

The Vienna Forum to fight Human Trafficking
13-15 February 2008, Austria Center Vienna
Background Paper

**027 Workshop: Transnational
Organized Crime
- Impact from Source to Destination**

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**WORKSHOP 027
TRANSNATIONAL ORGANIZED CRIME – IMPACT FROM SOURCE TO
DESTINATION**

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CATEGORIZATION OF TRAFFICKERS AND TRAFFICKING GROUPS

DEFINITIONS

A number of transnational organized crime groups are heavily involved in human trafficking. On the other hand, human trafficking is also carried out by actors who are not part of transnational organized crime groups or even non-transnational organized crime groups.

The start point for discussing the relationship between transnational organized crime and trafficking in persons must be the definitions of both trafficking in persons and transnational organized crime and an exploration of how these concepts interact with each other.

***"Trafficking in Persons"*¹**

The Trafficking in Persons Protocol (supplementing the Transnational Organized Crime Convention, TOC) applies to the protection of victims of trafficking and the prevention, investigation and prosecution of the crime of trafficking in persons which is:

- transnational in nature, and
- involves an organized criminal group.²

It is imperative to note here that provisions relating to transnationality and organized crime should not be incorporated into domestic legislation against trafficking in persons. While some aspects of the Trafficking in Persons Protocol assume that the crime has been a transnational one (such as provisions pertaining to border measures and information exchange between States parties), the offence of trafficking should exist in domestic legislation even where there has been no transnationality or involvement of an organized criminal group.³

"Transnational"

According to Article 3(2) of the TOC Convention, a serious crime is transnational if it:

- (a) is committed in more than one State
- (b) Is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State

¹ The definition of Trafficking in Persons contained in Trafficking in Persons Protocol Article 3(a) outlines three constituent elements:

1. The Act (what is done)
Recruitment, transportation, transfer, harbouring or receipt of persons
2. The Means (how it is done)
Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim
3. The Purpose (why it is done).
For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

² Trafficking in Persons Protocol, Article 4.

³ Legislative Guides for the Implementation of the United Nations Convention Against Transnational Organized Crime and the Protocols thereto, UNODC, October 2004, pp.258-259.

- (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or
- (d) It is committed in one State but has substantial effects in another State⁴

"Organized Criminal Group"

According to Article 2(a) of the TOC Convention, an Organized Criminal group is

- a structured group of three or more persons, existing for a period of time and
- acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention,
- in order to obtain, directly or indirectly, a financial or other material benefit.⁵

This definition does not include groups that do not seek to obtain 'financial or other material benefit'. This would not, in principle, include groups such as terrorists or insurgents provided that their goals were purely non-material. However, the Convention may still apply to crimes committed by those groups where they commit crimes covered by the Convention (for instance, by committing robbery in order to raise financial and material benefits).⁶

While the reference to 'financial or other material benefit' was intended to exclude groups with purely political or social motives, the term "material benefit" is not limited only to financial, monetary or equivalent benefits. The term should be interpreted broadly, to include personal benefits such as sexual gratification so as to ensure that organizations trafficking in human beings or child pornography for sexual and not monetary reasons are not excluded.⁷

"Serious Crime"

According to Article 2(b) of the TOC Convention, 'serious crime' "shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty".⁸

Many provisions of the Convention can be invoked with respect to serious crimes involving an organized crime group. This definition of "serious crime" does not require a State party to create a definition of serious crime in its penal code, but rather to criminalize those offences established by the Convention and its supplementary protocols.⁹

⁴ United Nations Convention against Transnational Organized Crime, Article 3(2)

⁵ United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in its resolution 55/25 of 15 November 2000 and entered into force on 29 September 2003, Article 2(a). The Convention's ratification status can be consulted at <http://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>

⁶ Legislative Guides for the Implementation of the United Nations Convention Against Transnational Organized Crime and the Protocols thereto, UNODC, October 2004, p.13.

⁷ A/55/383/Add.1, paragraph 3.

⁸ United Nations Convention against Transnational Organized Crime, Article 2(b)

⁹ Legislative Guides for the Implementation of the United Nations Convention Against Transnational Organized Crime and the Protocols thereto, UNODC, October 2004, p.14.

"Structured group"

Article 2(c) of the TOC Convention states that a 'structured group' "*shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure*".¹⁰

The term "structured group" is to be used in a broad sense, so as to include groups with a hierarchical or other elaborate structure, as well as those non-hierarchical groups in which roles of members of the group are not formally defined.¹¹

A structured group is not necessarily a formal type of organization with a structured, continuous membership and defined roles and functions of members, but it must be more than randomly formed for the immediate commission of an offence. This standard was established in order to avoid the inclusion of crimes committed by groups on an ad hoc basis. Nevertheless, it includes all instances of crimes that involve any element of organized preparation.¹²

¹⁰ United Nations Convention against Transnational Organized Crime, Article 2(c)

¹¹ A/55/383/Add.1, paragraph 4.

¹² Legislative Guides for the Implementation of the United Nations Convention Against Transnational Organized Crime and the Protocols thereto, UNODC, October 2004, p.14.

CATEGORIZING TRAFFICKING GROUPS

The following entities are involved in trafficking in persons:

- International criminal syndicates with diverse activities that traffic drugs, guns and people, often using the same routes for all three
- Family operations with extended family across country borders
- Independently owned businesses with contractors / agents who provide labourers
- Loosely based acquaintances/organizations moving people on a limited scale
- Individuals (from diplomats and foreign business executives to pimps and bar owners).¹³

Trafficking groups can be categorized as different types of business or as criminal enterprises.¹⁴ Understanding them in this way offers insight into their *modus operandi* and resultantly, the means by which they can be stopped. The models below have been offered in a study into the business model approach of trafficking groups.¹⁵

Natural Resource Model (prevailing in Eastern Europe and Central Asia)

- Focus on short-term profits
- Women are sold as if they were a readily available natural resource such as timber or furs
- Focus on the recruitment of women and their sale to intermediaries who deliver them to the markets; most often the women are sold off to the most proximate crime group
- Profits are disposed through conspicuous consumption or are sometimes used to purchase another commodity with a rapid turnover such as rubber boots for sale or cars for sale
- Significant violations of human rights because the traffickers have no long-term interest in wresting long-term profits from women and have no connections to their families

Trade and Development Model (Prevailing in East Asia)

- Operate as a business that is integrated from start to finish
- The control from recruitment to exploitation allows for high long-term profits
- Assets are returned through underground banking (eg through gold shops or bars)

Supermarket Model: Low Cost and High Volume (prevailing in Central and North America)

- Maximizing profits by moving large number of people and not charging significant sums for each individual. Based on large-scale supply and existing demand

¹³ United States Federal Bureau of Intelligence, http://www.fbi.gov/page2/june06/human_trafficking061206.htm

¹⁴ Louise I. Shelley, "Trafficking in Women: The Business Model Approach," *Brown Journal of International Affairs*, Vol. X, Issue I, 2003.

¹⁵ Louise I. Shelley, "Trafficking in Women: The Business Model Approach," *Brown Journal of International Affairs*, Vol. X, Issue I, 2003.

- May exploit vulnerable people (eg force young girls into brothels)
- Most of the "people movers" specialize in this trade
- Requires significant profit sharing with local border officials
- Millions of dollars of profits are returned and invested in land and farms
- Detection is difficult because trafficking is hidden within large scale smuggling operations
- High violations of human rights and fatalities because there is little profit to be gained from each individual

Violent Entrepreneur Model (prevailing in Balkans)

- Large number of women are sold off by crime groups
- Control of victims from recruitment to exploitation
- Opportunistic making use of the instability and civil conflict in the origin countries
- Groups take over existing markets by using force against established crime groups
- Significant use of corruption
- High profits used to finance other illicit activities or invest in legitimate businesses
- Extreme violations of human rights and brutal violence against victims

Traditional Slavery with Modern Technology (prevailing in West Africa)

- Multi-faceted crime groups, trafficking in persons being one part of their criminal profile
- Use of psychological as well physical pressure
- Combining modern transport links with traditional practices
- Significant financial resources
- Small amounts of the profits are returned to the local operations of the crime groups and occasionally to family members of victims
- Much of the profit is believed to flow to other illicit activities and are laundered
- Significant human rights violations occur as victims are exploited in the most physically dangerous conditions

The key point to emerge from consideration of the various models of trafficking groups and operations is that regardless of the model at work, profit is the common motivation and driving force. Despite this, prosecutions often fail to address this aspect of the crime and police are often unable to seize assets which are regularly and efficiently moved in support of further by expanding networks into other criminal activities.

By increasing attention to the economic side of human trafficking, law enforcement authorities could reduce its profitability and consequently, thereby lessening incentive to become involved in organized crime.¹⁶

¹⁶ For instance, INTERPOL is exploring ways in which economic enforcement can be strengthened against trafficking. INTERPOL also takes part in international forums focusing on economic enforcement measures to reduce the profitability of human trafficking.

CHARACTERISTICS OF TRAFFICKING GROUPS

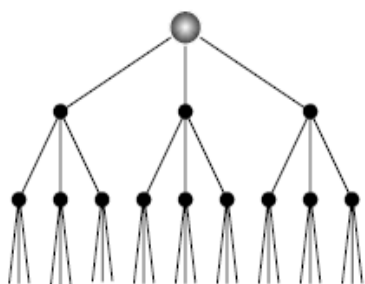
STRUCTURE OF GROUPS

Trafficking in persons can be carried out through spontaneous informal low-level contacts, through to highly organized international networks. Small groups of individuals may comprise family networks or be connected through shared ethnicity, while large scale criminal networks may operate internationally and oversee the entire operation from the recruitment through to the exploitation of the victim.

Different criminal groups operate in different criminal structures; how groups are organizationally structured can give an indication of how activities are pursued. For instance, it has been established that the more hierarchical the group is, the more likely it is to engage in violence as an essential element in undertaking their activities.¹⁷ Furthermore, higher structural rigidity has also been shown to correlate to higher propensity for corruption and transborder activities.¹⁸

In 2002, UNODC undertook a pilot survey of forty selected organized groups in sixteen countries and one region.¹⁹ Though the study was of selected groups at a specific time, the insight it offers into structural models of organized crime groups remains instructive today.

- **Rigid hierarchies** have a single boss, and are organized into several cells reporting to a centre, with strong internal discipline systems.
- **Devolved hierarchies** have a hierarchical line of command, often with regional structures with their own hierarchy and a degree of autonomy over their own functioning.
- **Hierarchical conglomerates** are associations of organized crime groups with a single governing body.
- **Core criminal groups** comprise core individuals horizontally structured.
- **Organized criminal networks** are defined by key activities of key individuals who often shift alliances and whose role is determined by the skill and the capital they may bring. Such networks may not consider themselves organized criminal entities.²⁰



That survey showed a distinction based on the structure of the group and the extent to which the group was involved in human trafficking activities. Of six criminal groups engaging in criminal activities including trafficking in persons, five were classified as hierarchically structured, characterized by strong

¹⁷ “Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries”, UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, p.30.

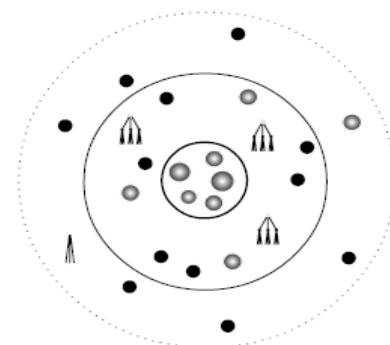
¹⁸ “Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries”, UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, p.31.

¹⁹ “Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries”, UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf

²⁰ “Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries”, UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, p.19.

internal lines of control and discipline. Of these, four groups had a single leadership structure, a strong social or ethnic identity and violence was an essential means of carrying out its activities.²¹

Regarding the two groups whose primary activity was human trafficking, both were classified as “core criminal groups”, consisting of a limited number of individuals forming a relatively tight and structured core group surrounded by a loose network of “associates”, with the small group size helping to maintain internal discipline. Such groups determine their activities on the basis of opportunities for profit and seldom have a social or ethnic identity. In both groups, each member appeared to have had a specific role in the human trafficking process (for instance, recruitment, transport, protection or marketing).²²



Organized crime groups in Asia

There are many Asian criminal organizations such as the yakuza, triads, jaotou, jao phro, and others which have a name, a turf, a hierarchical structure, restricted membership and use violence to exert authority. In contrast to this, there are many other networks of people involved in transnational organized crime on an ad hoc basis, which lack this structure. In this latter situation actors will respond to a new criminal opportunity and recruit people from the same village or ethnic group to participate in the criminal operation, forming a network which will disband upon once the operation has been carried out. Actors from each of these categories may be involved in transnational organized crime, but it is the more organized, more violent entities which are believed to be the key players in transnational organized crime.²³

International law enforcement agencies have reported the involvement of Asian organized crime groups in human trafficking; there have been recurring cases of women trafficked from South East Asia to different countries in Africa where they are held captive and sexually exploited in brothels.

Case Study: The Yakuza, Japan

The Yakuza are Japanese organized crime group which are most heavily involved in gambling, prostitution, amphetamine trafficking and the victimization of legitimate businesses. The Yakuza has a well-established structure; authority and wealth is concentrated on the ‘oyabun’ or the head of the group who controls personnel and territorial issues with other high-ranking members. Day-to-day matters are the responsibility of sub-bosses who operate with relative autonomy. The actual criminal activities are carried out by individuals at lower levels of the organizational structure,

²¹ “Trafficking in Persons: Global Patterns” UNODC, April 2006, p.69.

²² “Trafficking in Persons: Global Patterns” UNODC, April 2006, p.69.

²³ Chin, Ko-Lin and Finckenauer, James O., “Asian Transnational Organized Crime and its Impact on the United States: Developing a Transnational Crime Research Agenda”, Report submitted to the National Institute of Justice, November 2004, p.22.

with financial proceeds of those activities being filtered upwards, often as 'tribute payments' which protect the right to use the Yakuza name.

Case Study: Sindikets in Malaysia

In Western Malaysia, organized crime groups (known as "sindikets" or syndicates) involved in trafficking in persons (and/or migrant smuggling) from the Philippines comprise four levels.

- Level 1 includes persons about whose identity if very little known except that they are generally well-known people occupying positions of power.
- Level 2 includes individuals who receive orders, give directives down to level 3.
- Level 3 carries out the actual work of organizing activities on the group and works closely with the fourth level. This level includes the pimps, madams, or owners of small brothels.
- Level 4 includes 'errand boys' who arrange transportation, buy food for victims and pass on information. Actors at this level are also involved with recruitment, looking for potential new victims and clients, and new areas of possible expansion.²⁴

Case Study: Fuk Ching, United States

The Fuk Ching has a sophisticated hierarchical structure, based on strong ethnic ties and strengthened by violence or the threat thereof, to ensure discipline and loyalty. The Fuk Ching was founded in New York by Fujian Chinese men in the 1980s and still continues to recruit among Fujian teenagers. Its network connects street gangs to organizations or 'tongs' (such as the Fukien American Association) which will provide the group with a venue from which to operate, criminal opportunities, money and guns.²⁵

Organized crime groups in Europe

In Europe, groups operating in the field of human trafficking are mainly loose networks rather than mafia-type, hierarchical organizations. Most of the criminal groups and networks involved in human trafficking in the European Union meet the criteria of 'organized crime'. Some show a hierarchical structure while others operate more through personal contacts or small groups being paid for a particular service.²⁶

It is generally believed that while traditional hierarchical criminal organizations involved in trafficking drugs and other contraband may be involved in trafficking in human beings, actually there is an increase in trafficking groups where the persons involved have close family ties or previous criminal relationships, operating not in a hierarchy but with distinct and specific roles to play.²⁷

²⁴ "Trafficking in Persons: Global Patterns" UNODC, April 2006, p.70.

²⁵ Finckenauer, James O., "Chinese Transnational Organized Crime: The Fuk Ching" National Institute of Justice, available at <http://www.ojp.usdoj.gov/nij/international/chinese.html>

²⁶ EUROPOL "Trafficking in the European Union: A Europol Perspective" www.europol.europa.eu, May 2007, p.4.

²⁷ EUROPOL, "Trafficking of Women and Children for Sexual Exploitation in the EU: the involvement of Western Balkans Organized Crime 2006", p.12.

- Amateur or low-level traffickers are most likely to be involved in the recruitment and trafficking of nationals in their own country. They are likely to be paid for their services as opposed to receiving profit directly through exploitation of their victims.
- Small groups or medium level traffickers are likely to be permanent members of the operation, operating at all stages of trafficking through to exploitation and re-trafficking, and are likely to profit directly from the exploitation
- International or high-level networks have operational capacity in source, transit and destination countries and the capability to perform all aspects of trafficking from the recruitment and exploitation of victims to document forgery, money laundering and high-level corruption. At this level of crime, profits from the trafficking in persons are often reinvested in other transnational organized crimes such as drugs and arms trafficking.²⁸

EUROPOL reports that the most frequently reported nationalities of organized criminals involved in trafficking in persons in the European Union are Albanian, Bulgarian and Lithuanian.²⁹

Case Study: Albanian Organized Crime

Albanian Organized crime plays a significant role in transnational crime in the European Union and beyond. The size of the Albanian Diaspora has contributed to its organizational structure and criminal activity, with strong links maintained with states of origin.³⁰ Initially Albanian criminal groups were originally nonhierarchical and almost always organized around family ties, but are increasingly evolving hierarchically while maintaining an ethnically characterized base.

The adaptability of the Albanian mafia to emerging criminal opportunities and crime types is evident in their modus operandi. Through cooperation with other ethnic or indigenous crime groups in control of criminal markets, Albanian criminals will either adopt a facilitative role, sometimes achieving full control.³¹

Human Trafficking from Eastern Europe

In the period of April 2005 to May 2007, INTERPOL received details of 569 cases relating to human trafficking under Project RED ROUTES.³² These cases were analyzed for information to support the overall understanding of the phenomenon of human trafficking from Eastern Europe. While it is difficult to know the precise number of women trafficked from Eastern Europe on an annual basis, 1435 victims were identified during this approximate 2 year period. It is important to note that not all human trafficking cases come to the attention of law enforcement authorities. However,

²⁸ EUROPOL, "Trafficking of Women and Children for Sexual Exploitation in the EU: the involvement of Western Balkans Organized Crime 2006", pp.12-13.

²⁹ EUROPOL, "Trafficking of Women and Children for Sexual Exploitation in the EU: the involvement of Western Balkans Organized Crime 2006", p.13.

³⁰ EUROPOL, "The Threat from Organized Crime", www.europol.europa.eu, pp.2-3

³¹ EUROPOL, "The Threat from Organized Crime", www.europol.europa.eu, pp.2-3

³² Red Routes is an INTERPOL database project that groups information concerning human trafficking from Eastern Europe.

despite these gaps in knowledge, it can be confidently stated significant numbers of Eastern European women are trafficked for the purpose of sexual exploitation. Based on available information, it is also possible to say with a reasonable degree of certainty that:

1. Despite law enforcement intervention in both destination and source countries, Eastern European human trafficking networks continue to exist on scales similar to those observed in prior reporting periods.
2. The majority of trafficked women are adult females originating from across Eastern Europe. However, three source countries - Romania, Belarus and Bulgaria - appear to dominate.
3. Women are trafficked across all of Europe (East and West) as well as to the Gulf States; however, the majority of women appear to be trafficked to Western Europe.
4. The majority of traffickers tend to be males originating in the country of origin of the trafficked women; however, women also play criminal roles within networks ranging from recruitment to street level management.
5. While deception is a common occurrence within the trafficking recruitment process, some women appear to know that they will work in the sex industry; however this prior knowledge does not protect them against violence and abuse while interacting with traffickers.
6. The use of coercion, threats and violence is common in trafficking networks for recruiting purposes as well as to maintain control of the trafficked women when they are involved in prostitution activities.
7. The profits derived from human trafficking are often in cash form and are transferred relatively quickly outside of the country via "western union" type mechanisms.
8. Human trafficking networks make use of services available within illicit criminal markets, for example frequent mention is made of the use of forged or stolen identity and administrative documents for the purposes of human trafficking.

Outlaw Motorcycle Gangs (OMCGs)

Outlaw Motorcycle Gangs (OMCGs) involved in organized crime are hierarchically structured. The basic element of the structure is the 'Chapter' comprised of members and headed by an Executive which operates in a specific area. The Executive comprises an elected president, a vice-president, a sergeant-at-arms, a secretary/treasurer and a road captain. The president has absolute control over the Chapter. In addition to this are several categories of organized groups termed 'prospects', 'associates' or 'hangers-on'. Most OMCGs are governed by a 'constitution' or 'by-laws'; some gangs even have written codes of ethics. In Australia alone there are believed to be around 30 different gangs. Similarly, the Hells Angels motorcycle gang is hierarchically structured in this way. It is expected that there are around 280 Hells Angel gangs in Canada alone.³³

³³ "Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries", UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, Annex B.

“The One Percenters”

A very small percent of motorcycle communities around the world are involved in criminal activities. Proudly known as “one percenters” (after the media identified as the ‘outlaws’ as comprising 1% of the motorcycling community), outlaw motorcycle gangs (OMCGs) are often involved in tightly-knit groups identified by their logos, colours and vests which only members are allowed to wear. Different chapters are marked accordingly, and often the position which a member occupies in the gang will also be denoted by patches on the front of the vest.³⁴ Gangs are often militarily organized, with a strict hierarchy and strict rules. Some of these gangs formed after the Vietnam War, by people seeking the same camaraderie that they experienced in the military.³⁵

³⁴ EUROPOL, “The Threat from Organized Crime”, www.europol.europa.eu, pp.2-3

³⁵ “Inquiry into the future impact of serious organized crime on Australian society”, 19 September 2007, Commonwealth of Australia, para 2.17. http://www.aph.gov.au/SENATE/committee/acc_ctte/organized_crime/report/index.htm

ACTIVITIES OF GROUPS

Trafficking Specialization

It has been shown that some organized crime groups are highly specialised; with drug production groups unlikely to also be involved in trafficking women for the purposes of sexual exploitation (for instance). Where there is not specialization, the overlap between criminal activities has been attributed to offenders involved in the provision of particular services such as transportation; individuals who are involved in transporting drugs may for instance also be involved in transporting human beings.³⁶

In a 2002 survey conducted by UNODC it was found that the largest number of groups were generally specialised in one criminal activity (such as migrant smuggling or illegal narcotics). Sub-activities carried out were usually in support of the overall activity rather than in pursuit of stand-alone profit.³⁷ For instance, during the process of trafficking in persons, criminal activities may be undertaken by the criminals involved either in direct furtherance of their trafficking activities, or as a result of the profits derived from it. Examples of such crimes are document forgery, corruption of governmental officials and law enforcers, illegal border crossing and violence or the threat of it, associated with maintaining control over victims. Secondary crimes which can take place as a result of 'successful' trafficking activities include money laundering and tax evasion.³⁸ Criminal groups in Europe include different nationals operating in their area of competence and; while some specialize in human trafficking, they also operate in related crimes such as pimping, document forgery, smuggling of migrants and money laundering.

Of the forty organized crime groups assessed by UNODC, eight were found to be involved in trafficking in persons activities, of those, two were almost exclusively involved in human trafficking while for the remaining six, human trafficking was one of a number of diversified criminal activities undertaken by the group.³⁹ Five of the six groups involved in human trafficking, were heavily involved in the transnational trafficking of various goods including drugs and firearms; the principal activities of remaining groups were the smuggling of migrants, human trafficking and kidnapping.⁴⁰

Diversifying into Trafficking

Many organized crime groups will adapt their activities to the opportunity of profit. The McLean Syndicate initiated in Australia in the 1970s began by organizing the importation of cannabis into Australia from Singapore and has since diversified from drug trafficking into money laundering, armed robbery, theft of antiques, migrant

³⁶ Chin, Ko-Lin and Finckenauer, James O., "Asian Transnational Organized Crime and its Impact on the United States: Developing a Transnational Crime Research Agenda", Report submitted to the National Institute of Justice, November 2004, p.26.

³⁷ "Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries", UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, p.22

³⁸ UNODC, Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo, September 2006, pp.22-23.

³⁹ "Trafficking in Persons: Global Patterns" UNODC, April 2006, p.68.

⁴⁰ "Trafficking in Persons: Global Patterns" UNODC, April 2006, p.69.

smuggling, prostitution, extortion, gambling, debt collection, murder, tax evasion and trafficking in women.⁴¹ Another example is found in South America; organized crime in Argentina for instance is focused on drug trafficking, although narco-traffickers have also been reported to traffic in women and children.⁴² Similarly, Paraguayan drug families have branched out to other lucrative activities, often supporting organized crime groups in Brazil.⁴³

Another example of diverse activities comes from Vasi Iliev Security – 2 (VIS-2); a criminal group in Bulgaria which is engaged in numerous activities from counterfeiting, forgery, fraud, embezzlement, money laundering, armed robbery, vehicle crimes, theft, migrant smuggling, firearms smuggling, and trafficking in women and children for sexual exploitation. Its diversity shows that VIS-2 is flexibly able to adapt to new and emerging markets.⁴⁴ Similarly, ethnic Albanian crime groups are predominantly involved in drug trafficking, trafficking in persons, migrant smuggling and crimes against property.⁴⁵

Well known Asian organized crime groups believed to be involved in transnational crimes including human trafficking include: the Yakuza (Japan), the Fuk Ching (Chinese, active in the United States), Triads (Hong Kong), and Jao phor and Red Wa (Thailand).⁴⁶ It has been suggested that some of these groups may be active in a range of criminal activities and also expanding their influence into legitimate activities.⁴⁷

Case study: Diversifying into trafficking (Western Balkans)

Conflict often presents opportunity for criminal groups to diversify their activities into trafficking people. During and post conflict, an influx of international personnel fuels demand while increased vulnerability of displaced populations provides fertile ground from which traffickers can recruit the 'supply'.

The Western Balkans provides one such example of this; the war in Former Yugoslavia led to the breakdown of civil, social and cultural structures in the region, leading to push and pull factors such as desperation and poverty, porous borders and an influx of international personnel catalyzing a sex industry. The increased vulnerability of displaced populations provided opportunity for existent organized criminal groups to recruit 'employees' and victims of their human trafficking operations. One group operating in the Netherlands comprised members from former Yugoslavia who were residing illegally in the Netherlands; this group would recruit women and

⁴¹ "Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries", UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, Annex B.

⁴² Hudson, Rex., "Terrorist and Organized Crime Groups in the Tri-Border Area (TBA) of South America" Federal Research Division, Library of Congress, July 2003, p.38.

⁴³ Hudson, Rex., "Terrorist and Organized Crime Groups in the Tri-Border Area (TBA) of South America" Federal Research Division, Library of Congress, July 2003, p.40.

⁴⁴ "Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries", UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, Annex B.

⁴⁵ EUROPOL, "The Threat from Organized Crime", www.europol.europa.eu, pp.2-3

⁴⁶ Source; National Institute of Justice: The Research, Development and Evaluation Agency of the US Dept of Justice, <http://www.ojp.usdoj.gov/nij/topics/crime/transnational-organized-crime/major-groups.htm>

⁴⁷ Chin, Ko-Lin and Finckenauer, James O., "Asian Transnational Organized Crime and its Impact on the United States: Developing a Transnational Crime Research Agenda", Report submitted to the National Institute of Justice, November 2004, p.26.

girls for sexual exploitation from Bosnia, Croatia, Slovenia and the Ukraine (the same countries from which the traffickers themselves derived) by kidnapping them or promising them employment in the Netherlands.⁴⁸

⁴⁸ “Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries”, UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, Annex B.

POLITICAL INFLUENCE OF ORGANIZED CRIME GROUPS (including corruption)

Some organized criminal groups aim to have political influence in the territories in which they operate. This may take many forms:

- the corruption of political officials through bribery, violence or threats thereof
- the election (or placement) of particular political entities to protect the group's interests
- members of a criminal group occupying positions of political power

In the overall majority of cases, corruption is a key element for undertaking organized crime activities; three quarters of the 40 groups surveyed by UNODC use corruption occasionally or regularly. Political influence of varying degrees was also established by the survey; one third of the groups (14) were reported to have political influence at local or regional levels, while seven of the groups were considered to have influence at the national level. In five cases, the political influence of the criminal groups in question was reported to extend beyond the country in which their activities are primarily conducted.⁴⁹

Various Asian countries are also highly concerned with the nexus between organized crime and authorities in States which they operate (including official corruption).⁵⁰ In some cases, organized crime groups penetrate legitimate businesses and the political area

In other Asian countries, the link between criminal activity and political activity is perhaps stronger, with organized crime groups operating closely with policemen and military figures, occupying positions in local administration and playing a role in parliamentary elections. Thailand is well established as a source, transit and destination country for trafficking of people, particular women for the purposes of sexual exploitation⁵¹. The support which Thailand's enormous sex industry offers to its tourist industry is a disincentive for dismantling it.⁵² The same is true in relation to Cambodia where there is concern about the large number of Vietnamese women trafficked into the sex industry; tourist appeal and complicity of and domestic authorities hamper efforts to combat this.⁵³

In the United States, there is evidence to suggest that La Cosa Nosa (Italian mafia) has exerted political influence in the United States and abroad. Another Italian

⁴⁹ "Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries", UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, p.26.

⁵⁰ Chin, Ko-Lin and Finckenauer, James O., "Asian Transnational Organized Crime and its Impact on the United States: Developing a Transnational Crime Research Agenda", Report submitted to the National Institute of Justice, November 2004, p.19.

⁵¹ For instance, women from Cambodia and Myanmar are exploited in Thailand's sex industry, and Thai women are sent to Japan and Europe for the purposes of sexual exploitation.

⁵² Chin, Ko-Lin and Finckenauer, James O., "Asian Transnational Organized Crime and its Impact on the United States: Developing a Transnational Crime Research Agenda", Report submitted to the National Institute of Justice, November 2004, p.16-17.

⁵³ Chin, Ko-Lin and Finckenauer, James O., "Asian Transnational Organized Crime and its Impact on the United States: Developing a Transnational Crime Research Agenda", Report submitted to the National Institute of Justice, November 2004, p.17-18.

criminal group but operating in Italy (with no name) involved in trafficking drugs and firearms as well as women and children, uses police corruption to facilitate its criminal activities and has demonstrated ability to infiltrate the political sphere at the local level.⁵⁴

In Canada, there has been evidence that the Hells Angels motorcycle gang has attempted to corrupt law enforcement and local government officials by offering money and threatening violence and the Cock Group in Lithuania whose activities include the trafficking women and children for sexual exploitation, exerts strong influence on customs, police, border officials and criminal justice institutions.⁵⁵

⁵⁴ “Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries”, UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, Annex B.

⁵⁵ “Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries”, UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, Annex B.

INFILTRATION OF THE LEGITIMATE ECONOMY BY ORGANIZED CRIMINAL GROUPS

Another aim of some organized crime groups is to penetrate the legitimate economy. In its survey of organized criminal groups, UNODC found an extensive cross-over between legitimate and illegitimate activities in almost half of the groups considered.

A particularly prominent example of a far-reaching organized crime group is La Cosa Nostra in the United States. More commonly known as the Italian mafia, La Cosa Nosa has used extensive corruption since its beginning in the 1920s and is known to invest profits from illegal activities into the legitimate economy, having penetrated labour unions, as well as the construction, music and garbage industries.

Another example of penetration of legitimate business, can be seen in the activities of the Outlaw Motorcycle Gangs (OMCGs); the Hells Angels in Canada for instance are involved in legitimate strip clubs, escort agencies, bars and restaurants, some of which they use for money launderings. OMCGs have also strongly penetrated legitimate economy in Australia, owning and operating restaurants, hotels and security companies. In addition, gangs are active in the construction and adult entertainment industries and have made property and stock market investments. Also in Australia, the Japanese Yakuza are alleged to have legitimately invested in nightclubs and restaurants, entertainment complexes and golf-course developments.⁵⁶

Another example of such influence and penetration of the legitimate economy is the Fuk Ching group in the United States, also active in human trafficking. The Fuk Ching group is reputed to have made significant investments in the United States economy. Gang members are involved in legitimate business activities in New York's Chinatown and at the local level some gang members own or operate restaurants, retail stores or car services, while at more senior levels, members own wholesale supply firms, factories and banks.⁵⁷

The 28s Prison Gang in South Africa filters and invests money made illegally from trafficking drugs, firearms and people (among other criminal activities) through legitimate enterprises such as tow truck companies, nightclubs and petrol stations. Similarly, the Lithuanian Cock Group has achieved significant penetration of the legitimate economy, largely due to the fact that the group was founded in the wake of privatization of state property in Lithuania. The Cock Group uses violence, intimidation and other illegal methods to influence the process of privatization.⁵⁸

⁵⁶ "Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries", UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, Annex B.

⁵⁷ Finckenaue, James O., "Chinese Transnational Organized Crime: The Fuk Ching" National Institute of Justice, available at <http://www.ojp.usdoj.gov/nij/international/chinese.html>

⁵⁸ "Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries", UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, Annex B.

TRANSNATIONAL REACH THROUGH CRIMINAL COOPERATION

Given that transnational crime invariably involves transportation across borders, the nexus between criminal activities should be investigated extensively. Traffickers cannot work on their own, and as globalization accelerates, trafficking groups are increasing their cooperative relationships with other organized crime groups.

Trafficking in persons across borders is greatly facilitated where operations involve people originating in states of origin, transit and destination. Member states of the European Union have reported the presence of foreign organized crime groups; Albanians play a significant role in trafficking involving Balkan and Eastern European states; Nigerians in Europe are active in the trafficking of Nigerians to Europe, Colombians in Spain, Chinese in the United Kingdom and Middle Eastern nationals have been reported in Sweden.⁵⁹ Border regions are particularly useful gateways to facilitate the commission of regional organized crime. The tri-border region of South America where Paraguay, Brazil and Argentina intersect, is one example of this; organized crime there is primarily regional rather than international in nature.⁶⁰

Of six organized crime groups involved in trafficking in persons surveyed by UNODC, all cooperated with foreign organized crime groups. These six groups originated in four different continents. Among these, the two groups whose primary activity was human trafficking had a high level of cooperation with other organized crime groups, both in their base-country and abroad. Almost half of the 40 of the criminal groups it analyzed conducted their activities across five or more states. Eleven groups engaged in activities across three to four states, while only less than one third confined activities to one or two countries.⁶¹

Increasing globalization makes it increasingly easy for organized crime groups to expand their activities and their networks across borders. The key ways in which they achieve this wide geographical coverage are by:

- Providing services or expertise to other organized crime groups
- Operating as a single entity across borders, with the key 'base' usually based in one country but with an active criminal presence in other countries of the region and beyond
- Expanding cooperative relationships with other criminal entities in other countries or regions
- Maintaining ethnic or familial ties across borders
- a combination of the above.

Providing services or expertise to other organized crime groups

Close links have been reported between criminal gangs involved in the organized illicit economy and human trafficking activities. For instance, in some regional contexts,

⁵⁹ Source: <http://www.crimereduction.homeoffice.gov.uk/toolkits/tp0206.htm>

⁶⁰ See for instance, Hudson, Rex., "Terrorist and Organized Crime Groups in the Tri-Border Area (TBA) of South America" Federal Research Division, Library of Congress, July 2003.

⁶¹ "Trafficking in Persons: Global Patterns" UNODC, April 2006, p.69.

payment of debts has allegedly occurred through the exchange of women and girls in marriage or the provision of children for dangerous cross-border trafficking activities.⁶²

Organized crime groups are also believed to have provided skills or services to other groups. In the European context for instance, one organized criminal group is believed to maintain close connections to other criminal organisations by providing 'security' on routes where drugs, arms and people are trafficked, while another group is believed to cooperate with other criminal groups in the region by buying and selling various commodities and exchanging personnel and expertise.⁶³

In establishing cooperation with the key crime groups with the monopoly control over particular criminal markets, rival organized crime groups often will find a way to share in the market or facilitate the commission of crime by providing expertise or services. Eventually the service-providing group may be able to extend their role of facilitator to achieve full control in certain crime areas.⁶⁴

The exchange of services and expertise is also seen in the relationship between outlaw motorcycle gangs (OMCGs) with other organized crime groups. All serious organized crime in Australia for instance, is reported to have linkages with outlaw motorcycle gangs. OMCGs seek opportunities to establish themselves with serious organized criminal groups, and serious organized crime groups strengthen their ties with OMCGs by hiring their members to perform various tasks (such as contract killings). Where once motorcycle groups were involved in traditional crime, they are now expanding; members of OMCGs often emerge to take leadership positions in national and international crime syndicates.⁶⁵

Single entity with presence in multiple countries

There are several examples of criminal organizations which are based in one location but operate beyond this. Well-known examples include the Russian Mafia (which originates in Russia but operates in nearly 60 countries around the world with a strong presence in Europe) and La Cosa Nostra (more widely known as the Italian or Italian mafia, which has a presence in countries outside of Italy and outside of Europe).⁶⁶ Outlaw motorcycle gangs involved in trafficking in human beings are present in various countries and various regions; the international connection between chapters is such that their criminal activity can be organized transnationally.⁶⁷ One major crime syndicates involved in the trafficking of women is believed to be based in Oceania but operationally active in North and South East Asia, the Indian Subcontinent and Europe and also relies on contacts with an extensive networks of organized crime groups in other countries.⁶⁸

⁶² "Trafficking in Persons: Global Patterns" UNODC, April 2006, p.71.

⁶³ "Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries", UNODC, September 2002, available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, Annex B.

⁶⁴ EUROPOL, "The Threat from Organized Crime", www.europol.europa.eu, pp.2-3

⁶⁵ "Inquiry into the future impact of serious organized crime on Australian society", 19 September 2007, Commonwealth of Australia, para 2.18 – 2.19, http://www.aph.gov.au/SENATE/committee/acc_ctte/organized_crime/report/index.htm

⁶⁶ Source; National Institute of Justice: The Research, Development and Evaluation Agency of the US Dept of Justice, <http://www.ojp.usdoj.gov/nij/topics/crime/transnational-organized-crime/major-groups.htm>

⁶⁷ EUROPOL, "The Threat from Organized Crime", www.europol.europa.eu, pp.2-3

⁶⁸ "Results of a Pilot Study of Forty Selected Organized Crime Groups in Sixteen Countries", UNODC, September 2002,

Cooperative relationships between criminal groups across borders

Criminal groups also extend their reach across borders by affiliating themselves with other criminal organizations occurs extensively throughout the world. Collaboration may result in an expanded organized network, or cooperative networks may only be called upon for opportunistic crimes and cease their cooperative relationship upon the completion of particular criminal activity. There are examples of such inter-regional cooperation around the world, with organized crime groups in Asia working with mafia organizations in Europe and outlaw motorcycle gangs in other regions.⁶⁹

Maintaining ethnic or families ties across borders

Another effective means by which a criminal network can establish themselves across borders is through the maintenance of ethnic or familial ties across borders. For instance, Ethnic Albanian organized crime groups have established themselves in many European Union Member States and beyond. In carrying out their activities, they maintain strong links with their states of origin while gaining expertise on their adopted locations. Such organized crime groups are often built along strong family ties or clan structures, allowing them to maintain strong links with their states of origin.⁷⁰ Their flexibility to adapt to emerging crime types and criminal opportunities through their expansive network of ethnically affiliated members also makes these groups easily able to cooperate with other well-established organized crime groups.⁷¹

This same ethnic bond can exist in diasporas which form criminal organizations in their adopted countries. In trafficking situations they may use their countries of origin as recruiting grounds, and traffic persons into their adopted countries. This can be seen for instance, in situations where large diasporas move from developing countries or countries in transition into developed countries.⁷²

Combination of cross-border strategies

Finally, in addressing transnational organized crime it must be considered that trafficking groups may be operative across borders through a combination of the above. For instance, a criminal group involved in criminal activity in a rural border area of one country, may be affiliated through familial ties to the neighbouring country, which offers access to a sophisticated criminal network based in the city of that country, which is involved in highly complex transnational crime beyond the region into others.⁷³

available at www.unodc.org/pdf/crime/publications/Pilot_survey.pdf, Annex B.

⁶⁹ Hudson, Rex., "Terrorist and Organized Crime Groups in the Tri-Border Area (TBA) of South America" Federal Research Division, Library of Congress, July 2003, p.43.

⁷⁰ EUROPOL, "The Threat from Organized Crime", www.europol.europa.eu, pp.2-3

⁷¹ EUROPOL, "The Threat from Organized Crime", www.europol.europa.eu, pp.2-3

⁷² Chin, Ko-Lin and Finckenauer, James O., "Asian Transnational Organized Crime and its Impact on the United States: Developing a Transnational Crime Research Agenda", Report submitted to the National Institute of Justice, November 2004, p.9.

⁷³ "Trafficking in Persons: Global Patterns" UNODC, April 2006, p.71.

This paper has been prepared to provide some broad background material for the workshop. Please note that fuller materials, including speaker summaries and workshop conclusions, will be included in the official report of the Vienna Forum.

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