achievement of the Convention is the adoption of rules on asset recovery, a much contested aspect during negotiations. Art. 51 establishes as fundamental the principle of returning to the country of origin of assets lost through corrupt exchanges.

At the European level, two legal documents on the problem of corruption have been drawn up. The Convention against Corruption Involving Officials, drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of member states of the European Union. The Convention aims at establishing a framework for combatting the corruption of officials of the European Union or national officials of the member states. The Convention, like the UN Convention obliges parties to criminalise passive and active corruption and to cooperate where needed for the successful investigation and prosecution of corruption.

Council of the European Union Framework Decision 2003/568/JHA on Combating Corruption in the Private Sector is the other major EU document on corruption. The decision requires member states to criminalise the acts of corrupting a person or demanding an undue advantage in both their passive and active forms, when done directly or through intermediaries. These acts are penalised when carried out intentionally by legal or natural persons. Natural persons should be punished by a maximum of one to three years imprisonment, whereas criminal or non-criminal penalties can be imposed on legal persons, together with other penalties applicable to companies.

3. Prostitution

Exploitation is a key qualifying element for the offence of human trafficking. Considering that the majority of human trafficking victims in Europe are exploited for sexual services (UNODC, 2014), the analysis of the link between corruption and THB also requires to take into account the legal regulations against prostitution in the members states.

The European Union has not taken any position, legislative or policy action with regard to prostitution. Nevertheless, two judicial decisions by the European Court of Justice are of note here. In 1982, the ECJ ruled that expulsion due to immoral behaviour, which did not carry sanctions when engaged in by residents of the host country is unlawful (*Rezguia Adoui v Belgian State and City of Liège*; *Dominique Cornuaille v Belgian State*, 1982). In 2001, the ECJ declared prostitution as an economic activity performed by a self-employed person and it was included in the Association Agreements of the countries of origin of the plaintiffs (*Aldona Malgorzata Jany and Others v Staatssecretaris van Justitie*, 2001). Thus, at least to a certain extent, prostitution can be regarded as a labour activity.

Compared to illegal border crossing, prostitution is not a criminal offence within the majority the EU countries. Rather, a variety of policies are adopted by European countries, which fall in four general categories based on the view they take with regard to the legality of selling sex (Hancilova & Massey, 2009): legalized prostitution and regulated market (e.g. the Netherlands and Germany), prohibition of the purchase of sex services (e.g. Sweden, Norway), and legal sale and purchase of sex services between consenting adults but criminalisation of related acts such as inducement to prostitution, renting premises for lewd acts, etc. (e.g. Belgium, France) and criminalisation of prostitution (Kosovo).

The Swedish model and the legalised model have undeniably raised most debate for their handling of the issue of prostitution. The Swedish government, led by a strong feminist agenda which views prostitution in its essence as abuse of women (Gould, 2001) outlawed the purchase of sex services in 1999. Several evaluations have suggested a positive effect of the change – decrease of street prostitution (Holmström & Skilbrei, 2008) drop in prices (Danna, 2012), as well as more restraint from buyers of sex and a decrease in social acceptance of prostitution (Kousmanen, 2011). Online prostitution did increase, but not out of pace with other countries, where it increased in the same period, suggesting that this trend is not influenced by the change in policy (Skarhead, 2010). Due to these developments, some studies have suggested that trafficking to Sweden has also decreased as traffickers have been deterred from bringing victims there due to decreased demand. Evidence for this comes from intercepted phone conversations of traffickers (Ibid.). These successes have led other countries such as Norway and Finland to enact similar laws, criminalising the purchase but not the selling of sexual services.

The so called Scandinavian model, however, has not been unproblematic and other academics have disputed these claims. As Danna (2012) notes, Sweden's climate is not conducive to street prostitution and only an estimated quarter of all prostitution takes places outdoors. Some studies have suggested that it is possible that prostitution has become even more hidden as procuring clients on the streets is made more difficult and that prostitutes now take larger risks and are exposed to more violence than before (Holmström & Skilbrei, 2008). Data on trafficking for sexual exploitation, on the other hand, is notoriously difficult to obtain, a problem which is likely to be compounded in contexts where prostitution is illegal and/or highly stigmatised. In addition, the Swedish National Council for Crime Prevention considers that the ban can lead to better profits due to higher prices of indoor prostitution for more sophisticated traffickers who can evade the authorities (Swedish National Council for Crime Prevention, 2008). Furthermore, the often bold claims made by proponents of the criminalisation lack scientific rigour and have been subjected to serious criticism (Dodillet & Östergren, 2011). The Criminology Department at Stockholm University has expressed the opinion that the view of prostitution expressed in the official evaluation of the Swedish Ministry of Justice is obsolete (Department of Criminology, 2010).

On the other hand, the legalisation of prostitution in the Netherlands was heralded as an enlightened approach which could ensure better conditions for prostitutes and stem criminal elements within the sex market. A large scale study mandated by the Research and Documentation Centre of the Ministry of Justice found out that municipalities had established licensing schemes and regular checks were carried out, which showed that most business owners were in compliance and that the number of prostitutes without necessary documents had decreased (Flight, 2006). Another study showed that stricter enforcement had not led to a shift in unregulated forms of prostitution (Biesma, 2006). However, other research has suggested that labour relations between prostitutes and other actors like window space owners were far from clear (Verhoeven, Gestel, & Kleemans, 2013) and that around 70% of prostitutes did not pay taxes (Dekker, Tap, & Homburg, 2006). Furthermore, prostitution in the Netherlands was found to retain many of the features of an illegitimate market (Ibid).

Prostitution is connected to the issue of trafficking because of the fact that the majority of victims worldwide are trafficked for exploitation in this trade. Therefore, member states legislation on the issue has a bearing on the sex market and can affect those trafficked for sexual exploitation. It should, however, be noted that specific demand for sexual services by *trafficked* persons does not seem to exist (Hancilova & Massey, 2009). Similarly, considering the unclear results, and the praises and criticisms models on both ends of the spectrum have received, it is difficult to

draw conclusions about their effect on trafficking. Nevertheless, some large scale statistical studies have suggested that legalising prostitution leads to higher rates of reported trafficking (Van Dijk & Van Mierlo, 2010; Cho, Dreher & Neumayer, 2012). Hughes (2000), Farley (2009) and Marinova & James (2012) also find evidence of increases in THB in countries with legalised prostitution. Still, despite the fact that researchers apply a number of controls, it is problematic to use these findings to inform policy. The use of data about registered cases of trafficking is highly misleading as it might assume police pro-activeness and effectiveness in investigation and prosecution. While Cho, Dreher, & Neumayer (2012) use the score of countries on indicators such as rule of law to control for this variable, this does not account for allocation of police resources to combat trafficking internally and for differences between source, transit and destination countries. The simple comparison in Table 1 of existing data on number of sex workers per capita within a given country and the number of identified victims of trafficking per capita clearly illustrates the difficulties in finding a specific link between the two phenomena.

Table 1: Sex workers and victims of trafficking per 100,000

Country	Victims of trafficking per 100,000	Sex workers within country per 100,000
Romania	5.8	16.65
Netherlands	5	74.65
Estonia	4.1	81.66
Bulgaria	3.3	101.38
Italy	2.7	83.87
Belgium	1.8	162.38
Slovenia	1.4	105.51
Czech Republic	1.4	109.83
Luxembourg	1.4	1033.49
France	1.3	46.87
Latvia	1	107.84
Germany	0.8	486.51
Lithuania	0.7	41.35
Greece	0.7	89.18
Denmark	0.5	101.54
Finland	0.5	103.33
Slovakia	0.5	138.86
Austria	0.4	342.13
Poland	0.2	26.24
Portugal	0.2	90.97
Hungary	0.1	121.92

Source: TAMPEP (2009); Eurostat (2013)

Some authors (e.g. Hardaway, 2003; Ditmore, 2011) have suggested that criminalising prostitution can lead to increases in corruption. Considering the strong correlation between corruption and human trafficking – yet another illegal activity generating substantial profits for criminals worldwide – it is plausible to suggest that prostitution, if criminalised, is likely to increase corruption *pressure*, provided there are no sufficient opportunities for it to remain hidden because enforcement is strict. However, while corruption pressure might very well increase, it depends to how vulnerable government institutions are to such pressure – in countries where there are protective factors such as little tolerance for corruption pressure might

not translate into an actual increase in corrupt practices. Indeed, Bezlov & Gounev (2012) state that corrupt police officers are essential to the operation of street level prostitution in nations which apply criminal penalties to aspects of the sex services market. In light of this observation, and the supposed decrease in street prostitution in Sweden, it could be argued that in the Swedish context criminalisation of buyers has not resulted in an increase of corruption.

However, evidence of prostitution-related corruption mostly consists of personal accounts and mentions in the literature without much further clarification. No studies seem to have tested this hypothesis in a targeted and comprehensive manner. It is therefore difficult to argue a connection between prostitution policy and corruption. It is also dubious to what extent parallels can be made with other illegal markets such as in drugs, where there appears to be more consensus that aggressively enforced prohibition has led to increases of corruption at all levels of government (Youngers & Rosin, 2004). Compared to markets in illegal substances – which upon discovery lead to criminal liability in the majority of countries – in THB there is a crucial human factor which complicates prosecution, as victims are not easily identified and face a majority of hurdles in coming forward (manipulation, distrust of authorities, etc.). There is evidence, however, that prostitution policy can alter the *type* of corruption utilised (Gounev, 2010). In countries where prostitution related activities are illegal, corruption pressure is likely to fall on police officers, while where it is legalised and regulated, administrative corruption is more relevant. Different types of prostitution are also likely to have a bearing on what type of corruption is encountered. Street prostitution is associated with low level police corruption (including police extortion), club prostitution can involve both low to middle level law enforcement and administrative corruption and elite prostitution is an instrument used to gain leverage over politicians and magistrates (Ibid.).

IV. HUMAN TRAFFICKING AND CORRUPTION

The link between corruption and trafficking has been posited by academics (e.g. Lyday, 2001; Bales, 2005) and international organisations (UNODC, 2011; OECD, n.d.). Despite limited evidence about the nature of the connection, the link between these two criminal activities is often mentioned as a matter of fact. However, understanding is scarce both regarding the relationship between the crimes and in terms of the types of corruption mechanisms used and actors involved at different stages of the process.

Lyday (2001) finds strong correlation between the score given to a country according to the US Department of State Trafficking in Persons Report and Transparency International's Corruption Perceptions Index (CPI). Countries considered to be fully compliant with the US Trafficking Victims Protection Act's (TVPA) minimum standards (Tier 1 countries) all but one have low CPI scores. Furthermore, some researchers have found a causal link between levels of corruption and human trafficking (Zhang & Pineda, 2008). According to Zhang and Pineda (2008), corruption is among the most important factors behind THB and the most corrupt countries are the ones that consistently fail in tackling trafficking. Indeed, compliance with anti-trafficking policies appears to diminish strongly as corruption increases (Cho, Dreher, & Neumayer, 2014; Van Dijk & Van Mierlo, 2010). Generally, compliance with what Cho, Dreher and Neumayer (2014) call prosecution policy (which they define as criminalisation of trafficking) is highest across all countries. However, successful prosecution and punishment of traffickers is hardly taken into account. The causal link between corruption and trafficking appears to be most significant when it comes to source countries. Bales (2005; 2007) finds government corruption to be the most important factor predicting trafficking from a country. Significant source countries

for THB such as Brazil, where it is identified as a causal factor (Studnicka, 2010), and strong evidence of links from Thailand (Sakdiyakorn & Vichitrananda, 2010) and Nigeria (Agbu, 2003) confirm the importance of corruption for THB. Corruption in destinations is also important but ranks second in predicting trafficking and its statistical significance is lower than the third and second factors influencing THB from a country (Bales, 2007).

Other research supports the conclusion that the place that a country occupies in the trafficking chain matters with regard to the type of corruption which criminals need to use. Corruption in destination countries is more often related to administrative procedures – one instance is the issuing of residence permits, allowing the operations of brothels in zones where they are prohibited (e.g. in the Netherlands) (Gounev and Bezlov, 2010). On the other hand, source countries are more prone to corruption at various levels of law enforcement, the judiciary and government (Ibid.). These distinctions are a matter of degree, however. Destination countries are not immune to law enforcement, judiciary and political corruption but they are more constrained to lower levels of the institutions and when large scale, organised corruption schemes are uncovered such as the scandal in Germany in 2007 (Holmes, 2009), they seem to be more of an exception rather than the rule (Gounev and Bezlov, 2010). In addition, the distinctions between countries with regard to the stage of trafficking should not be seen as fixed categories as there is significant overlap – many countries are destinations, sources and transit countries and status can be altered with time. Furthermore, all countries experience a certain measure of domestic traffic. Nevertheless, considering the findings of the available studies, measureable differences seem to exist regarding corruption practices employed, which are connected to the position of a country on the continuum between source and origin.

Large quantitative cross country studies based on statistical methods should be supported by qualitative research in order to provide a more comprehensive picture of the role of corruption. For example, McCarthy (2010) shows how the low rates of prosecution of trafficking in Russia (also a significant source, transit and destination country), often attributed to high levels of corruption is actually to a significant extent the result of institutional and legal constraints, such as difficulties in proving the crime in court and the official policy of tying promotions of law enforcement personnel to the amount of cleared up crimes and convictions. Therefore, not only is the assertion that corruption is a minor variable in human trafficking not supported by evidence but the connection between these two crimes turns out to be significant.

Human trafficking is not the exclusive purview of organised crime. It is likely that compared to other criminal markets such as the drug trade (save for drugs which are easily grown and/or produced) human trafficking requires more social capital and social skills than cash. It is likely that a relatively unsophisticated trafficker can entice a victim and exploit her prostitution without significant cost. Therefore this criminal activity can be engaged in by a variety of actors. Among other factors, the distance over which victims are trafficked is an important dimension in accounting for differences. On this basis, the UNODC (2014: 14) distinguishes between three types of trafficking and the perpetrators most often involved – domestic (one or few traffickers), sub-regional (small groups of traffickers) and transregional (OCGs). Sub-regional trafficking requires some organisation, depending on the distance covered and the number of borders to be crossed, while transregional trafficking entails sophisticated organisation since it entails long distances and the passing of multiple borders and other obstacles.

1. Trafficking profiles and legislative frameworks of the four countries

The four countries studied provide significant coverage of the positions that different countries can occupy with regard to transnational human trafficking (source, transit and destination) and thus give the opportunity to trace the process through its different stages and to ascertain with more clarity the role that corruption plays, the exact mechanisms and actors involved. The position that a country occupies is important both in terms of victims and of offenders. UNODC (2014) has shown that in terms of nationality of perpetrators of transnational trafficking, in the period 2010-2012 58% of offenders in destination countries were of foreign origin compared to only 5% in origin countries. Similarly, the main European destination countries tend to have large proportions of foreign identified victims of trafficking (including such from other regions) and a large share of foreign sex workers (TAMPEP, 2007), and victims of trafficking (Eurostat, 2015).

Three of the countries examined are members of the European Union and as such are bound by the European Union Directive on Combatting Human Trafficking. However, there is no assessment yet of the extent to which the Directive has been effectively and correctly transposed by member states. In 2016, the Commission is expected to submit a report evaluating efforts undertaken by member states to comply with the Directive, including the impact of laws criminalising the use of services by victims of THB (Committee on Women's Rights and Gender Equality, 2015). Twenty-five member states have indicated the full transposition of the Directive (European Commission, 2014b). In Bulgaria, the Law for Combatting Human Trafficking transposing the Directive was amended to this effect in 2013. Italy did the same through adopting Legislative Decree No. 24 of 4 March 2014. Upon Croatia's entry in the EU, the Act on Modifications and Amendments to the Criminal Procedure entered into force, implementing Union rules on trafficking. All four states examined are signatories to the UN Convention against Transnational Crime and the supplementing Protocols and Council of Europe Convention on Action against Trafficking in Human Beings.

Italy is a major destination country characterised by large demand for prostitution and cheap labour (Sberna, 2016). Trafficking is the third largest illegal sector in the country (Savona & Riccardi, 2015). According to Eurostat (2015) the number of identified and presumed victims coming into contact with authorities in 2010-2012 was 6,572. In 2011-2012, 2,560 victims were trafficked for sexual exploitation (ibid). In 2010-2013, 77.5% of victims were of foreign origin (Italian Ministry of Justice, 2015). Suspected traffickers for 2010-2012 were 378, of whom between 8-12% were of Italian origin (Eurostat, 2015). Victims usually come from Bulgaria, Hungary, Nigeria, Romania and Ukraine. In recent years, trafficking of Chinese women for indoor prostitution has been on the rise (Calzaretto, Carabellese, & Catanesi, 2005). The Arab spring has further intensified the problems of irregular migration, human smuggling and trafficking, as Italy is easy to reach and has thus experienced a serious influx of irregular migrants in recent years.

The punishment envisioned for trafficking in **Italian** law is eight to twenty years imprisonment (Italian Parliament, n.d.). Higher penalties are envisioned when the crime is committed by a group or against underage persons. Italy has extended the existing legal provisions on mafia, terrorism and subversion to human trafficking (GRETA, 2014). Italian law does not have a special provision mandating the non-punishment of victims for offences committed as a result of exploitation but other general provisions of the Criminal Code can be used to the same effect. Italy does not criminalise the knowing use of services of victims of trafficking and does not plan

to do so (Ibid.). Prostitution is decriminalised but control and exploitation of the prostitution of others is a criminal offence. The enforcement of provisions, however, is complicated by the 2002 Bossi-Fini law imposing significantly restrictive rules regarding illegal migration (Sberna, 2016). Subsequent laws from 2008 and 2009 introduced a fine between €5,000 and €10,000 for illegal entry and stay, lengthened detention periods for identification purposes and laid down rules for speedy expulsion of irregular migrants. Furthermore, the laws prohibit aiding and abetting irregular migration, including providing housing or employment to irregular migrants. The status of irregular migrant is an aggravating circumstance for other criminal offences. In 2014 there was an attempt at decriminalization which was reversed. Furthermore, despite the fact that the Italian system for removal of irregular migrants has been declared by the ECJ (2011) as incompatible with the Return Directive, it continues to function (Di Martino et al., 2013). The UN Special Rapporteur on trafficking in persons, especially women and children and GRETA have expressed concerns over the effects of the criminalisation of irregular migration for victims of trafficking as there have been reports of victims of THB being convicted for drug smuggling and pickpocketing (GRETA, 2014).

Bulgaria is a one of the leading source countries in the European Union. Bulgarian police, NGOs and other agencies registered a total of 1,700 identified and presumed victims for 2010-2012, of whom 1,304 were trafficked for sexual exploitation (Eurostat, 2015). Almost all of the victims trafficked for that purpose were female. While the proportion of men and boys trafficked for sexual exploitation is low, there has been an increase - 12% of victims in 2013 were male (Mancheva, Ilcheva, & Doychinova, 2014). Victims are trafficked mainly to Western Europe – Germany, France, Switzerland Italy, Austria, and the Netherlands (UNODC, 2012). Bulgaria is not only a major source country but together with Romania accounts for the majority of suspected traffickers in Europe (Eurostat, 2015). Suspected traffickers for the same period were 435, all of whom were Bulgarian nationals (Ibid.).

The **Bulgarian** Criminal Code foresees a penalty of between two and eight years imprisonment and a fine. In contrast to the other three counties examined, Bulgarian law does not require deceit or coercion to be present for the crime of trafficking to be identified (Bulgarian Parliament, n.d.). Rather, the means are considered as aggravating circumstances (together with crossing borders in the context of the crime or when committed against a pregnant woman with the aim to sell the child when born) and carry a punishment of between five and fifteen years in prison and a fine. Taking advantage of a victim of trafficking carries a custodial penalty of between three and ten years and a fine. Non-punishment of victims of trafficking was envisaged in the Bulgarian Criminal Code in 2013. In Bulgaria, prostitution is not criminalised but activities such as pimping, running brothels and providing premises for lewd acts are. While prostitution is not a criminal offence, the Criminal Code foresees punishments for living off funds earned in an illegal or immoral way, which are applied against prostitutes (Bulgarian Parliament, n.d.). Thus, although officially in Bulgaria prostitution is not criminalised and those who practice it should not be prosecuted irrespective of whether they are forced or engage voluntarily, in practice in many cases they are treated as perpetrators and not as victims of crime. With regard to illegal entry, Bulgaria has one of the harshest penalties in Europe (FRA, 2014) – up to five years in prison and a fine.

Croatia is a country of origin, transit and destination. Destinations include Spain, Switzerland and Portugal (TAMPEP, 2007). Domestic trafficking in the country has been on the rise – in 2010, 57% of victims were Croatian, reaching 93% in 2011 and 73% in 2012 (Eurostat, 2015). In 2013, 90% of victims identified were Croatian nationals (US Department of State, 2015). For 2010-2012, 32 identified and presumed victims, 19 of whom trafficked for sexual exploitation

and 45 suspected traffickers were registered (Eurostat, 2015). Suspects are primarily of Croatian origin, varying between 70-88% for the three years (Ibid.). However, the transit element is particularly important, since Croatia forms part of the Balkan trafficking route (UNODC, 2014). The figures thus indicate that transnational trafficking to Croatia is on a relatively small scale.

The punishment envisioned for trafficking in the **Croatian** Criminal Code is between one and ten years of imprisonment. The same punishment is envisioned for persons that knowingly use the services of victims of trafficking (GRETA, 2015). When the victim is a minor, the crime is committed by an organized criminal group, with regard to more than one person, endangers the life of the victim, by an official in abuse of position or endangers the life of the victim, the punishment is between three and five fifteen years. Similar to Italy, Croatian law does not have a specific provision to ensure the non-prosecution of victim. Instead alternative, general provisions have a similar effect and National Plans for Combatting Human Trafficking reiterates this principle. Nevertheless, GRETA (2015) recommends that the government adopts a specific provision on non-punishment of victims. The Croatian Criminal Code penalizes coercion into prostitution, the organisation of prostitution, advertisement of prostitution, assistance in prostitution, and the exhortation to prostitution. Proposed changes to the Public Order and Peace Act, if adopted, will criminalise as a misdemeanour the selling of sexual services for financial or other benefits, as well as their purchase. The maximum punishment for illegal entry is three months and for illegal stay – sixty days (FRA, 2014).

Kosovo is primarily an origin and transit country. In 2014, 28 cases of trafficking were registered, representing a 26% decrease compared to 2013. 45 victims were identified during the same year compared to 55 in 2013. 41 traffickers were convicted in 2014 compared to 25 in 2013 (Kosovo Police, 2014). After the 1999 war and the stationing of UNMIK, Kosovo has been an important destination for victims, many of whom originated from former Soviet republics and Eastern Europe, primarily Moldova and Albania (Kajtazi, 2015). However, in the last few years, there has been a steady decrease in the share of foreign victims. Currently, most human trafficking is domestic and the majority of victims are Kosovo nationals. For example, back in 2001 Kosovo nationals represented less than 10% of all victims, whereas in 2014 their share surpassed 70% (Ibid.). Sexual exploitation is the primary goal of traffickers but there is also an increase in the cases of trafficking for forced begging of local children and children from Albania and elsewhere (US Department of State, 2014). Thus, despite generally declining trends of trafficking of foreign nationals, Kosovo remains a source and a destination country for women, children, and men subjected to sex trafficking and forced labour (US Department of State, 2015). Kosovo nationals are usually trafficked to Western Europe.

Trafficking in **Kosovo** is punishable by fine and imprisonment of five to twelve years (Assembly of Republic of Kosovo, n.d.). When the crime is perpetrated in proximity of a school or with regard to underage persons, the punishment is a fine and imprisonment of three to fifteen years. When trafficking is committed by an OCG, a fine up to €500,000 and imprisonment of seven to twenty years is envisioned. When the offence is committed by a public official in abuse of his/her position, the punishment is five to fifteen years imprisonment and a fine; if combined with other aggravating circumstances, a fine and imprisonment of no less than ten years. The law also foresees exemption of victims from criminal liability for acts committed as a result of the exploitation (Assembly of the Republic of Kosovo, 2013). Prostitution is a misdemeanour while activities related to pimping are serious criminal offences – “whoever recruits, organises, assists or controls another person for the purpose of prostitution is punished by a fine and imprisonment of up to three years” (Assembly of Republic of Kosovo, n.d.). Aggravating circumstances include activities around a school or with regard to underage persons, use of force or a state of

economic dependence. However, the offence “exploitation of prostitution” is difficult to prove since victims are usually instructed to negotiate directly with clients (Shaipi, 2016). The Kosovo Criminal Code envisions a €250 fine or imprisonment of up to six months for illegal border crossing.

All four countries experience high levels of **corruption**. In Transparency International’s Corruption Perceptions Index Croatia ranks 50th, Italy 61th, Bulgaria 69th and Kosovo 103rd (Transparency International, 2015). Similarly, corruption pressure is particularly high in Bulgaria and Kosovo, where respectively 39.4 % and 23.4% of the adult population are pressured by public officials into giving money, gifts or favours (Shentov, Stefanov, & Todorov, 2014). Actual engagement in corruption is also high – 29.3% and 20.4 % in Kosovo (Ibid.). In Croatia, corruption pressures are significantly lower at 9.8% but actual engagement in corrupt behaviour is very close to the level of pressure at 9.2% (Ibid.) indicating that when there is an effort to induce a bribe, the attempt is mostly successful. These results, however, mostly focus on relatively simple types corruption like bribery, but scarcely account for more sophisticated corrupt relations like political favouritism and nepotism. RAND Europe (Hafner et al., 2016) provides a more complete picture of corruption, estimating the financial losses that European countries incur due to corruption based on three corruption indices – the ICRG, the CPI and the COC. Based on these three indices, Bulgaria loses funds equal to 14.57%, 14.22% and 22.01% of its GDP respectively (Ibid.: 42). Croatia loses 12.83%, 13.52% and 20.41% respectively and Italy – 12.88%, 13.14% and 17.34 % (Ibid.: 43).

Estimating the **presence of organised crime** in different countries is particularly difficult but some indicators could be used as proxy measures. Estimations of the size of the black markets, which are closely associated with OCG activities could be indicative of the spread of organised crime. Savona & Riccardi (2015) estimated revenues generated from the markets in the following criminal activities: trade in heroin, cocaine, cannabis, amphetamines, ecstasy, myo-Inositol Trispyrophosphate (ITTP), counterfeiting, committing missing trader intra-community frauds and organised cargo theft. For 2010 in Bulgaria, the equivalent of 1.6% of GDP were generated from trade in drugs, in Croatia 0.3% and in Italy 1%⁵ (Savona & Riccardi, 2015: 36). For Kosovo, data are more difficult to come by.

2. Institutions targeted by traffickers and methods employed

As previously mentioned, the trafficking offence comprises of three elements – recruitment, transportation and exploitation. Some corrupt transactions are associated with a particular stage in the trafficking process, while others are relevant during all stages. Furthermore, various institutional actors are targeted at different stages of trafficking. The sections below examine the need for corruption in THB networks and identify the institutions they target most according to the data collected in the four country case studies.

2.1. The need for corruption

The need for use of corruption is not the same across all stages of trafficking. Since it is an extra cost to the operation, criminals engaged in THB are unlikely to engage in corrupt exchanges unless it is necessary. These considerations are influenced by a variety of factors. Important among those are the legal framework applicable to the particular activity as well as the robustness of enforcement.

⁵ However, these figures are not sufficiently comparable as for Bulgaria they exclude revenues generated from heroin, amphetamine and MTIC fraud and for Croatia include only revenues from heroin, cocaine and ITTP (Savona & Riccardi, 2015: 36).

Generally, recruitment is the least risky the stage of the trafficking process for the perpetrators (UNODC, 2009). While this is not the case for all victims, many come from disadvantaged areas and countries plagued by significant levels of unemployment (Europol, 2011) and are therefore vulnerable to deception with promises for a good job and a better future. Victims trafficked to Kosovo are often lured through deception and promises of employment in restaurants, massage parlours and as dancers (US Department of State, 2015). In Italy, 84.5% of identified victims had arrived with the intention of finding employment (Sberna, 2016). In fact, violent methods such as kidnapping have decreased as a method for recruiting victims (Rusev, 2013), since these are generally risky activities, which are more likely to attract police attention.

More subtle methods such as deception and manipulation are now much more frequently used, especially with regard to victims coming from the European Union in the last 15 years (Ibid.). When agreeing to leave, the victims often do not realise that they will be exploited and therefore are not likely to seek any assistance from authorities (UNODC, 2009). Furthermore, traffickers have generally undertaken some steps for minimising the risks in this activity. For example, since women are more likely to trust other women (Altnik & Bokelman, 2006), this is used in recruitment. Women now represent 28% of all convicted traffickers globally (UNODC, 2014). This has been observed in Bulgaria where criminal groups recruit women who are later sent to scout shopping malls, cafes and other similar establishments as well as social media websites in search for other victims (Bezlov, Yordanova, & Stoyanova, 2016). In addition, often traffickers are friends or relatives or otherwise familiar with the persons they exploit. The 'loverboy' method is a well-documented strategy (Europol, 2011) ensuring affection and trust by the victim, thus minimising the risk of problems with authorities.

Furthermore, many women actually know that they will be working in the sex services market but are deceived with regard to the working conditions and the part of their earnings they would be allowed to keep by the traffickers. In Italy, 4.4% of victims (Sberna, 2016) have been trafficked with the knowledge that they will be working in prostitution. While the victims that have been recruited through violent methods are higher in percentage (5.8%), these tend to come from outside of the European Union, for example Nigeria (Ibid.). Collected data indicates that many Bulgarian victims have been prostitutes before being trafficked to a foreign country (Bezlov, Yordanova, & Stoyanova, 2016). This suggests that not all cases of trafficking involve deception and forced prostitution, as well as that the relations between traffickers and victims should not be considered as one-sided.

With regard to third country victims, the adoption of liberalised or relaxed visa regimes with most of the major origin countries for human trafficking (e.g. Romania, Bulgaria, Albania, Serbia, Bosnia, Brazil, Moldova and Georgia) considerably lowered the risk for traffickers in moving victims across borders. Visa-free travel and the simplified procedures for obtaining visas made obsolete the need for counterfeited personal identification documents, and for corrupting embassy and consular staff for obtaining visas under false pretences. This means that traffickers from all these major origin countries can transport their victims across borders with their legal documents, which further hampers efficient detection at border cross points (Frontex, 2011) as well as obviating the need to corrupt border guards in order to secure safe passage. Moreover, as already mentioned organised crime groups adapted their operations accordingly to the new situation and rely more often on deceiving the victims, rather than on coercion in the recruitment and transportation stages. The result is that in many cases border authorities might suspect trafficking, but the potential victims would not cooperate, as they are not aware that they would be exploited (CSD, 2007: 117). Therefore, victims from EU countries are less

susceptible to threats based on their illegal status since they are entitled to freedom of movement within the EU. Accordingly, the level of violence observed in all facets of THB, including transportation has declined significantly. Certainly, for victims coming from countries which do not enjoy visa free access to the EU, the need for fraudulent documents persists.

However, with regard to the stage of exploitation, the most prolonged and risky stage, corruption is particularly important in ensuring lack of detection, investigation, prosecution and conviction. It is the stage where most often OCGs resort to corruption employing a variety of methods.

2.2. Police corruption

Police has always been one of the primary corruption targets for organised crime as they present a significant threat to criminal operations. In countries where prostitution is illegal, police corruption is important for the existence of street prostitution (Bezlov & Gounev, 2012). It is mostly associated with low level police corruption. On the other hand, more sophisticated forms of prostitution, especially in countries where such activities are illegal, involve both low-to-mid level police and administrative corruption (Gounev & Bezlov, 2010). As outlined above, while three of the four case studies do not criminalise prostitution per se, pimping activities and other related acts are illegal. Thus data on the distribution of the sex services market can provide a glimpse of corruption relations criminals engage in. However, data, especially recent figures on the distribution of different types of prostitution is difficult to obtain. TAMPEP (2007) provides information only for Bulgaria (55% indoor and an increase in indoor work was observed) and Italy (55% outdoor). The overall percentage of sex work done indoors in Europe in 2008 was 65%, while for migrant workers, who are heavily represented in major destinations, it was 69% (TAMPEP, 2009). This suggests that corrupt relations with both low and mid-level police corruption are expected to exist.

Corruption transactions can be one-off events, such as a policeman turning a blind eye to crime in return for payment. Such petty corruption exchanges, however, are more associated with less organised forms of criminality as in the case of street prostitution (Sberna, 2016) Police can also provide a variety of long term services for traffickers, the main ones centred on protection of operations and assistance in operations. Police tipping off criminals and traffickers for upcoming raids has been reported as a worrying development in Croatia (Podumljak, 2016). While protection or active support in recruitment activities by officials is rare, cases where policemen on the criminal payroll have intimidated persons charged with crime and have helped with recruitment of illegal immigrants have been recorded (Sberna, 2016).

Sometimes high ranking police officers might abuse their position and become involved in the exploitation business themselves. The Croatian Head of the Task Force for the Suppression of Prostitution in Organised Crime Department of Zagreb County Police was found to have extorted and supported four different prostitution groups (Podumljak, 2016). He would investigate persons for organised prostitution and offer some kind of deal – information on rivals for a lesser or no sentence or would offer protection for money. One thousand euro per month for each of the four groups was charged which were used to acquire valuable works of art, real estate in exclusive zones and cash in sizable amounts. Pimps who refused the offer would be prosecuted. If a pimp was jailed, the Head would offer the prostitutes help with finding clients. He used threats of violence and murder and alleged connections with other influential persons. Another case in Croatia also illustrates the obstruction of justice by protection of high level officials in law enforcement (Podumljak, 2016). Despite all the evidence the police only visited the premises but did not search them as the prosecution had ordered. The prosecutor stated

that he was blocked by the Intelligence Agency which indicated the criminal boss was an informant on Mafia activity and was involved in a national security operation.

During the stage of exploitation, the protection from investigations and prosecution becomes essential as this is the most long lasting phase of the trafficking process. In the Italian dataset, police is most often involved in corrupt transactions with traffickers - overall in 70% of identified instances (Sberna, 2016). Obstructing investigation (43%) and avoiding arrest (44%) are the most frequently pursued goals by way of corruption. However, it should also be noted that in 20% of all recorded cases only unsuccessful attempts were made by traffickers to bribe officials. Still, unsuccessful attempts at bribery are strongly correlated with less organised forms of crime and street prostitution and are aimed at avoiding the arrest of the prostitute or the perpetrator (Ibid.). Contrary to the expectation that local police is easier to bribe, it is only involved in 9% of the cases, while national police is involved in 57%. However, this might be due to selection bias since national media reports on the most significant and large scale cases.

Money is most often used, in 65% of the instances, while sex is used in 59% of cases. More sophisticated criminals can also offer support in procuring votes in elections and information in exchange for police protection (Ibid.). Sex (in 37% of such cases) and money are used in petty and occasional corruption transactions but can also be part of an established system of monthly payments rewarding corrupt police officers (sex in this situation has the added benefit of exposing the victim to the complicity of law enforcement and so discourage victims from contacting law enforcement). There is evidence to suggest that more organised forms of exploitation, such as those using night clubs as fronts, establish more durable corrupt relations not only with the police but also with other public officials such as immigration services (Ibid.). Albanian OCGs in Italy have closer and more established corrupt relations with public officials.

The Bulgarian case study also provides evidence that trafficking in major source cities and regions require a degree of co-option of authorities in order to function (Bezlov, Yordanova, & Stoyanova, 2016). The study has identified many instances of corrupt relations of criminals with police officers, including high ranking officials. OCGs seek out and actively get police officers on their payroll. Additionally, in some cases criminals are themselves extorted to pay a regular tax for their operation to be shielded from investigations. Payments tend to be in cash and in kind depending on the scale of operation of the criminal group and the resources that it has at its disposal. In-kind payments can include designer clothing, expensive mobile phones, cars and real estate in Sofia or prime Bulgarian resorts, sometimes even abroad. Free sexual services by women under the control of OCGs are also often used as a form of payment.

With regard to entry of trafficking victims, limited evidence is available. The Italian country case study identified only one case related to corruption of border control authorities (Sberna, 2016). This indicates that either criminal groups manage to traffic victims without the need to involve corrupt border officials or that such transactions are well hidden and have not been uncovered. The former, however is more likely as Italy has been described as sanctuary country where there is high degree of tolerance for illegal immigration (ibid). Often migrants come with regular visas or apply for asylum and once the visa expires or the request is denied their stay becomes illegal. Italy as a main destination country traditionally it has experienced mostly transnational trafficking – a vast majority of perpetrators and victims have been of foreign origin. Furthermore, it appears the large migrant flow has changed the situation significantly by allowing traffickers to recruit directly in Italy (Sberna, 2016).

2.3. Administrative corruption

Administrative corruption is most often related to corruption of staff in consular and immigration authorities, although it also might target labour inspection or municipal authorities. The country case study of Croatia pointed out such a case with regard to criminal groups which trafficked victims from Bulgaria and Romania before the visa liberalisation for these countries, which entered into force in 2007. In this particular case, a corrupt official at the Croatian Ministry of Culture used to issue permits for the women as artistic dance performers, which they used to enter the country. Subsequently the traffickers were aided by corrupt police officers who would tip off the group about upcoming raids, giving them the opportunity to hide the girls (Podumljak, 2016).

As previously mentioned, visa liberalisation obviates the need to use corruption for entering destination countries thus effectively decreasing corruption pressure on immigration authorities. However, the use of forged documents, obtaining visas on false premises and corruption still remain important *modi operandi* for organised criminal groups trafficking people from third countries.

Visa liberalisation in the EU can alter corruption pressure not only within EU, but also in neighbouring countries. A case in point is Kosovo. The country used to be a destination for THB victims mainly coming from Eastern Europe and the former Soviet republics. Several factors have reduced trafficking to Kosovo, one of them being the recently liberalised visa regimes of the EU for the majority of these source countries (Shaipi, 2016). Another important factor in this regard was also the reduction of the foreign peacekeeping mission personnel (Friman & Reich, 2008). In the past, a number of allegations of bribery had been made with regard to issuing entry, residence and work documents – there was evidence that corruption was used to secure permits and other documentation for trafficked foreigners (Shaipi, 2016). The largest trafficking case with an international dimension in the country was also linked to corrupt public officials. It involved the trafficking of organs for primarily Israeli buyers and all of the indicted were local medical professionals. There was also a concurrent corruption scandal at the Kosovo Ministry of Health due to illegally granted permits and licenses. Since trafficking of foreigners has declined, however, the issue of corruption related to trafficking has also declined in importance.

With regard to more sophisticated forms of trafficking, corruption can still be used for acquiring licenses for nightclubs and documents needed to remain and work in a country (such as permits for women to work in such establishments). This is especially relevant with regard to third country nationals. In 20% of the identified cases in Italy, the immigration office of the police was involved in the fraudulent issuing of immigration and residence documents for victims of trafficking (Sberna, 2016). However, these connections are associated with larger and better organised groups trafficking women for sex work in night clubs and other similar establishments. In 20% of the cases, the Italian Labour Inspection Authority was involved in the manipulation of work permits for non-EU citizens (Ibid.).

2.4. Judicial corruption

Judicial corruption is less often employed by THB networks in comparison to corrupting law enforcement or other public authorities. However, when the perpetrators are under investigation or prosecution, judicial corruption remains the last resort to evade justice. The use of corruption in these cases aims at avoiding or at least minimising sentences. The data collected in the four country case studies suggests that judicial authorities have been targeted more often in source countries. Criminals in these countries attempt to obstruct or obfuscate justice by either tampering with evidence and court proceedings or through direct bribing of magistrates with

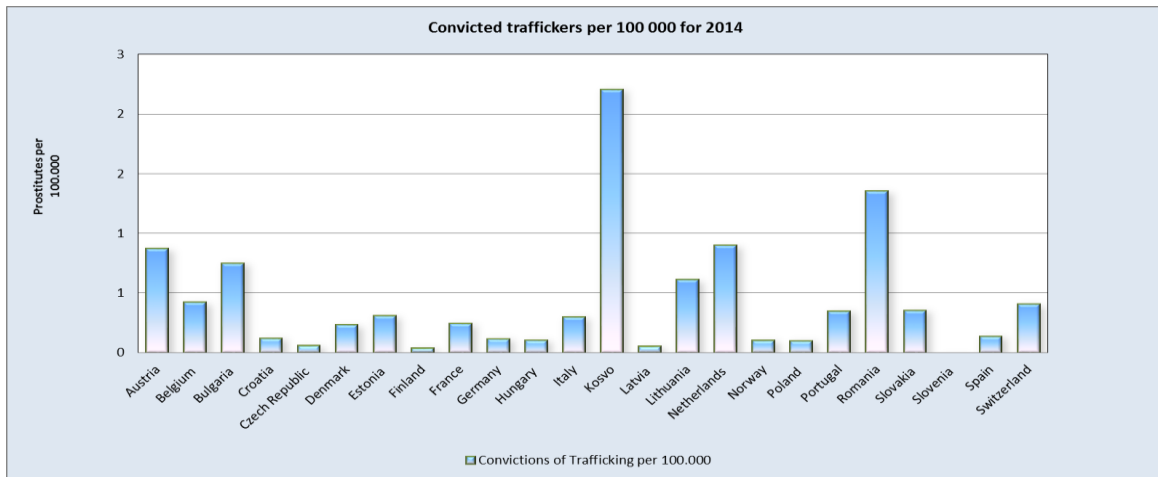
money, sexual services or other favours. Leverage over magistrates has been identified in some of the cases analysed within the country case studies.

An example in this regard has been provided in the Bulgarian study (Bezlov, Yordanova, & Stoyanova, 2016). The case was related to a large human trafficking network that operated a chain of erotic clubs. The ring leader was a notorious businessman and a former high-rank employee of the State Agency for National Security. Due to his extensive political connections, his criminal group managed to operate undeterred for many years. The members of the group were prosecuted for participation in an OCG and trafficking in human beings. The pre-trial proceedings against the group started in 2012 and dragged on for three years until the case collapsed in 2015, because the leading prosecutor 'missed' the date to submit the indictment in court. A variety of strategies were employed by the OCG to derail the case proceedings – a number of witnesses were intimidated into withdrawing their testimonies, documents disappeared and expert witnesses made intentional mistakes. Patterns for the obstruction of justice were also found in Kosovo, where this study identified cases of criminal pre-trial proceedings compromised by insufficient protection of victims and witnesses, leading to the leaking of confidential information.

Judicial corruption seems to be less common in destination countries. The Italian country case study reports that only 9% of all identified THB cases were linked to corruption of magistrates (Sberna, 2016). Furthermore, unlike in source countries like Bulgaria and Kosovo, the Italian cases rather involved offering of sex services and subsequent blackmail of the magistrates.

Whether or not as a result of corruption in the judicial authorities, conviction rates and sentences appear to be low in the sampled countries. In Croatia, there were seventeen convictions for 2014 (GRETA, 2015). In Bulgaria, which has very high trafficking rates, the convictions include a high proportion of settlements and custodial sentences with the average length of the sentence being two years. Around three years are given in cases involving organised crime (Bezlov, Yordanova, & Stoyanova, 2016). Similarly, the EU Commission has noted that conviction rates for THB in Kosovo also remain low (European Commission, 2015b), although the country had the highest conviction rate per capita for 2014 from a number of European countries (see Figure 1). Nevertheless, in Kosovo convictions for trafficking also usually result in low sentences of about 2 years or modest fines are imposed (Shaipi, 2016). In Italy, the number of convictions on relevant articles of the Criminal Code is low and judicial requests for cooperation with foreign institutions have rarely been made (Direzione Nazionale Antimafia, 2012). However, while the low conviction rate can be the result of factors not necessarily associated with corruption, it is nevertheless problematic.

Figure 1: Convicted traffickers per 100,000



Source: Population data (World Bank, 2015); Convicted traffickers (US, Department of State, 2015)⁶

2.5. Political corruption

Research has found that criminals have limited influence on politicians in European destination countries, whereas in source countries there is access mainly to local politicians (Gounev & Bezlov, 2012). The case study of Italy found limited evidence for use of political corruption by THB networks (Sberna, 2016). Nevertheless, offering of sexual services is pointed as a significant conduit used by criminals to establish corrupt political relations. Thus, human trafficking can itself be a significant enabler and facilitator of political corruption. Furthermore, recent developments in Italy indicate the presence of networks of brokers and entrepreneurs aiming to recruit and exploit sex workers to serve in corrupting politicians and high level officials. Similarly, in Croatia there is no direct evidence of political involvement in human trafficking (Podumljak, 2016). However, there are indications of tacit support, such as in the case of a widely attended opening of a dance club, which later was connected to allegations of trafficking.

Sometimes, politicians can ensure more direct protection for trafficking operations depending on their position. For example, in 2008 in Kosovo, the Vice-Minister of Internal Affairs was appointed as the government's Anti-Trafficking National Coordinator, despite the fact that he is a former Kosovo Information Service official - an organisation often linked to smuggling and other organised criminal activities (Qosaj-Mustafa, 2015). Politicians connected to THB can reach all the way to the top levels of government – German intelligence services have alleged that the ex-prime minister and current president of the Republic of Kosovo has ties with organised crime, and involvement in organ trafficking during the war (Council of Europe Committee on Legal Affairs and Human Rights, 2010).

2.6. Private party corruption

Even when the smugglers and traffickers cannot establish the necessary corrupt relationships with officials, they can use alternative routes and corrupt private parties. Europol (2016) indicates that trafficking is often connected to sham marriages and marriages of convenience. Such a connection has already been uncovered in destination countries such as the Netherlands (Gounev and Bezlov, 2012). Taxi drivers, hotel owners, travel agencies and other facilitators are also implicated in supporting THB (Ibid.). Indeed, as the evidence from Italy suggests, a growing trend towards corrupting private parties has been noted (Sberna, 2016). In one of the corruption cases it was found that lawyers were paid off to mediate in finding elderly

⁶ The figures on convicted traffickers for 2014 were not available for all countries. Therefore, for France, Germany, France, Lithuania, Norway and Switzerland data from 2013 were used.

people for fictitious marriages. In another case, bribes were paid to entrepreneurs in hospitality and agriculture to issue fictitious employment contracts and so allow victims to acquire residence permits. There are other ways private actors can facilitate trafficking. For example, private agencies providing website hosting services are complicit by providing platforms for prostitutes and clients to negotiate deals (Sberna, 2016).

Similarly in Italy, management and security of asylum-seekers centres have been outsourced to private organisations, giving traffickers an opportunity to circumvent officials and bribe private parties instead (Ibid.). The change has made corruption more hidden and more difficult to curtail and control, especially when at the public procurement stage it has been influenced by political corruption leading to little supervision and ineffective monitoring. Whether facilitated by complicity of the management asylum-seeker camps or when carried out outside camps by omissions and in some cases also Mafiosi protection, trafficking occurs in the context of the migrant crisis (Ibid.). Asylum-seekers are forced into exploitation in order to pay for their journey, to be smuggled to other destinations or to get mediation in the asylum procedure. So far, however, corruption does not seem to be the leading factor and seems a relatively rare occurrence.

2.7. The role of intermediaries

The Bulgarian country case study report brings out the issue about the role of intermediaries in cases where corruption is employed by THB networks and groups. The collected data suggests that corrupt services in avoiding and obstructing investigation are often secured through intermediaries rather than direct approaching of public officials (Bezlov, Yordanova, & Stoyanova, 2016). The need for such 'corruption brokers' arose with the increased consolidation of the law enforcement and criminal justice institutions and their fight against organised crime and corruption coupled with efforts of Bulgarian governments to demonstrate that the country is ready to become a EU member state. In this new situation direct influence on institutions became more risky, thus creating the demand for intermediaries who could mediate those risks (Bezlov, Yordanova, & Stoyanova, 2016).

The social background of intermediaries in Bulgaria seems to be diverse and therefore their access to government institutions varies significantly (Bezlov, Yordanova, & Stoyanova, 2016). Typically, they are private parties with ties to public officials and politicians. The first category of intermediaries includes the so called 'black lawyers.'⁷ Usually these are legal professionals, who often have worked in the police or in the prosecution. They operate on the local level and have extensive contacts in the local law enforcement and criminal justice authorities. Using their social capital they can assist in obstructing investigations through influencing police officers and expert witnesses. On the other hand, more influential brokers can secure services such as suspension of investigations or information on undercover agents. These intermediaries have a more varied background – former or active high ranking police officers, former prosecutors, and former security officers in the communist regime. Their activities and connections are covert and reach higher levels in local institutions. Local politicians or council members are a third category of intermediaries. Like many black lawyers, they also operate at the local level. Their influence comes from the fact that they have a say in the appointments in local institutions (police, public administration) and thus have significant leverage in suspending investigations.

⁷ Black lawyers represent clients with criminal backgrounds and attempt to influence officials to secure a favorable outcome of proceedings (CSD, 2007).

The success of intermediaries in protecting criminal groups is due to their networking capabilities – one broker can rarely secure successful outcome.

The Bulgarian case study also shows that there is a fourth, powerful group of intermediaries. These brokers can even secure a change in legislation in order to minimise the sentence of a client of theirs (Bezlov, Yordanova, & Stoyanova, 2016). The case of the notorious music artist Vanko 1 in Bulgaria, charged with procuring for the purpose of prostitution, is exemplary for the far reaching influence of this category of brokers of corruption. The popular rap artist used his fame to recruit women and girls from among his fans and to transport them to destinations in Western Europe where they would be exploited. Despite being convicted by a second instance court, the High Court of Cassation returned the decision to the court of appeal. In the meantime, the intermediaries linked to the rap artist ensured that a legislative change was passed, lowering the punishment for procuring for the purpose of prostitution in the Bulgarian Criminal Code from twelve to five years. In the end the musician served only a year in prison. The amendment was reached through the services of this influential category of intermediaries, who operate at the national level and include diverse actors such as magistrates, politicians and senior public administration officials.

3. Social background of human traffickers and its impact on the use of corruption

The typology of corrupt actors and methods used by organised crime provides a useful insight in the mechanisms of corruption. However, it has limited explanatory value in terms of the reasons why certain criminal groups have such a far reaching corruption grip with regard to particular institutions. Thus, the use of corruption by organised crime cannot be fully understood without taking into account the profile and social background of the crime networks that perpetrate it. The wider social context within which organised crime developed and became established explains the extent to which OCGs got involved in human trafficking rings as well as their abilities to use corruption. The socio-economic context of human trafficking varies in the different source and destination countries. Some similarities at least with regard to countries from the former communist bloc can be identified and used to explain the symbiosis between corruption and organised crime.

The development of organised crime in Bulgaria has been influenced by a particular set of historical, socio-economic and political factors (Bezlov, Yordanova, & Stoyanova, 2016). After the fall of communism the country went through considerable social, economic and political upheavals. In the early nineties, prostitutes originated from other countries such as Russia and Ukraine (Gounev et al., 2010). With time, however, the economic conditions in the country continued to deteriorate, making it easier for OCGs to recruit women in Bulgaria. Furthermore, the conflict in Yugoslavia was an important factor for the development of organised crime in Bulgaria and surrounding countries. During the Yugoslav embargo, the prostitution market in Balkan countries flourished in the presence of international troops, poorly guarded borders and deficient judicial systems (Ibid.). The same set of factors facilitated a proliferation of violent entrepreneurs in Bulgaria, who engaged in THB alongside other illegal activities such as car theft, the drug trade and smuggling of excise goods (CSD, 2007). In the late 1990s and early 2000s, awareness about large scale trafficking increased and international police cooperation led to the first international investigations. Following increased pressure from the authorities in preparation for entry in the EU, criminal groups could use their substantial resources to develop significant corrupt networks. Key in this respect was the large scale downsizing of law enforcement institutions after the fall of communism both as a matter of official policy and due

to large-scale resignations. A portion of these former police and intelligence officers would themselves enter the criminal underground or become intermediaries because of their lasting connections to former colleagues (CSD, 2007).

The emergence of organised crime in Kosovo and Croatia were also connected to the armed conflicts in the region. In Kosovo, the Kosovo Liberation Army (KLA) was funded partly through organised criminal activity (Capussela, 2015). The Yugoslav wars had a similar effect for Bulgarian organised crime, providing opportunities to raise significant revenue from trafficking in persons, drugs and arms (Strazzari, 2008). Compared to Bulgarian OCGs, which only had pecuniary motives to engage in crime, however, the KLA was primarily an armed resistance force which engaged in a number of criminal markets and subsequently remained connected to these activities (Briscoe & Price, 2011). The depth and spread of corruption and organised crime in Kosovo is to a large extent the result of the choice of the international builders of the new state not to foster a new political class but rather to engage with the winners (Narten, 2009). Thus, after the war, a number of operatives from KLA's Kosovo Information Service became political actors in the country (Capussela, 2015), making a section of the political elite of Kosovo closely intertwined with organised crime from the very beginning.

Croatian organised crime has also developed during the violent conflicts in the nineties and was involved in drug, human and particularly arms trafficking. During the Yugoslav wars, some parts of the security services and especially the military engaged in such activities (Anastasijevic, 2007). It should be noted, however, that organised crime has not escalated to a major problem as in many other countries in the region. One of the factors behind Croatia's lower levels of OCG activity can be attributed to the death of the authoritarian leader Franjo Tudjman and subsequent efforts by Croatian politicians to consolidate the rule of law in the country in the light of the accession in the European Union (Anastasijevic, 2010). Nevertheless, individuals close to Tudjman have become well-connected oligarchs through laundering money from criminal activities during the privatisation process. Subsequent governments have been generally lenient in combatting criminal groups which became established during the conflicts (Ibid.).

Compared to Southeast European OCGs, Italian organised crime has a much longer history and has been explored by a number of academics. The Mafia has existed roughly since the late nineteenth century (Dickie, 2004). It emerged and was sustained by a particular socio-economic and cultural context. The establishment of extortion racketeering as an activity associated with the Mafia has been largely credited to the breakdown of the feudal system and the ensuing need for protection in conditions of widespread predatory banditry and absence of central authorities that could provide public safety (Bandiera, 2003). Other factors also play a role in explaining the embeddedness of the Italian mafia. As Gambetta (1996) notes, a particular mixture between cynicism and Catholicism is important to consider since it supports the idea that no common public good can be identified and thus mediation between all organised interests in society is needed. Nicaso & Danesi (2013) have explored how traditional Catholic values of respect and loyalty to the family have been adopted and practiced by the Mafia. Italian Mafias are mostly hierarchical, family oriented and territorially based structures (Europol, 2013b). Italian organised crime was able to deeply penetrate state through procuring votes in local elections (Çayli, 2010).

The differences in the background and development of native OCGs engaged in THB can shed some light on the access they have in corrupting high levels of government. In Bulgaria, Kosovo and Croatia, factors have converged to facilitate the emergence of flexible criminal groups engaged in a variety of activities. These involve former law enforcement officers who maintain

connections with former colleagues after leaving their institutions, or criminals entering post-conflict governments or furthering their political careers after engaging in criminal activities during the wars. On the other hand, traditional Italian mafias seem to focus more on criminal activities where they have established themselves as dominant actors. In these activities the Mafia has enjoyed a certain degree of tolerance and collusion on part of politicians and officials (Paoli, 2003) as well as the population.⁸ Savona and Riccardi (2015) have found that Italian groups are heavily engaged in illegal gambling and match fixing, extortion racketeering and usury, where they dominate the criminal landscape. Italian OCGs are also engaged in other criminal activities such as drug trafficking (particularly cocaine), THB, fraud and organised property crime. However, in these activities they are far from being the only actors, since a number of foreign OCGs are also involved (Ibid.). Thus, prostitution and THB seem not to be primary activities for Italian OCGs and the market is mostly populated by foreign OCGs.

4. The effect of corruption on victims

Perhaps the most detrimental effect of corruption on victims is the continuation of their exploitation through undermining trust in authorities. Victims are often used to provide sexual services and thus have a role to play in corrupting officials. Such practice has been recorded even in destination countries such as Germany and the Netherlands – it is an often utilised strategy in attempts to establish leverage over judiciary officials (Gounev and Bezlov, 2012). Sexual services are provided to policemen and public officials as gifts or in exchange for a range of other favours. They can be recorded and subsequently used for blackmailing and extortion. Another way to further victim exploitation, which can be aided by corrupt relations, is to use the threat of prosecution for a certain offence. Despite recommendations to exempt victims from criminal liability contained the EU Directive and in other international documents, when victims are not identified as such or this recommendation is not heeded, they can be prosecuted for different offences, for example related to prostitution.

Third country nationals with irregular status or lacking documents can easily be held in the bonds of exploitation by the threat of criminal sanctions or deportation. Illegally residing migrants tend not to report even serious crimes perpetrated against them (FRA, 2014). As has already been mentioned, even in countries where prostitution itself is not illegal, sex workers can and are prosecuted for associated offences. In Bulgaria, there are cases of victims of trafficking who have been charged with lacking identification documents and with illegal border crossing (Dobрева, 2013). In other cases, the traffickers working together with corrupt police officers can also trap a victim and use the threat of prosecution for an offence not directly related to the purpose of exploitation. The use of corrupt officials to manipulate the victim in this way is well illustrated by the case of a victim in Croatia. The victim was given a package that she had to deliver to a specific place and upon stepping out of the club she was apprehended by the police for possession of narcotic drugs. When the package turned out to be cocaine, she was brought back to her boss and threatened with police investigation and trial if she disobeyed (Podumljak, 2016). Corruption of private parties can also facilitate exploitation. In Italy such corrupt relations are becoming more significant as illustrated by the case of wide-spread sexual exploitation in an asylum-seekers' centre, which is unlikely to not have been known about by the organisation tasked with managing the facilities (Sberna, 2016).

⁸ In 2008, an estimated 80% of businesses in Palermo and Catania paid protection money (Asmundo & Lisciandra, 2008: 227).

Factors such as low conviction rates for trafficking and the common use of corruption in order to evade justice strongly discourage victims from cooperating with the authorities, especially in source countries. Moreover, corruption schemes often expose victims to threats to their safety. For example, the case studies of Kosovo (Podumljak, 2016) and Bulgaria (Bezlov, Yordanova, & Stoyanova, 2016) point out that the anonymity of victims is often compromised in pre-trial and trial proceedings. The distrust that victims feel towards Bulgarian institutions is well illustrated by the fact that they feel most safe when the trafficker is prosecuted by foreign authorities (Dobreva, 2013).

V. CONCLUSION

The differences in the trafficking and corruption records between the four countries challenge the conclusions put forth in some academic studies on the link between corruption and THB, namely that corruption is a causal factor for trafficking from source countries and second in importance with regard to destinations. Kosovo and Bulgaria, for example, have very high levels of corruption. Despite that, trafficking in Kosovo, even when accounting for differences in population, is on a much smaller scale compared to other source countries like Bulgaria. Such conclusions, however, should be made cautiously, as using data on identified victims and traffickers to make comparisons raises problems due to the dark number of actual trafficking and divergent methodologies used in deriving estimates.

On the other hand, the evidence considered in this report supports findings of other research that corruption is more endemic and reaches the higher levels of more government institutions in source countries compared to destinations. Kosovo and Croatia have relatively limited scale of international and domestic trafficking. Related corruption, however, appears to penetrate higher in government compared to major destination such as Italy, which experiences high levels of trafficking.

Harsher penalties and criminalisation of a broader range of practices most likely restrict trafficking but they also foster the development of better organised criminal groups. In Italy, a major destination country, corruption is mainly an enabler of human trafficking, instead of a main driver for THB (Sberna, 2016). Nevertheless, the better organised criminal groups are those that manage to establish lasting corrupt relations with officials and even get some of them on the payroll. Groups which traffic third country nationals are more likely to fall within this category, as they face more hurdles than criminals who traffic victims from within the EU.

Given these considerations, it can be argued that tougher sanctions and stricter laws have the effect of weeding out the criminals and groups that do not have enough resources (including such that can be used to corrupt officials) in order to overcome barriers and vice versa. A more liberal regime for movement of people across borders renders obsolete the need of corruption and therefore of sophisticated criminal organisations. A pertinent example in this regard is Bulgaria, where, among other factors, the waiving of the visa regime hallmarked the beginning of the disintegration of the large criminal conglomerates which were replaced by a number of looser networks. At the same time, however, the removal or simplification of border control has generally led to an increase in trafficking (Bąkowski, 2014) together with the decrease in corruption pressure (Rusev, 2013).

Enforcement is a crucial factor. As was made clear by the Italian study, whenever there is a lax enforcement of related legislation, such as regulations on illegal entry or residence this provides criminal groups with more space to operate undisturbed and diminishes the need for corruption

(Sberna, 2016). The geographical concentration and marginalisation of immigrant minorities have made it possible for nationality-based OCGs to traffic their expatriates but appears to have limited their ability to create far reaching corrupt networks such as those maintained by indigenous OCGs.

The origin of criminal groups, however, is also an important factor in the spread of corruption. Italy is one of the most corrupt countries among older EU member states (Sberna, 2016). This fact makes the conclusion that corruption plays a relatively minor role in THB surprising, especially considering the fact that Italy has well-established native organised criminal groups with far reaching influence and that political corruption is high (Ibid.). The fact that even well OCGs involved in trans-regional trafficking mostly reach the lower levels of certain institutions is intriguing. A possible reason is the fact that trafficking in Italy is overwhelmingly committed by foreigners – 87.4% of perpetrators are foreigners and 96.9% of victims are of non-Italian origin (Ibid.). Traffickers and victims are usually foreigners of the same nationality. As already mentioned, native criminal organisations in Italy do not engage in trafficking widely - only an estimated 8% of Mafia type OCGs' revenue is generated by this crime (Savona & Riccardi, 2015). Even though the Mafia might assist traffickers by offering protection, the relative lack of cases where corrupt high level officials or politicians have been identified suggests that the Italian OCGs do not seem to act as brokers for foreign traffickers.

It is plausible to assume that local criminals will always have a better chance at influencing officials due to a variety of reasons. As mentioned above, many of the violent entrepreneurs that made up the large criminal organisations in mid-nineties Bulgaria, which in a more fragmented form are still engaged in THB and other crimes, knew each other from having worked in law enforcement and intelligence services. Upon entering the criminal world they kept their networks and relations. For obvious reasons it is difficult for foreign criminals to achieve such a level of penetration within government institutions. This effect is complementary to the lack of “reinvestment” of criminal resources in destination countries, as proceeds are laundered in the countries of origin (Gounev and Bezlov, 2012). Thus, while in origin countries large criminal bosses are able to gradually enter the grey and legal economies (CSD, 2007), lower level traffickers in destinations appear to stay in black markets.

The new trends which have been identified in Italy in the context of the migration crisis – corrupting the private sector, including through intermediaries, as well as the use of sexual services of trafficked persons as a way to foster corrupt relations with politicians (Sberna, 2016), can be seen as an attempt by these growing criminal organisations to redress this shortcoming as they create significant criminal economies of scale and acquire more resources. Private parties can provide this bridge between politicians and foreign criminal groups in destination countries, which seems to have been previously largely unavailable, by linking their interests in a way that paying protection money to a well-connected Mafia members is unlikely to do. As the Italian case has shown, in some cases there are indications that the private companies are awarded public contracts through political corruption to provide security to migrant camps (Ibid.). Any potential discovery of trafficking at these facilities can create negative publicity and threaten politicians and thus necessitates that perpetrators be shielded from investigation. A similar effect can be created if the victims are used to service senior public officials, even though Italian law so far does not criminalise the use of services of victims of trafficking. While the cases of corruption of private parties, similar to those of established connections to officials, are rare, they are nevertheless worrying as they might lay the groundwork for further development of corruption networks.

VI. RECOMMENDATIONS

One of the main goals of the EU Strategy for Eradicating Trafficking in Human Beings 2012-2016 is increased detection and prosecution of traffickers, which considering the low conviction rates in EU countries still remains unachieved. Better functioning, reformed criminal justice systems and improved anti-corruption legislation and institutional infrastructure are crucial for tackling these issues. The recommendations advanced below aim at preventing and countering the use of corruption mechanisms in THB-related cases. In addition to EU level policies, measures should be also undertaken by national governments both in order to tackle more effectively these crimes.

Governments in member states should fully transpose and implement the provisions of Directive 2011/36/EU. The European Commission needs to come up as soon as possible with the assessment of the transposition of the directive in the member states, as well as with an evaluation of its impact. The current analysis has identified a number of problem areas that still need to be properly addressed by the member states in line with the requirements laid down in the Directive.

Firstly, the Directive foresees protection of victims of trafficking in human beings in criminal investigations and proceedings. It is crucial that victims reporting human trafficking have guarantees that they would not be charged with a crime themselves. All countries should adopt sufficient mechanisms to secure the privacy and anonymity of victims and other witnesses in order to prevent reprisals not only from traffickers but any identified corrupt officials and their networks. It is highly recommended that member states include any threats to the victim as an aggravating circumstance to the Criminal Code provisions regulating human trafficking. With regard to victims who decide to testify openly, non-disclosure of addresses needs to be standard practice even though this is currently not required by law. Victims need to be thoroughly informed about their rights to protection and the available options. They need to be encouraged to take action in case they suspect that members of the police or the prosecution are aiding their traffickers. To enable victims to undertake such actions, the member states and specifically source countries such as Bulgaria and Romania can create safe channels (e.g. hot lines) for submitting complaints about pressure from police officers, prosecutors, lawyers or other persons, which could be managed by organisations or institutions independent from law enforcement and criminal justice authorities.

Secondly, member states should ensure respecting the rule for non-prosecution and non-application of penalties to victims of trafficking, especially with regards to charges and sanctions related to illegal entry and illegal residence. Existing regulations on illegal immigration in member states should be harmonised with anti-trafficking legislation in order to provide proper and prompt protection to victims.

Thirdly, the Directive foresees introduction of proper compensation mechanisms to the victims of trafficking. Apparently, compensation funds – even when such exist – do not function effectively. The public funds available in member states for compensation of victims should be expanded to cover immaterial damages and victims need to be made aware of their availability, since in some member states significant portions of these funds remain unused. This will provide incentives for victims to alert and cooperate with government institutions and will decrease re-victimisation. The EU should also extend such compensation to victims coming from third countries or support establishing similar compensation funds in the major source countries.

Furthermore, in order to account for the links between human trafficking and corruption there is a clear need to acknowledge this in key policy documents such as the forthcoming new EU

Strategy for Eradicating Trafficking in Human Beings, but also in the Directive 2011/36/EU and respective national legislation. At present, corruption and human trafficking are investigated and prosecuted separately. However, given that corruption often complements trafficking, it is important to look for one type of crime when investigating the other. Law enforcement and judiciary authorities in member states should introduce in their protocols for investigating trafficking cases compulsory investigation of potential corruption channels facilitated by organised crime networks. This can be done through more robust financial investigations into the proceeds of crime, including inquiries in corruption mechanisms when questioning victims and other witnesses and probing into connections between traffickers and public officials.

Specific measures to enhance accountability at institutions most at risk of corruption pressure should be foreseen and implemented. This is especially needed in source countries such as Bulgaria and Romania, where levels of corruption in general remain high. The anti-corruption efforts should target the most vulnerable institutions. In destination countries these appear to be mostly low level administrative officials and the police, as well as private parties, whereas in source countries more entrenched corruption is observed both on low and high levels of police and judiciary and even politicians. Active and consequential oversight over personnel in institutions at risk of corruption is needed, especially when there is evidence of dubious connections and loyalties. Possible steps in this direction could be strengthening the capacity of anti-corruption bodies and introducing mechanisms for verifying asset and tax declarations. The results of this study also suggest that enhanced international police and judicial cooperation, including through joint investigation teams and the involvement of EU agencies (Europol and Eurojust) in all cross-border trafficking cases should be prioritised, since these appear to act as protective factors against corruption pressures.

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Annex 1: Main international legislative documents and definitions

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
United Nations General Assembly	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime	12 December 2000	<p>Article 3</p> <p>(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. 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;</p> <p>(b) The consent of the victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;</p> <p>(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;</p> <p>(d) “Child” shall mean any person under eighteen years of age.</p>	X		

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
The European Parliament and the Council of the European Union	Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework Decision 2002/629/JHA	5 April 2011	The definition of trafficking in human beings contained within Article 2 of the Directive replicates word-for-word the one adopted by the UN General Assembly in the Protocol to Prevent, Suppress and Punish Trafficking in Persons. It is considerably broader in scope compared to what Council Framework Decision 2002/629/JHA accepts constitutes trafficking as it addresses previously overlooked forms of exploitation such as forced begging and trafficking for the purpose of the removal of organs.	X		
United Nations General Assembly	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	2 December 1949	Under Article 1 of this Convention, States Parties agree to punish any individual “who, to gratify the passions of another: <ul style="list-style-type: none"> (1) procures, entices or leads away, for the purposes of prostitution, another person, even with the consent of that person; (2) exploits the prostitution of another person, even with the consent of that person.” Further, Article 2 mandates that State punish “any person who: <ul style="list-style-type: none"> (1) keeps or manages, or knowingly finances or takes part in the financing of a brothel; (2) knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.” 	X		

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
The Council of the European Union	Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings (2002/629/JHA)	19 July 2002	<p>Article 1</p> <p>Offences concerning trafficking in human beings for the purpose of labour exploitation or sexual exploitation</p> <ol style="list-style-type: none"> 1. Each Member State shall take the necessary measures to ensure that the following acts are punishable: <ul style="list-style-type: none"> the recruitment, transportation, transfer, harbouring, subsequent reception of a person, including exchange or transfer of control over that person, where: <ol style="list-style-type: none"> (a) use is made of coercion, force or threat, including abduction, or (b) use is made of deceit or fraud, or (c) there is an abuse of authority or of a position of vulnerability, which is such that the person has no real and acceptable alternative but to submit to the abuse involved, or (d) payments or benefits are given or received to achieve the consent of a person having control over another person for the purpose of exploitation of that person's labour or services, including at least forced or compulsory labour or services, slavery or practices similar to slavery or servitude, or for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, including in pornography. 2. The consent of a victim of trafficking in human beings to the exploitation, intended or actual, shall be irrelevant where any of the means set forth in paragraph 1 have been used. 3. When the conduct referred to in paragraph 1 involves a child, it shall be a punishable trafficking offence even if none of the means set forth in paragraph 1 have been used. 4. For the purpose of this Framework Decision, "child" shall mean any person below 18 years of age. 	X		

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
The European Commission	The EU Strategy Towards the Eradication of Trafficking in Human Beings 2012 – 2016	19 June 2012	“Trafficking in human beings is the slavery of our times. Victims are often recruited, transported or harboured by force, coercion or fraud in exploitative conditions, including sexual exploitation, forced labour or services, begging, criminal activities, or the removal of organs. It is a severe violation of individual freedom and dignity and a serious form of crime, that often has implications which individual countries cannot effectively address on their own. Trafficking in human beings takes many different forms, and evolves with changing socioeconomic circumstances. It targets women and men, girls and boys in vulnerable positions.”	X		
United Nations Office on Drugs and Crime	Model Law Against Trafficking in Persons	5 August 2009	<p>Article 5</p> <p>1. For the purposes of this Law the following definitions shall apply:</p> <p>(a) “Abuse of a position of vulnerability” shall refer to any situation in which the person involved believes he or she has no real and acceptable alternative but to submit;</p> <p>or</p> <p>“Abuse of a position of vulnerability” shall mean taking advantage of the vulnerable position a person is placed in as a result of [provide a relevant list]:</p> <p>[(i) Having entered the country illegally or without proper documentation;] or</p> <p>[(ii) Pregnancy or any physical or mental disease or disability of the person, including addiction to the use of any substance;] or</p> <p>[(iii) Reduced capacity to form judgements by virtue of being a child, illness, infirmity or a physical or mental disability;] or</p> <p>[(iv) Promises or giving sums of money or other advantages to those having authority over a person;] or</p> <p>[(v) Being in a precarious situation from the standpoint of social survival;] or</p> <p>[(vi) Other relevant factors.]</p>	X		X

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
The Council of Europe (CoE)	Convention on Action Against Trafficking in Human Beings	16 May 2005	Like Directive 2011/36/EU, Article 4 of the CoE Convention on Action Against Trafficking in Human Beings adopts the exact same definition of trafficking as the one used by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons with the sole difference being an additional clarification under paragraph (e) regarding the meaning of the term “victim”. In the context of the Convention, a victim is understood to be “any natural person who is subject to trafficking in human beings as defined in this article”.	X		X
The International Labour Organization (ILO)	Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	17 June 1999	Under Article 1, signatory states agree to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.” Article 3 defines these worst forms of child labour as: <ul style="list-style-type: none"> (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced and compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. 	X		

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
United Nations General Assembly	Convention on the Elimination of All Forms of Discrimination Against Women	18 December 1979	<p>Article 6</p> <p>State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.</p>	X		
The Council of the European Union	Directive 2004/81/EC of 29 April 2004 on the Residence Permit Issued to Third Country Nationals Who Are Victims of Trafficking in Human Beings or Who Have Been the Subject of an Action to Facilitate Illegal Immigration, Who Cooperate with the Authorities	29 April 2004	<p>Although the primary purpose of this Directive is not to extend a definition of trafficking in persons, it is nonetheless highly relevant to the matter at hand as it provides for the possibility of granting temporary residence permits to third-country victims of exploitation. For the purpose of the Directive, Article 2 states that trafficking of human beings is taken to mean cases such as the ones referred to in Article 1, 2 and 3 of Framework Decision 2002/629/JHA. Given that since the adoption of this Directive, said Framework Decision has been replaced, all references to it are to be construed as references to Directive 2011/36/EU (Article 21 of Directive 2011/36/EU).</p>	X		

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
United Nations General Assembly	Convention on the Rights of the Child	20 November 1989	<p>Article 34</p> <p>States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, State Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:</p> <ul style="list-style-type: none"> (a) the inducement or coercion of a child to engage in any unlawful sexual activity; (b) the exploitative use of children in prostitution or other unlawful sexual practices; (c) the exploitative use of children in pornographic performances and materials. <p>Article 35</p> <p>States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”</p>	X		
Council of Europe (CoE)	Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	25 October 2007	<p>Article 1, paragraphs (a) and (b) define the main purposes of this Convention as to “prevent and combat sexual exploitation and sexual abuse of children” and to “protect the rights of child victims of sexual exploitation and sexual abuse.” Sexual exploitation can include any of the following criminal behaviours as prescribed under Articles 18 through 23: sexual abuse, child prostitution, child pornography, facilitating the participation of a child in pornographic performances, corruption of children and solicitation of children for sexual purposes.</p>	X		

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
United Nations General Assembly	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	25 May 2000	<p>Article 1 States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.</p> <p>Article 2 For the purposes of the present Protocol: (a) sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration; (b) child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration; (c) child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.”</p> <p>Article 3 further elaborates on the type of activities that each signatory state should make are punishable under its jurisdiction. In the context of sale of children, these include “offering, delivering or accepting, by whatever means, a child for the purpose of: (a) sexual exploitation of the child; (b) transfer of organs of the child for profit; (c) engagement of the child in forced labour.” In regard to child prostitution, any offering or obtaining of an underage individual for such services should also constitute a criminal offence as should the possession or dissemination of pornographic materials, featuring children.</p>	X		

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
United Nations General Assembly	Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime	15 November 2000	<p>Article 3</p> <p>For the purpose of this Protocol:</p> <p>(a) “smuggling of migrants” shall mean 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 the person is not a national or a permanent resident;</p> <p>(b) “Illegal entry” shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;</p> <p>(c) “Fraudulent travel or identity document” shall mean any travel or identity document:</p> <p>(i) That has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or</p> <p>(ii) That has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or</p> <p>(iii) That is being used by a person other than the rightful holder;</p> <p>(d) “Vessel” shall mean any type of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only in government non-commercial service.</p>		X	

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
The Council of the European Union	Directive 2002/90/EC of 28 November 2002 Defining the Facilitation of Unauthorised Entry, Transit and Residence	28 November 2008	<p>Article 1</p> <p>1. Each Member State shall adopt appropriate sanctions on:</p> <p>(a) any person who intentionally assists a person who is not a national of a Member State to enter, or transit across, the territory of a Member State in breach of the laws of the State concerned on the entry or transit of aliens;</p> <p>(b) any person who, for financial gain, intentionally assists a person who is not a national of a Member State to reside within the territory of a Member State in breach of the laws of the State concerned on the residence of aliens.</p> <p>2. Any Member State may decide not to impose sanctions with regard to the behaviour defined in paragraph 1(a) by applying its national law and practice for cases where the aim of the behaviour is to provide humanitarian assistance to the person concerned.</p> <p>Article 2</p> <p>Each Member State shall take the measures necessary to ensure that the sanctions referred to in Article 1 are also applicable to any person who:</p> <p>(a) is the instigator of,</p> <p>(b) is an accomplice in, or</p> <p>(c) attempts to commit an infringement as referred to in Article 1(1)(a) or (b).</p>		X	

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
The European Commission	EU Action Plan against migrant smuggling (2015 - 2020)	27 May 2015	<p>“Ruthless criminal networks organize the journeys of large numbers of migrants desperate to reach the EU. They make substantial gains while putting the migrants’ lives at risk. To maximize their profits, smugglers often squeeze hundreds of migrants onto unseaworthy boats – including small inflatable boats or end-of-life cargo ships – or into trucks. Scores of migrants drown at sea, suffocate in containers or perish in deserts...Irregular migration by sea, in particular along the Central and Eastern Mediterranean routes, has increased exponentially over the past year with almost 225,000 migrants in 2014 – nearly three times as many as in 2013...Smugglers treat migrants as goods, similar to the drugs and firearms that they traffic along the same routes. They shift swiftly the smuggling routes to adapt to the security situation in transit countries or to law enforcement responses. They also misuse procedures for legal entry and stay...Migrant smuggling is a highly profitable business, with criminal networks thriving on the low risk of detection and punishment.”</p>	X	X	
World Bank	-----	---	The World Bank defines corruption as “the abuse of public office for private gain.”			X
Transparency International	-----	---	“Corruption is the abuse of power for private gain. It can be classified as grand, petty and political, depending on the amounts of money lost and the sector where it occurs.”			X

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
United Nations General Assembly	United Nations Convention Against Corruption	31 October 2003	<p>During the discussions leading up to the adoption of this Convention, UN Member States concluded that a comprehensive definition that would encompass all forms of corruption cannot be coined as any attempt at one would inevitably result in unwanted omissions. A consensus was reached on a great number of common manifestations of corruption but the Convention leaves sufficient space for signatory states to go beyond these in criminalising corrupt activities in accordance with their own specific economic and political circumstances. Article 1 declares the Convention's purpose to be:</p> <ul style="list-style-type: none"> (a) to promote and strengthen measures to prevent and combat corruption more efficiently and effectively; (b) to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; (c) to promote integrity, accountability and proper management of public affairs and public property. 			X

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
The Council of the European Union	Framework Decision 2003/568/JHA of 22 July 2003 on Combating Corruption in the Private Sector	22 July 2003	<p><u>Article 2 – Active and Passive Corruption in the Private Sector</u></p> <p>1. Member States shall take the necessary measures to ensure that the following intentional conduct constitutes a criminal offence, when it is carried out in the course of business activities:</p> <p>(a) promising, offering or giving, directly or through an intermediary, to a person who in any capacity directs or works for a private-sector entity an undue advantage of any kind, for that person or for a third party, in order that that person should perform or refrain from performing any act, in breach of that person's duties;</p> <p>(b) directly or through an intermediary, requesting or receiving an undue advantage of any kind, or accepting the promise of such an advantage, for oneself or for a third party, while in any capacity directing or working for a private-sector entity, in order to perform or refrain from performing any act, in breach of one's duties.</p> <p>2. Paragraph 1 applies to business activities within profit and non-profit entities.</p> <p>...</p> <p><u>Article 3 – Instigation, aiding and abetting</u></p> <p>Member States shall take the necessary measures to ensure that instigating, aiding and abetting the conduct referred to in Article 2 constitute criminal offences.</p>			X

Institution/Intergovernmental Organisation	Policy and Legal Instruments	Date of Adoption	Definitions and Relevant Legal Provisions	Issues Covered		
				THB	HS	CORR
Member States of the European Union	Convention Drawn Up on the Basis of Article K.3 (2) (c) of the Treaty on European on the Fight Against Corruption Involving Officials of the European Communities or officials of Member States of the European Union	26 May 2007	<p><u>Article 2 – Passive Corruption</u></p> <ol style="list-style-type: none"> 1. For the purposes of this Convention, the deliberate action of an official, who directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or for a third party, or accepts a promise of such an advantage, to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties shall constitute passive corruption. 2. Each Member State shall take the necessary measures to ensure that conduct of the type referred to in paragraph 1 is made a criminal offence. <p><u>Article 3 – Active Corruption</u></p> <ol style="list-style-type: none"> 1. For the purposes of this Convention, the deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party for him to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties shall constitute active corruption. 2. Each Member State shall take the necessary measures to ensure that conduct of the type referred to in paragraph 1 is made a criminal offence. 			X



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Project profile

ANTICORRP is a large-scale research project funded by the European Commission's Seventh Framework Programme. The full name of the project is "Anti-corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption". The project started in March 2012 and will last for five years. The research is conducted by 20 research groups in fifteen countries.

The fundamental purpose of ANTICORRP is to investigate and explain the factors that promote or hinder the development of effective anti-corruption policies and impartial government institutions. A central issue is how policy responses can be tailored to deal effectively with various forms of corruption. Through this approach ANTICORRP seeks to advance the knowledge on how corruption can be curbed in Europe and elsewhere. Special emphasis is laid on the agency of different state and non-state actors to contribute to building good governance.

Project acronym: ANTICORRP

Project full title: Anti-corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption

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