

# **Human Trafficking, Border Security and Related Corruption in the EU**

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*By Atanas Rusev*

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The Migration Series will continue this year and into 2014 with upcoming papers on: Security Sector Reform and the migration, asylum and counter-THB sector in Europe; Ukraine and trafficking in human beings; and an analysis on forced labour and migration.



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## Introduction

Trafficking in human beings (THB), as a transnational crime, involves movement of people across borders. In this regard, border control authorities are expected to play an important role in preventing and curbing this phenomenon. Border guards are identified as key actors in fight against trafficking in human beings both in the new EU Strategy towards the Eradication of Trafficking in Human Beings<sup>1</sup> and the new Directive 2011/36/EU.<sup>2</sup> The role of border guards in combating trafficking is largely seen as a “first responder” as part of the National Referral Mechanisms in identification of victims of trafficking, as well as for the identification and apprehension of traffickers within border control procedures. The growing commitment on the EU policy level for prevention of, and fighting against, trafficking of human beings, has also led to recognition of the issue as an important priority to border control authorities of all Member States as well. The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) has already recognised THB as one of its priorities and has developed a training manual for border guards related to THB and a handbook for Border Control Authorities on good practices to counter THB.<sup>3</sup>

Easy passage across borders is a key element for smooth running of operations for human trafficking networks, so they use a variety of strategies to circumvent strict border control procedures and avoid detection. Corruption of law enforcement officers along the whole trafficking chain—including cross-border transportation—is alleged as one of the key instruments adopted by organised crime groups to ensure evasion of detection.<sup>4,5,6</sup>

Although the use of corruption is often mentioned along with human trafficking, few academics have explored factors and mechanisms behind this nexus. In order to explain how organised crime uses corruption of border guards in order to ensure their compliance and non-interference in the human trafficking channels, three key contexts should be analysed in more detail – the broader context of human trafficking in EU, the problems with corruption in border control authorities and the link between corruption and organised crime in relation to human trafficking.

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<sup>1</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016* (COM/2012/0286 final), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0286:FIN:EN:HTML> (accessed on 5 October 2013).

<sup>2</sup> *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*, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF> (accessed on 5 October 2013).

<sup>3</sup> These are not publicly available. For more details see: FRONTEX, *Situational Overview on Trafficking in Human Beings* (Warsaw: European Agency for the Management of Operational Cooperation, 2011), p. 7.

<sup>4</sup> Center for the Study of Democracy (CSD), *Examining the Links between Organised Crime and Corruption* (Sofia: Center for the Study of Democracy, 2010), pp. 131-136.

<sup>5</sup> Elizabeth Kelly, *Journeys of Jeopardy: A Review of Research on Trafficking in Women and Children in Europe*, IOM Migration Research Series No. 11 (Geneva: International Organization for Migration, 2002), pp. 50-52.

<sup>6</sup> Jon Spencer, Rose Broad, Kauko Aromaa, Mika Junninen, Anna Markina, Jüri Saar and Terhi Viljanen, *Organised Crime, Corruption and the Movement of People Across Borders in the New Enlarged EU: A Case Study of Estonia, Finland and the UK*, HEUNI Paper No. 69 (Helsinki, Finland: European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), 2011), available at: <http://www.heuni.fi/text/Etusivu/Publications/HEUNIreports/1302672512392> (accessed on 8 September 2013).



## **1. The Broader Policy and Institutional Context vis-à-vis Human Trafficking in EU**

### **1.1 Human Trafficking and Human Smuggling**

Looking into corruption of border guards in relation to human trafficking requires careful consideration of the differences and similarities between trafficking and smuggling in humans. The relation between human trafficking and human smuggling is much debated among academics, in particular the notion of consent in the context of facilitated migration. Human trafficking and human smuggling are precisely defined under the two supplementary protocols to the *UN Palermo Convention against Transnational Organised Crime* – i.e. the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*<sup>7</sup> and the *Protocol against the Smuggling of Migrants by Land, Sea and Air*. The juxtaposition of the definitions adopted in these two documents provides for the widely accepted distinction between trafficking and smuggling in humans, which is that the former is centred on gaining profit through the exploitation of the victim, while the latter is centred on gaining profit through procurement of illegal entry into a given country.<sup>8</sup>

Organised crime groups involved in these two activities seem to operate very much alike, as loosely connected networks, although origin and destination countries, routes and profile of people moved appear to be quite different. Some researchers indicate involvement of human smuggling networks in human trafficking, but this seems to be more of an exception.<sup>9</sup> On the other hand, many of the specialised functions in both smuggling and trafficking networks, such as forging of documents, transportation, facilitation of border crossing, are integral parts of the modus operandi for both activities, although smuggling networks do not involve activities such as recruitment and exploitation. Furthermore, corruption seems to be a common instrument used both by traffickers and smugglers as a means to circumvent border surveillance.<sup>10</sup>

The current analysis will focus exclusively on the human trafficking phenomenon as defined in the Palermo protocol on trafficking and will consider human smuggling only where the issue of border guard corruption touches common aspects.

### **1.2 Trafficking Flows in the European Region**

In order to better understand the corruption of border guards in relation to trafficking of humans, one should also take into account the broader geographic, social, economic and policy context in which it is embedded. Human trafficking networks recruit victims in particular countries and move them across specific borders in order to get to the desired destination countries. Therefore corruption pressure on border control authorities in relation to human trafficking is also greater at certain EU external borders.

According to a recent UNODC assessment, the majority of identified victims of trafficking in EU originate from South Eastern European countries (Romania, Bulgaria, Albania, Bosnia and Serbia) – 29.1% of all identified victims. The second largest origin region is Africa and

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<sup>7</sup> The definition adopted in 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 follows the definition of human trafficking in the Palermo protocol.

<sup>8</sup> United Nations Office on Drugs and Crime (UNODC), *Smuggling of Migrants. A Global Review and Annotated Bibliography of Recent Publications* (Vienna: United Nations Office on Drugs and Crime, 2011), pp. 5-7.

<sup>9</sup> Institute for International Research on Criminal Policy, *Organized Crime Involvement in Trafficking in Persons and Smuggling of Migrants* (Vienna: United Nations Office on Drugs and Crime, 2010), p. 55-56.

<sup>10</sup> *Ibid.*, 41, 47.

the Middle East (mostly Nigeria) which provides 17.6% of all identified victims. The importance of Eastern Europe and Central Asia (mostly Russia, Ukraine and Moldova) as an origin region is declining in recent years – only 4.5% of all identified victims are coming from this region.<sup>11</sup> Less significant origin regions are also Latin America and East and South East Asia. UNODC also reports that a significant part 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 European countries to Western European countries, i.e. within the Schengen Area.

The major destination countries appear to be in Western Europe – i.e. Spain, Italy, Germany, the Netherlands and the United Kingdom.<sup>12</sup>

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 and FRONTEX also assess that there is an upward trend of more EU nationals identified as victims of trafficking. The reason for this tendency is believed to be the absence of physical border controls.<sup>13,14</sup>

These geographic patterns of human trafficking flows naturally respond to the imbalances of demand across Europe, as well as between Europe and other parts of the world. This is very well illustrated with the case of sex trafficking, although a great deal of the arguments below are also true for the other forms of human trafficking. The lucrative sex markets in the old Member States provide better opportunities for higher revenues to the organised criminals, compared to the relatively small markets back in the origin countries. 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.<sup>15</sup>

The geographic specifics of the trafficking flows in Europe suggest that the greatest corruption pressure on border guard authorities occurs on the borders to the east (the borders with the Commonwealth of Independent States), southeast (the borders with South Eastern Europe countries) and to some extent the southern external borders of EU (the Mediterranean borders). Supposedly this pressure is even greater for the border control authorities of the destination countries.

### 1.3 The Movement of People across Borders and the Schengen Acquis

The movement of people across borders in Europe and therefore the role of the border guards cannot be thoroughly analysed without taking into account the role of the Schengen *acquis*, which since the 1997 Amsterdam Treaty has been integrated within the *acquis communautaire*.

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<sup>11</sup> United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons* (Vienna: UNODC, 2012), pp. 53-57.

<sup>12</sup> EUROSTAT, *Trafficking in Human Beings* (Luxembourg: Publications Office of the European Union, 2013), pp. 35-37.

<sup>13</sup> EUROPOL, *SOCTA 2013* (2013), p. 24.

<sup>14</sup> FRONTEX, *Situational Overview on Trafficking in Human Beings*, p. 6.

<sup>15</sup> CSD, *Examining the Links between Organised Crime and Corruption*.

The Schengen area currently includes 21 of the EU Member States,<sup>16</sup> excepting Cyprus (not yet implemented), Bulgaria, Croatia and Romania (not yet acceded)—although these 4 are obliged to meet the required criteria and join in the near future—and the UK and Ireland (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 the citizens of the Western Balkan countries, as well as a number of Latin America countries.<sup>17</sup> Bulgaria and Romania have been among the first to enjoy this liberalised regime back in 2001. Although the physical border control with these countries still remains, their citizens are allowed to enter the Schengen zone only with valid passports. European Commission has also taken steps for waiving the visa regime with Moldova, Ukraine, Kosovo and Russia and visa issuing has already been simplified with some of them.

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 the recent developments in the visa policy of the European Union have important implications in the area of border control and human trafficking flows. First of all, 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.

However, in regards to THB, 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) considerably lowered the risk for traffickers for moving victims across borders. Visa exempt travelling and the simplified procedures for obtaining of visas, made obsolete the need for counterfeited personal identification documents, as well as 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,<sup>18</sup> as well as obviating the need to corrupt border guards in order to secure safe passage. Moreover, organised crime groups adapted their operations accordingly to the new situation and rely more often on deceiving the victims, rather than on coercion. The result is that in many cases, border

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<sup>16</sup> 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.

<sup>17</sup> The 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.

<sup>18</sup> FRONTEX, *Situational Overview on Trafficking in Human Beings*, p. 6.

authorities might suspect trafficking, but the potential victims would not cooperate, as they are not aware that they would be exploited.<sup>19</sup> Certainly, the use of forged documents and obtaining of visas on false premises still remains an important *modus operandi* for organised crime groups trafficking people from East Europe, Africa and Asia.

#### 1.4 Border Control and the Other Immigration Control Policies. The Relation between Trafficking and Smuggling of People

The analysis of border control policies and their effectiveness in relation to human trafficking should also consider the broader context of immigration control policies in EU countries as a whole. The EU immigration control policies are built around three main pillars – 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 European Union has also adopted measures laying common 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 Directive 2008/115/EC.<sup>20</sup> Furthermore the European Union has adopted purposive measures targeting employers hiring illegal labour force provided in Directive 2009/52/EC.<sup>21</sup>

There are no systematic evaluations on the overall effects of these policies on human trafficking on the European level yet, although existing research points to some important consequences. First of all, stricter border control regimes stimulate potential migrants to search 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.<sup>22,23,24</sup> Certainly the suggested effects very much depend on the efficacy of the implementation 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.<sup>25</sup> 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

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<sup>19</sup> Center for the Study of Democracy (CSD), *Organized Crime in Bulgaria: Markets and Trends* (Sofia: CSD, 2007), p. 117.

<sup>20</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0115:EN:NOT> (accessed 5 October 2013).

<sup>21</sup> Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:168:0024:0032:EN:PDF> (accessed 5 October 2013).

<sup>22</sup> Guido Friebel and Sergei Guriev, "Smuggling Humans: A Theory of Debt-Financed Migration," *Journal of the European Economic Association* 4:6 (2006): 1085–1111.

<sup>23</sup> John Davies and Benjamin Davies, "How to Use a Trafficked Woman: The Alliance between Political and Criminal Trafficking Organisations," *Recherches sociologiques et anthropologiques* 1 (2008): 114-131.

<sup>24</sup> Slobodan Djajic and Alexandra Vinogradova, "Undocumented Migrants in Debt," *Labour Economics* 21 (2013): 15–24.

<sup>25</sup> The authors of both studies 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 (ILO, 2012). Therefore it should rather be considered human trafficking.

serves as a guarantee to the traffickers and makes it unlikely for illegal migrants to default on their debts.<sup>26</sup>

Certainly the described model is to some extent applicable to the current situation in Europe, as both smuggling and trafficking of human beings are acknowledged as activities largely undertaken by organised crime groups, which procure safe crossing of the external borders.<sup>27,28</sup> Moreover, existing analysis indicates that enforcement of employer sanctions is relatively weak – around two per cent of all companies are inspected annually on average in EU, whereas at least ten per cent should be checked in order to achieve the desired effect of this measure.<sup>29</sup> 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 largely 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 the 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. The Institutional Perspective on Corruption in Border Control Authorities**

Border control corruption largely falls within public security sector corruption and it is observed within the transportation stage of human trafficking. Border control corruption is often mentioned either directly or indirectly by academics and experts that examine the phenomenon of trafficking. Comments and examples of border control corruption can be found in regards to all countries and regions that are well known as origin of human trafficking victims that end up in the European Region – Nigeria,<sup>30,31</sup> Ukraine,<sup>32</sup> Moldova and Ukraine,<sup>33</sup> Russian Federation,<sup>34</sup> Romania,<sup>35</sup> South-Eastern Europe,<sup>36</sup> China.<sup>37</sup> Yet, all these authors say little or nothing about the nature of border guard corruption practices, nor about the driving mechanisms behind these practices.

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<sup>26</sup> Friebel and Guriev, “Smuggling Humans.”

<sup>27</sup> UNODC, *Smuggling of Migrants*, pp. 55-61.

<sup>28</sup> EUROPOL, *SOCTA 2013*.

<sup>29</sup> Sergio Carrera and Elspeth Guild, *An EU Framework on Sanctions against Employers of Irregular Immigrants. Some Reflections on the Scope, Features and Added Value* (Brussels: Centre for European Policy Studies, 2007), available at: <http://www.ceps.be/book/eu-framework-sanctions-against-employers-irregular-immigrants-some-reflections-scope-features-a> (accessed on 5 October 2013).

<sup>30</sup> Osita Agbu, “Corruption and Human Trafficking: The Nigerian Case,” *West Africa Reivew* 4:1 (2003): 1–13.

<sup>31</sup> Alexis Aronowitz, “Smuggling and Trafficking in Human Beings: The Phenomenon, the Markets that Drive It and the Organizations that Promote It,” *European Journal on Criminal Policy and Research* 9 (2001): 163–195.

<sup>32</sup> Donna Hughes and Tatyana Denisova, “The Transnational Political Criminal Nexus of Trafficking in Women from Ukraine,” *Trends in Organized Crime* 6:3&4 (2001): 43-67.

<sup>33</sup> Minnesota Advocates for Human Rights, *Trafficking in Women: Moldova and Ukraine* (Minneapolis: Minnesota Advocates for Human Rights, 2000).

<sup>34</sup> UNICEF, *Human Trafficking in the Russian Federation. Inventory and Analysis of Current Situation and Responses* (Moscow: UNICEF, ILO, CIDA, 2006).

<sup>35</sup> UNICRI, *Trafficking in Women from Romania into Germany – Comprehensive Report* (2005), available at: [http://www.childtrafficking.com/Docs/tra\\_romania\\_germany\\_0607.pdf](http://www.childtrafficking.com/Docs/tra_romania_germany_0607.pdf) (accessed on 6 October 2013).

<sup>36</sup> Project PACO Networking, *Trafficking in Human Beings and Corruption*, Report on the Regional Seminar – Portoroz, Slovenia, 19-22 June 2002 (Strasbourg: Council of Europe, 2002).

<sup>37</sup> Sheldon Zhang, *Smuggling and Trafficking in Human Beings. All Roads Lead to America* (Westport, CT: Praeger Publishers, 2007), pp. 111-114.

In order to elucidate the causal factors, practices, mechanisms and patterns of corruption in border guard authorities in general and specifically in regards to human trafficking, the phenomenon should be explored in the broader context of corruption in public institutions and public security sector (police) corruption. Police corruption has always attracted significant interest among scholars, whereas corruption among border guard services has largely remained outside this scope of interest. Plausible explanation is that until recently, governments in Western Europe have not put a high priority on irregular migration and trafficking in people. Border-related corruption has always been mostly associated with corruption of customs, which has always been perceived as a bigger threat in terms of lost budget revenue and negative impacts on business.<sup>38</sup>

## 2.1 Corruption and Public Security Sector Corruption

International organisations, national jurisdictions and scholars have developed many different definitions of corruption and there is no universal definition accepted by all stakeholders. Corruption is also understood in different ways by different people, as their perceptions are shaped by the broader historic and socio-cultural context.<sup>39</sup> Generally corruption can be defined as the “misuse of public office or entrusted power for private gain.”<sup>40</sup>

It is possible to distinguish three levels of corruption practices: systemic corruption, institutional corruption and individual corruption. Whereas *systemic corruption* is related to existence of corrupt practices within the entire rule of law system (police, customs, judiciary) or specific sections of it (e.g. border control), *institutional corruption* is observed where a specific institution is tolerant towards corrupt practices, while *individual corruption* is present where the person is prepared to undertake illegal actions because their employment provides them with an opportunity to exploit their position for gain.<sup>41</sup> Corruption is also often classified as ‘grand’ corruption or ‘petty’ corruption. ‘Grand’ corruption implies corrupting of political figures and elected officials, so it is often also labelled political corruption. On the other hand, ‘petty’ corruption involves considerably smaller amounts of money used to bribe certain public officials within the context of established governance and social frameworks.<sup>42</sup>

The general definition of the World Bank and the listed classifications can be easily applied towards border control corruption; although far more relevant, are the definitions and typologies developed particularly for public security sector corruption and police corruption. Definitions of police corruption are also debated among academics, as no definition can fully encompass all specifics related to the different national and legal contexts, whilst fitting the many existing theoretical approaches.<sup>43</sup>

Part of the problem is derived from the merging boundaries between misconduct, corruption and crime. The most well acknowledged definition of police corruption is: “[...] deviant, dis-

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<sup>38</sup> Center for the Study of Democracy (CSD), *Study on Anti-corruption Measures in EU Border Control* (Sofia: CSD, 2012), p. 51.

<sup>39</sup> *Ibid.*, p. 21.

<sup>40</sup> The World Bank Group, *Helping Countries Combat Corruption: The Role of the World Bank* (1997), available at: <http://www1.worldbank.org/publicsector/anticorrupt/corruptn/coridx.htm> (accessed on 6 October 2013).

<sup>41</sup> Spencer, et al., *Organised Crime, Corruption and the Movement of People Across Borders in the New Enlarged EU*.

<sup>42</sup> Transparency International, *The Anti-Corruption Plain Language Guide* (2009), p. 21, 33, available at: [http://www.transparency.org/whatwedo/pub/the\\_anti\\_corruption\\_plain\\_language\\_guide](http://www.transparency.org/whatwedo/pub/the_anti_corruption_plain_language_guide) (accessed on 6 October 2013).

<sup>43</sup> CSD, *Study on Anti-corruption Measures in EU Border Control*, pp. 35-36.

<b>Donkeys:</b>	work characterised by both isolations and subordination: <b>'grabbers'</b> , individual deviance	Occurs in all 27 Member States
<b>Hawks:</b>	a lot of freedom, distance from organisation, there's no indication that the institution is corrupted; <b>'rotten apples'</b> : individual deviance (example: higher rank officers or officers working on highly confidential material)	France, Spain, UK, Italy, Slovenia, Sweden, Netherlands, Austria, Belgium, Ireland, Germany, Sweden
<b>Wolves:</b>	strong group identity creates a 'subculture [that] facilitates legitimate teamwork as well as organised deviance' because, <b>thanks to the group</b> , they have protection against external controls	France, Spain, Italy, Romania, Czech republic, Bulgaria, Portugal,
<b>Vultures:</b>	<b>great freedom</b> to aggressively seek exploitable situations, <b>using the cover offered by the group</b>	Bulgaria, Greece, Romania, Czech republic, Latvia, Slovakia, Lithuania, Cyprus, Poland

Source: *Examining the Links between Organised Crime and Corruption*. CSD (2010), p. 82. Citing and building on Van de Bunt (2004).

**Figure 1: Types of police/investigation corruption in the EU member states.**

honest, improper, unethical or criminal behaviour by a police officer.”<sup>44</sup> It should also be noted that police corruption can involve personal, group or organisational gain.<sup>45</sup> Building on these definitions, a range of corrupt practices can be outlined – favouritism, bribery, kick-backs, extortion, fixing of investigations/evidence, failing to report violations or protection of illegal activities, diversion of police resources and theft, internal pay-offs.<sup>46</sup>

Some scholars have also proposed various typologies regarding police corruption in an attempt to capture specific patterns or cultures of corruption. Most of these typologies build on combinations of different dimensions of corruption. Among the most often cited is the typology suggested by Van de Bunt, which classifies four different types of corrupt behaviour along two dimensions – ‘group’ and ‘grid’. The ‘grid’ dimension refers to the institutional environment and the requirements of the position, while the ‘group’ dimension refers to the group controls and norms imposed on the individual.<sup>47</sup> Based on these two dimensions, four different types of corrupt behaviour can be derived – ‘donkeys’, ‘hawks’, ‘wolves’ and ‘vultures’ (see Figure 1).

When countries have generally low levels of corruption and large criminal markets, then usually corruption of the ‘wolves’ and ‘hawks’ type are present. This is the case with most of the old Member States. However in countries with weak institutions and deficiencies in the internal controls of the law enforcement institutions ‘vultures’ type seems to be the norm, which is the case in some of the new Member States and especially in Bulgaria and Romania. ‘Vulture’ type officers in many cases seem to be wearing a blue uniform, while in practice, are pursuing a purely criminal career and abusing their powers provided by the law.<sup>48</sup>

<sup>44</sup> Thomas Barker and Julian Roebuck, *An Empirical Typology of Police Corruption* (Springfield, IL: Charles C. Thomas Publisher, 1973), p. 3.

<sup>45</sup> Taleh Sayed and David Bruce, “Police Corruption: Towards a Working Definition,” *African Security Review* 7:1 (1998): 3-14.

<sup>46</sup> CSD, *Study on Anti-corruption Measures in EU Border Control*, pp. 37-38.

<sup>47</sup> Henk van de Bunt, “Police Corruption in the Netherlands,” in *Police Corruption: Challenges for Developed Countries. Comparative Issues and Commissions of Inquiry*, ed. Menachem Amir and Stanley Einstein (London: The Office of International Criminal Justice, 2004).

<sup>48</sup> CSD, *Examining the Links between Organised Crime and Corruption*, p. 82.

## 2.2 Border Control Corruption

A recent study carried out by the Center for the Study of Democracy<sup>49</sup> has attempted for the first time to explore in-depth corruption, its causal factors and mechanisms within border control institutions through carrying out an EU wide study among Member States border control institutions. The study employed three main data collection methods – comprehensive literature review on corruption in the public security sector, electronic survey and semi-structured in-depth interviews. Twenty three out of twenty seven countries responded to the survey and a total of twenty seven experts were interviewed.

The research results revealed that three major categories of corrupt practices among border guards exist – corruption linked to organised crime, ‘petty’ corruption and administrative corruption. Petty corruption relates to accepting small bribes in order to speed up border crossing procedures or relax strict surveillance. Administrative corruption practices within border guard institutions are quite similar to the administrative corruption affecting all other public institutions. It usually involves high-ranking officials and is related to manipulating public procurement tenders, extracting kick-backs from service operators in the border area, and appointment or promotion of officers based on nepotism.

## 2.3 Corrupt Border Guard’s Practices Linked to Organised Crime

Unlike the latter, organised crime related corruption is usually related to far more serious offences in terms of threat to public security, such as: trafficking in cigarettes; smuggling of other consumer goods; organised migration crime; trafficking in human beings; trafficking in drugs; smuggling of stolen vehicles; money laundering. Apart from these crime specific practices, the study also identified a range of corrupt services that border guards might provide to various organised crime groups in exchange for bribes, such as: selling of information; ignoring travel bans; provision of false alibis; obstructing an investigation.<sup>50</sup>

The CSD study concluded that the most often identified or suspected corrupt practices were related to smuggling in cigarettes, other excisable goods and stolen vehicles. Corruption activities related to trafficking in drugs, smuggling in irregular immigrants and appointing individuals connected to organised crime, were reported in moderate levels. On the other hand, trafficking in human beings along with corruption related to facilitating illegal work or stay and contraband in fire arms were among the less often reported corruption inducing activities. Only two Member States reported occasional cases of corruption activities related to trafficking in human beings, while another eight reported that such corruption activities were known to exist, but not detected by internal affairs units (see Figure 2).

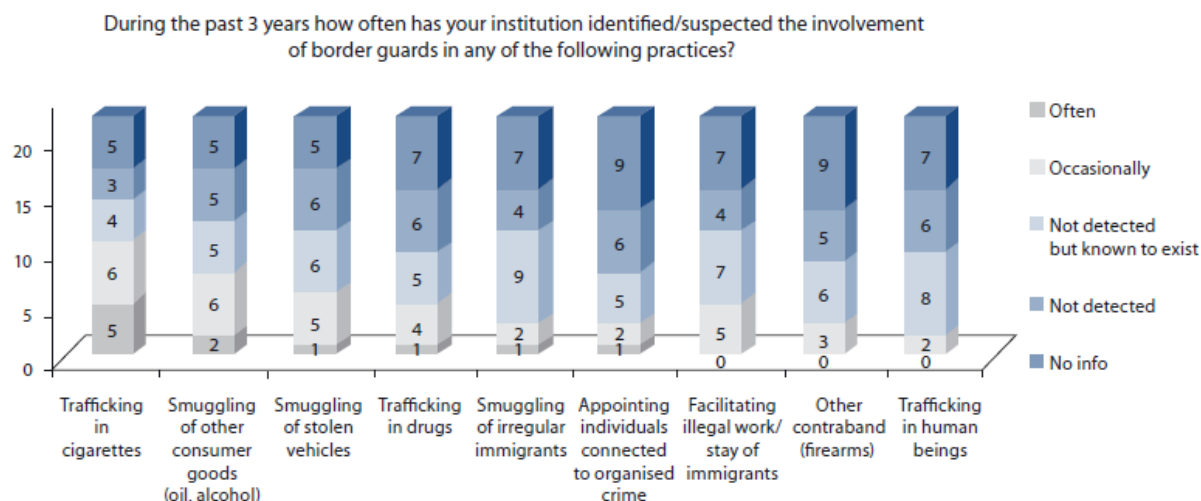
The comparatively low level of corruption services related to human trafficking in EU border guard agencies does not mean that it does not exist. Rather, it has to do with the difficulties associated with its detection, as it is difficult to prove the connection between traffickers and border guards. Much like facilitated illegal migration, facilitating human trafficking in many cases involves not reporting suspicious or counterfeit travel documents or failure to notice that a person is trying to enter with a valid passport belonging to someone else. This means that a trafficking victim with a counterfeit passport or irregular visa is permitted to cross the border or enter the country upon receipt of a bribe. The challenges to detect and prove such corrupted practices arise from the fact that well counterfeited documents might mislead even an honest officer. Moreover, as it has been already explained above, the visa liberalisation for countries, which are the main origins of human trafficking flows, allows for the victims to be moved across borders with regular identity and travel documents. The available prosecution statistics

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<sup>49</sup> CSD, *Study on Anti-corruption Measures in EU Border Control*.

<sup>50</sup> *Ibid.*, pp. 52–56.





Source: *Anti-corruption measures in EU Border Control, CSD (2012), p. 56.*

**Figure 2. Identified or suspected involvement of border guards in corrupt practices between 2007 and 2010 (number of Member States reporting).**

of EU Member States on cases related to investigations, trials and sentences of border guards in relation to corruption, also shows that border guard corruption levels are comparatively lower than the levels in police in general.<sup>51</sup>

However, border guards might also provide a range of other corrupt services to organised crime groups involved in human trafficking that are not directly linked to the moving of people across the border and therefore not counted as trafficking cases. *Selling of information* is one example. Corrupt border guards might provide information to criminal groups about on-going investigations. Often this is done through intermediaries and it allows criminals to take precautionary measures, such as using ‘clean’ accomplices, which would not raise suspicion when crossing the border. Border guards can also provide operational information such as schedules of border guard shifts at certain border check points that would allow criminals to choose when and where to cross the border by evading strict surveillance. Another example is when border guards *allow entry or exit of the country of individuals that are subject to some travel ban* (i.e. are under investigation or have an arrest warrant). In this case, an officer might accept counterfeited identity documents or simply fail to check against EURODAC, SIS, or national criminal record databases. A valuable service that border guards might also provide to organised crime group members is *provision of false alibi*. ‘Fixing’ travel histories through manipulation of border control databases like Advanced Passenger Information (API) and Passenger Name Record (PNR) systems could then be used as evidence in court that the criminal has been outside the country within a certain period of time. Last but not least, corrupt practices of border guards can result in *obstructing of investigations* through provision of information to criminals, mishandling or hiding evidence, as well as through withholding information to investigators or judiciary.<sup>52</sup>

Building on Van de Bunt’s typology, the involvement of border guards in corruption activities can be categorized in three major types depending on the complexity of the networks detected – the ‘rotten apple’, the ‘wolves pack’ model and the ‘vultures’ model. The so called ‘*rotten apple*’ or ‘*hawks’ model*’ is mostly prevalent in Western European countries. Specific to this model is that organised criminals recruit single individuals within a given department or border cross-point or a number of persons across several different border-cross points. Working

<sup>51</sup> Ibid., p. 75.

<sup>52</sup> Ibid., pp. 52–56.

with lone individuals diminishes the risk of discovery and attracts less attention. ‘Rotten apples’ can either enter the system as new recruits that have links with organised crime groups, or become targets of pressure to become corrupt because of critical personal circumstances (e.g. financial difficulties). In some cases organised crime groups that work with several ‘rotten apples’ across different border crossings would occasionally request bits of trivial information, which matched together allows them to obtain strategic intelligence for their operations.<sup>53</sup>

The second type of corruption activities follow the so called ‘*wolves pack*’ model. Such corruption networks involve small groups of corrupt officers and are usually common in Member States or at border guard units where there are strong anti-corruption cultures and measures. The members of such a ‘pack’ even do not need to work in the same department or unit, but are in the same network that collaborates with the organised criminals. An institutional environment hostile towards corruption necessitates the ‘wolf’ to act in a well-organised and utmost conspiratorial manner.

The model that was least often detected in the CSD study on border guards, was the ‘*vultures*’ model, which usually involves systemic corruption pervading entire units or border cross points, affecting everyone from the high-rank command to the lowest level officers. The proceeds from the bribes are shared between everyone and it is quite likely that such corrupt networks collaborate with many organised criminals involved in different criminal activities. Such cases have been recently uncovered and prosecuted in Bulgaria and Romania.

## 2.4 Risk Factors and Border Guard Corruption

Border control institutions have a number of characteristics that distinguish them from the other law enforcement agencies in each country and these characteristics and institutional setups determine the type and levels of corruption pressure that they face. Such characteristics include the institution’s powers, the internal structure of border control institutions and the geographical specificities of the borders. Generally, the greater the *power* border control authorities have, the more often they face corruption pressures. Investigative powers usually pose the greatest threat to organised crime groups and this is why criminal investigators are often likely target of corruption. In many Member States, border guards have no or limited investigative powers (e.g. only irregular migration and human trafficking) and investigations are carried out by the police. As a rule, where border guards have no investigative powers or these are shared with the police, the corruption risks are deemed lower. The *sharing of tasks and responsibilities* related to border control and security among several different agencies (such as between the Civil Guard and the National police in Spain, Financial Guard and State Police in Italy) also results in spreading the risk of corruption. In this regard, the size of the border guard force also plays an important role, as in smaller and therefore more cohesive border guard units it is more difficult to conceal corruption activities. Another important factor is the *type of border configuration*, as the risk of corruption is lower when responsibilities of border guards are limited to control functions at the airport, whereas the guarding of sea ports, and especially land crossings, exponentially increases the risks of corruption.<sup>54</sup>

*The size of the border crossing points* particularly affects the intensity and type of corruption pressure. The bulk of the EU ‘green border’ (land) crossing points are situated in the east and southeast Member States. These are the crossing points lying on the major smuggling pathways for cigarettes and drugs as well as human trafficking and therefore they are the ones facing increasing corruption pressure in the past few years. Also to a lesser extent, the ‘blue borders’ (sea) in the south Member States are also facing increasing corruption. The study of

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<sup>53</sup> Ibid., p. 60.

<sup>54</sup> Ibid., pp. 61–62.

CSD on border guard corruption identified significant differences in corruption risks observed in larger and smaller border crossing points.

Larger border crossing points are usually well-resourced, with developed infrastructure, equipped with sophisticated surveillance systems and multiple agencies exerting various control functions. However, they also deal with high volumes of vehicles and passengers, which lowers the risk of detection for organised criminals involved in human trafficking or other criminal activities, especially in the peak summer season, during weekends, sports events and national holidays. All these factors make corruption to a large extent an unnecessary expense for organised crime. However, where corruption in such border crossing points exists, it tends to be more sophisticated and involves complex collaborations between teams of border guards, customs officers and sea-port employees, as well as involving larger financial outputs compared to small border crossing points. Within the CSD study, such cases were reported in Spain, Bulgaria and Romania.

Corruption at smaller border crossing points mostly relates to doing favours to family members and friends and therefore bribes will be comparatively smaller. On the other hand, staff at such crossing points usually come from the local communities, which often means that border guards would often know the local organised criminals. This creates fertile conditions for corruption that even could extend to local city authorities.

Border guards particularly vulnerable to corruption risks seem to be of a younger age. *Young officers* are most at risk for involvement in corruption for several reasons. First of all they are at the same age as the most often detected criminals that offer bribes, so they might be visiting the same gyms or night clubs. Furthermore, young officers lack experience and are more easily enticed and then blackmailed through offerings like prostitutes and drugs in exchange for small favours. In addition, as young parents they are also more likely to face economic hardships.

In this regard, it should be noted that *income disparity* is one of the variables that explains a great deal of the differences in intensity of corruption across different countries. A closer look at the nominal salaries of border guards securing the external border of EU shows an eleven-fold difference between the highest earners (Luxembourg) and lowest earners (Hungary). This is also matched with widely spread attitudes amongst officers in the countries providing lower salaries that their work is underpaid.<sup>55</sup> Organised criminals are well aware of these disparities and take advantage through using it as an argument to coax border guard officers into accepting bribes. The economic crisis, which led to salary reductions and laying off of staff in border control agencies in a number of Member States (Greece, Romania, Hungary), further exacerbated the situation.

## **2.5 Methodology and Levels of Bribes**

The methods used in corrupting border guards follows two general patterns – direct payment of bribes to border control officers and payment of bribes through intermediaries.<sup>56</sup> The use of each of these strategies depends on a number of factors. Direct payments are more likely in border areas, where border check points are located close to small towns, as bribe payers are more likely to establish contacts with border guards through some informal networks such as family or friends. Casual places such as cafes, pubs and gyms are often focal points where criminals and border guards can develop trusted relations through direct contact. Whereas big international airports or seaports that are usually close to big cities do not provide for such opportunities of socializing and therefore the role of the intermediaries is crucial. Further-

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<sup>55</sup> Ibid., pp. 67–69.

<sup>56</sup> Ibid., pp. 70–73.

more, direct payments of bribes is very common in cases related to ‘petty’ corruption, although organised criminals are the ones most likely to pay significant bribes to border guards. However complex corruption schemes involving organised crime would usually rely on intermediaries to facilitate the payment of bribes.

Organised criminals employ two major approaches for corruption of border guards, when it comes to direct payments of bribes. The first approach relies on monitoring and *identifying vulnerable officers*. Usually the officers that would become a target of corruption are those who are not happy with their job, have some financial problems or problems with gambling, alcohol or drug abuse. The other strategy employed is *infiltration of border guards*, when applicants for border guards are recruited prior to applying for the position and motivated to express desire in particular border check points.

The *complex corruption schemes* that involve organised criminals usually rely on legitimate professionals that are employed as intermediaries to bribe border guards. Several categories of such professionals are most often identified as facilitating corruption schemes – criminal lawyers, police informants, former police or border guard officers and interpreters.<sup>57</sup> Usually, these are individuals that would have good contacts and established relations with one or more border guards at a given border checkpoint, as well as direct contacts with organised criminals.

Apart of the various corruption strategies employed, the levels of bribes that border guards may receive also differ widely. The amount of bribes would depend on the position and level of officer involved, the type of services requested and the regularity of the involvement. While ‘petty’ corruption bribes for speeding up border crossings would be between one and ten euros, the fees for corrupt services involving high risk (e.g. tobacco or drug smuggling) could reach twenty to fifty thousand euros. In cases involving ‘vulture’ type of corruption networks, where entire units or departments are affected, the proceeds of the bribes would usually be shared between all colleagues and their supervisors.<sup>58</sup>

### **3. The Organised Crime Perspective on the Use of Corruption in Relation to Human Trafficking**

The institutional perspective towards border guard corruption provides useful insights in existing practices, risk factors and mechanisms of corruption, but it has limited explanatory potential in regards to the driving factors behind the use of corruption. In other words, the institutional perspective provides insight into the supply side of corrupt services of border guards to organised criminals, but only examining the use of corruption from the perspective of organised criminals would provide answers on why, when and how criminals use corruption in relation to human trafficking.

Researchers and experts agree that trafficking in humans cannot exist without corruption.<sup>59,60,61</sup> Corruption is blurring the boundaries between criminals and public officials and

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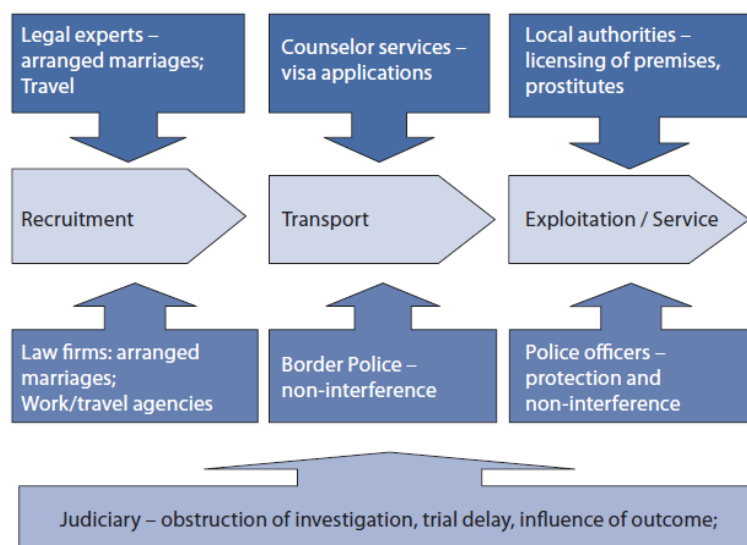
<sup>57</sup> Ibid., pp. 72–73.

<sup>58</sup> Ibid., pp. 73–74.

<sup>59</sup> Project PACO Networking, *Trafficking in Human Beings and Corruption*.

<sup>60</sup> UN.GIFT, “The Vienna Forum to Fight Human Trafficking, 13-15 February 2008, Austria Center, Vienna, Background Paper,” 2008, available at: <http://www.unodc.org/documents/human-trafficking/2008/BP017TechnologyandHumanTrafficking.pdf>, accessed on 12 September 2013.

<sup>61</sup> Hughes and Denisova, “The Transnational Political Criminal Nexus of Trafficking in Women from Ukraine.”



Source: *Examining the Links between Organised Crime and Corruption*. CSD (2010).

**Figure 3. Corruption vulnerabilities within different stages of sex trafficking.**

even leading to a merging of trafficking networks and government officials in some of the origin countries.<sup>62</sup>

Organised crime groups use corruption at all stages of the trafficking process in both origin and destination countries. However, types and levels of corruption, as well as public officials targeted largely differ in origin and destination countries. Corruption targets also differ, depending on the market context where exploitation occurs, as well as across the different types of exploitation. Whilst trafficking for labour exploitation is likely to put pressure on labour authorities, sex traffickers would rather target police officers, local government and tax authorities. The private sector is also not shielded from corruption pressure and law firms and travel agencies are often used to facilitate trafficking (Figure 3).

The various public institutions are exposed to different types and levels of corruption, whereas the most affected seem to be officers from administrations exerting regulations and control, law enforcement officers, judicial officials, politicians.<sup>63</sup>

### **3.1 Administrative Corruption**

Most often, administrative corruption is present in destination countries and in regards to sex trafficking, where prostitution is legal and regulated (e.g. Netherlands, Germany). There are different examples of administrative corruption in such countries. Consular staff could be bribed to facilitate obtaining of entry visas and secure the stay of the victim in the desired destination country. Labour authorities could be approached for work permits in order to legalize the status of the victim. Municipal authorities are targeted in order to avoid zoning requirements, to change the classification of real estate in order to be operated as a brothel, or to issue a licence for night club.

<sup>62</sup> Donna Hughes and Tatyana Denisova, *Trafficking in Women from Ukraine* (Research carried out as part of the U.S.–Ukraine Research Partnership between the International Center of the U. S. National Institute of Justice and the Ukrainian Academy of Legal Sciences, 2003), available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/203275.pdf> (accessed on 6 October 2013).

<sup>63</sup> CSD, *Examining the Links between Organised Crime and Corruption*, pp. 13-14.

### 3.2 Law Enforcement Corruption

Police corruption is the most widespread type of corruption in relation to trafficking in human beings and is particularly used in cases of trafficking for sexual exploitation. Organised crime groups in destination countries bribe police officers to turn a ‘blind eye’ or even protect venues where sex services are procured. Corrupt police officers could leak information on starting or ongoing investigations or even obstruct investigations. Organised crime groups also bribe border guards in origin and transit countries in order to evade strict border control procedures. Bribes may take the form of direct payments or free sex services. These interactions between traffickers and law enforcement officers in certain cases entirely dissolve the boundaries between criminals and police and influence law enforcement officers to turn to criminal practices such as racketeering sex workers, directly participating in trafficking rings or setting up and running brothels.

### 3.3 Judicial Corruption

The representatives of the judiciary are much less targeted by organised crime in relation to human trafficking. The reasons why traffickers target judges and prosecutors are to obtain some kind of protection, to avoid investigation, or to gain influence over the outcome of trials against trafficking ring members. Corruption pressure is often achieved through blackmail involving prostitutes or by exerting pressure through professional, social and political networks.

### 3.4 Political Corruption

Access of traffickers to politicians in the old Member States is limited, whereas the situation is quite different in the new Member States (especially Bulgaria and Romania). Political influence of ring leaders of human trafficking is also significant in other origin countries – e.g. in South East Europe, former Soviet republics, Africa and Latin America. The different extent of political corruption in destination and origin countries could be partially explained by the larger shares of proceeds from trafficking laundered in the legal economy in destination countries, as well as with the specific context of emerging and development of organised crime in these countries. It is not uncommon for ring leaders in destination countries to become wealthy local businessmen with substantial influence and links to local political elites or even with political positions. In this respect, elite prostitution rings and escort services provide either direct access to politicians or access through influential businessmen.

### 3.5 The Social Background of Human Traffickers and How it Shapes the Use of Corruption

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 takes place, explains how the main actors get involved, how the human trafficking rings are structured, as well as their abilities to use corruption.<sup>64</sup> The socio-economic context of human trafficking varies in the different origin countries, although some similarities at least in the countries from the former communist bloc can be identified and used to explain the symbiosis between corruption and organised crime.<sup>65,66</sup>

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<sup>64</sup> Philip Gounev, “Social Background of Organised Criminals in Bulgaria and Corruption,” in *Violence and Crime in Europe. Social Interventions and Research Methods*, ed. Ekaterina Balica and Pascal Decarpes (Bucharest: Ars Docendi, 2012), pp. 39–60.

<sup>65</sup> Leslie Holms, “The Corruption – Organised Crime Nexus in Central and Eastern Europe,” in *Terrorism, Organised Crime and Corruption: Networks and Linkages*, ed. Leslie Holmes (N. Hampton, MA: Edward Elgar Publishing, 2007).

<sup>66</sup> Hughes and Denisova, “The Transnational Political Criminal Nexus of Trafficking in Women from Ukraine.”

However, there is surprisingly little knowledge on the social background of human traffickers despite the abundance of research in the area. Existing profiling of traffickers focuses on demographic characteristics such as gender, age and nationality of the traffickers.<sup>67</sup> One of the few attempts in this direction is a study by Leman and Janssen, which analysed 41 judiciary cases, related to human trafficking and smuggling from Albania and Bulgaria to Belgium. The researchers came to the conclusion that in one in four cases, there is involvement of former officers from the security services.<sup>68</sup>

Much evidence has been collected in the last ten years on the role of former law enforcement cadres in the rise of Bulgarian organised crime, including human trafficking, as well as on the role of employment of corruption in the development and proliferation of organised crime.<sup>69,70,71,72,73</sup> Certainly, the model of Bulgaria cannot be applied and generalised across all origin countries. However, it can provide important insights on how organised criminals decide to employ corruption and how they manage to exert systemic corruption pressure over public institutions (border guards included) in order to maximize profits and lower operational risks.

The social backgrounds of organised criminals in Bulgaria fall into four general categories – socially marginalised, high-risk entrepreneurs, violent entrepreneurs and oligarchs.<sup>74</sup> The first category are the *socially marginalised* that have been relegated to the outliers of society as a result of the economic crisis and poverty following the painful transition of the country to a market economy. Criminals within this category are predominantly of Roma origin and follow an “illicit business model” revolving around exploitation of vulnerable members from within their own community. The *high-risk entrepreneurs* are a category of grey and black market entrepreneurs, that even before 1990 were active in illegal foreign currency trade or organising various channels for supplying scarce goods. Right after the fall of the communism they were the first ones to identify and develop profitable niches in grey and black markets, as well as to engage in cash corruption of public officials. Later on, most of them sought support, joined or were subdued by violent entrepreneurial structures or oligarchs.<sup>75,76,77</sup>

The ‘*violent entrepreneurs*’ are emblematic of Bulgarian organised crime. They emerged in the early nineties and their business model largely revolved around protection racketeering, debt collection and settlement of business disputes through the use of violence. The members of these groups were recruited from three main pools – former athletes (wrestlers, boxers, weight lifters), laid-off law-enforcement officers (that were released in a number of cut backs in the public security sector during the restructuring of the sector in the early nineties), and former prisoners (that received amnesty in the early nineties). Gradually the small groups

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<sup>67</sup> Institute for International Research on Criminal Policy, *Organized Crime Involvement in Trafficking in Persons and Smuggling of Migrants*.

<sup>68</sup> Johan Leman and Stef Janssens, “An Analysis of Some Highly-Structured Networks of Human Smuggling and Trafficking from Albania and Bulgaria to Belgium,” *Migracijske i etničke teme* 22:3 (2006): 231–245.

<sup>69</sup> Jovo Nikolov, “Crime and Corruption after Communism – Organized Crime in Bulgaria,” *East European Constitutional Review* 6:4 (Fall 1997): 80–84.

<sup>70</sup> Center for the Study of Democracy (CSD), *Partners in Crime: The Risks of Symbiosis between the Security Sector and Organised Crime in Southeast Europe* (Sofia: CSD, 2004).

<sup>71</sup> FRONTEX, *Situational Overview on Trafficking in Human Beings*.

<sup>72</sup> CSD, *Examining the Links between Organised Crime and Corruption*.

<sup>73</sup> CSD, *Study on Anti-corruption Measures in EU Border Control*.

<sup>74</sup> FRONTEX, *Situational Overview on Trafficking in Human Beings*, pp. 9–29.

<sup>75</sup> *Ibid.*, pp. 27–29.

<sup>76</sup> CSD, *Examining the Links between Organised Crime and Corruption*, pp. 206–207.

<sup>77</sup> Gounev, “Social Background of Organised Criminals in Bulgaria and Corruption.”

united to form the notorious ‘silovi grupirovki,’ such as SIC, VIS and Group 777.<sup>78</sup> Their initial business was disguised as private protection companies, later on to be transformed in insurance companies in 1995 and subsequently to grow into big holding like structures, running both legitimate businesses and various criminal activities. Through the use of violence and extortion they managed to effectively subdue under their control most of the organised crime entrepreneurs engaged in drug trafficking and distribution, prostitution and human trafficking, car theft, smuggling of goods. The involvement of former security officers in these violent entrepreneurial groups provided the advantage of their informal networks and contacts throughout institutions such as the police, customs, border guards, tax authorities and even politicians and foreign embassy personnel, which allowed them to create effective and wide-reaching corruption networks. Some of the violent entrepreneurs managed to succeed to become local oligarchs and even entered in politics at local levels.<sup>79,80</sup>

The last category of organised criminals is the so called *oligarchs*. While ‘violent entrepreneurs’ employed violence in order to obtain access to public resources, oligarchs relied on their access to the political elites. Most of the oligarchs came from three social groups – former communist party ‘nomenklatura,’ former high-ranking business executives and former high-ranking officers from the security sector. With the assistance of politicians from different parties they managed to profit from the large scale property re-distribution after the fall of communism through siphoning state-owned companies and banks, rigging privatisation deals, establishing monopolies or cartels over certain markets (oil, sugar, gambling, mobile telecommunication, etc.), corrupting of public procurement tenders, various tax crimes, VAT fraud, excisable goods fraud. They often formed partnerships or employed high-risk entrepreneurs and violent entrepreneurs in order to enter and attempt to control as many markets as possible, including black markets like prostitution, drug trafficking and tobacco smuggling. Oligarchs furthered their business expansion through various means of influencing and corrupting political parties and public officials, such as paying kick-backs, providing cash money to buy votes for certain parties, acquiring or establishing media in order to trade influence with the political elite in power through aggressive public relations over public opinion, and employing key senior public officials in their private companies.<sup>81</sup>

Certainly, these four categories of social backgrounds of organised criminals are not entirely unique for Bulgaria. Organised criminals from the socially marginal category are also common in Romania.<sup>82</sup> Violent entrepreneur groups formed with former athletes, Afghan veterans and former or active law-enforcement officers have also emerged in the former Soviet Union republics.<sup>83</sup> Oligarch-like entrepreneurs are also common throughout Central and Eastern Europe.<sup>84,85,86</sup>

<sup>78</sup> The so called ‘silovi grupirovki’ were the first powerful organised crime groups in Bulgaria, which were engaged in extortionist practices and emerged in the early nineties. They used to establish private security and insurance companies, which were used as fronts for their extortionist activities. The names of the ‘grupirovki’ originate from the names of these fake security and insurance companies. The most prominent among them were SIC, VIS, TIM and Club 777. All these companies ceased to exist in 1995-1997, when the Bulgarian government prevented them from operating under law.

<sup>79</sup> CSD, *Examining the Links between Organised Crime and Corruption*, p. 207.

<sup>80</sup> Gounev, “Social Background of Organised Criminals in Bulgaria and Corruption.”

<sup>81</sup> FRONTEX, *Situational Overview on Trafficking in Human Beings*, pp. 23–27.

<sup>82</sup> UNICRI, *Trafficking in Women from Romania into Germany*.

<sup>83</sup> Vadim Volkov, “Violent Entrepreneurship in Post-Communist Russia,” *Europe-Asia Studies* 51:5 (1999): 741-754.

<sup>84</sup> Andrew Schwartz, *The Politics of Greed: How Privatization Structured Politics in Central and Eastern Europe* (Lanham, Maryland: Rowman & Littlefield Publishers, 2006).

<sup>85</sup> Keith Darden, “Blackmail as a Tool of State Domination: Ukraine under Kuchma,” *East European Constitutional Review* 10:2/3 (2001): 67-71.



To better understand the rise of Bulgarian organised criminals involved in human trafficking and how they managed to gain economic and political power through the use of corruption, the best approach would be to examine this within a specific case. Veselin Danov and his partners became one of the most notorious human trafficking ring leaders in Bulgaria to face trial in court. Veselin Danov and his partners Ivan Slavkov and Veselin Zhekov are a typical example how a partnership of a high-risk entrepreneur and two violent entrepreneurs through extensive use of corruption managed to operate undisturbed their illegal business including human trafficking, prostitution, drug trafficking and distribution and money laundering for almost twelve years in the coastal town of Varna. In the meantime they also managed to gain significant economic power, infiltrate local legal economy and become influential local political figures.

#### **4. The Case of Veselin Danov and His Partners in Crime**

Veselin Danov is a Bulgarian businessman and politician, who is the founder and the leader of the Bulgarian Party for Justice and allegedly the first Bulgarian politician to be sued and sentenced for running a sex trafficking ring. His case is also illustrative about the mechanisms of corruption that permeate public mechanisms from top to bottom in order to secure the smooth running of the criminal business for trafficking in human beings.

Veselin Danov comes from a wealthy background and is well established among the communist and democratic political elite. His father, Hristo Danov, was a lawyer with a long career during the communist regime and in democratic times was the Minister of Interior (1990-1991) and later on the Chair of the Constitutional Court of Bulgaria (2000-2003). The shady business undertakings of Veselin Danov date back to Communist times of 1979, when he started a private recording studio in Sofia, dealing in pirated musical cassettes. In 1986 he was prosecuted and sentenced to prison for illegal possession and trade in foreign currency, which at that time was the most widespread profit-driven crime.<sup>87</sup> Many of the organised criminals in early nineties used to be involved before that in the illegal trade in foreign currency. These years mark the initiation of Veselin Danov into the shady criminal world just before the democratic changes in the country.

Following the democratic changes in the country, Veselin Danov soon became a prosperous businessman running several foreign exchange bureaus.<sup>88</sup> By the end of nineties he was already running several hotels on the Black Sea coast, as well as several bars, restaurants, night clubs and a chain of pawn shops. The initial kick-off for his business undertakings came in the early nineties, when he became a business partner in one of the early racketeering structures fronted by a private security company, which dominated the Varna region – the notorious ‘Security Group,’ local branch of SIC. By 1996 this local branch of SIC dominated the markets of stolen cars, drugs and prostitution in Varna.<sup>89</sup> According to one of his former ‘madams,’ which used to run a ‘massage salon’ for him, somewhere in this period Veselin

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<sup>86</sup> Andrew Barnes, “Comparative Theft: Context and Choice in the Hungarian, Czech, and Russian Transformations, 1989–2000,” *East European Politics & Societies* 17:3 (2003): 533-65.

<sup>87</sup> “Общинският съветник Веселин Данов задържан за склоняване към проституция,” *Darik News Varna*, 12 September 2008, available at: [http://dariknews.bg/view\\_article.php?article\\_id=28768825](http://dariknews.bg/view_article.php?article_id=28768825) (accessed on 28 August 2013).

<sup>88</sup> Петър Петров, “Местната власт е превзета от сенчестия бизнес,” *Sega Daily*, 08 October 2008, available at: <http://www.segabg.com/article.php?id=385156> (accessed on 25 August 2013).

<sup>89</sup> Петров, “Местната власт е превзета от сенчестия бизнес.”

Danov entered the prostitution business and started to control about 10 such salons in Varna and the nearby sea resorts.<sup>90</sup>

In the beginning of 1995, the reign of the big private security companies was shaken, following the introduction of a new legislation by the Bulgarian government. This legislation bound them to obtain a licence from the Ministry of Interior, as well as to limit their operations on regional level. The big organised crime syndicates responded by entering into the private insurance market and establishing insurance companies in an attempt to continue the practices of extortion racketeering, but this time disguised as insurance services. Soon after that, in 1996, the boss of SIC in Varna Yordan Markov was assassinated. At that time Veselin Danov changed his allegiance with SIC and became a regional representative for Varna of “Apolo and Bolcan Ins” – one of the rising rivals of SIC. “Apolo and Bolcan Ins” was owned by Alexei Petrov, a former member of the Specialised Squad to Fight Terrorism and influential figure in the underground. His outreach in terms of corrupt influence to the very top of the Bulgarian Government and the law enforcement services is still legendary, as he even managed to get appointed as a special advisor in the State Agency for National Security for the period 2008-2009. Petrov is currently being sued for extortion, racketeering and leading an organised crime group that controlled the prostitution market in Sofia.

From 1996 began the business partnership of Veselin Danov with two former Varna police officers, which were part of the special task force unit in the Varna police – Veselin Zhekov and Ivan Slavkov, who also were employed in “Apolo and Bolcan Ins.” The professional background and contacts of Zhekov and Slavkov provided the much needed protection from police investigations, while at the same time assured the wiping of all competition in Varna. Veselin Danov shared in an interview that he had on a payroll the entire police special task force unit in Varna, working for him in “Apolo and Bolcan Ins.”<sup>91</sup>

This is how, in only two years, the three of them were controlling the drug and the prostitution markets in town, as well as the sex trafficking abroad. Although media reports and testimonies against the group in the court are controversial about the leading person in the trio, it seems that the leadership has shifted several times between them. Nevertheless, their criminal enterprise was so successful, that in the following almost 12 years their business was immune to police investigations.

The turbulent times for their crime empire came to its heyday. The first blow came with the European Arrest Warrant for some of their middle men that were controlling the trafficking ring of girls to France in 2007, but the decisive turning point apparently was the replacement of the Director of the Varna police. He was changed in 2008 after eight years at the top of the regional directorate, which was followed by firing and demoting of most of the staff of the organised crime unit in Varna. Soon after, in 2008, the police acted against certain low and middle level figures of the organisation of Slavkov and eventually he decided to leave the country for a while.<sup>92</sup>

Danov took the opportunity to get back the control over all drug and prostitution business in Varna with the support of his powerful friend Alexei Petrov, who at that time had gained big influence as a special advisor at the State Agency National Security. The conflict between the

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<sup>90</sup> Доротея Николова, “Веселин Данов – прототип на мафиот в романи,” *Дневник*, 17 September 2008, available at: [www.dnevnik.bg/morski/2008/09/16/551190\\_veselin\\_danov\\_-\\_prototip\\_na\\_mafiot\\_v\\_romani/](http://www.dnevnik.bg/morski/2008/09/16/551190_veselin_danov_-_prototip_na_mafiot_v_romani/) (accessed on 31 August 2013).

<sup>91</sup> “Веселин Данов – Мен ли ще ме арестуващ, бе? Мен? Дето съм те купувал едно време за чифт дънки?,” *afera.bg*, 20 February 2008, available at: <http://afera.bg/siujeti/193.html> (accessed on 31 August 2013).

<sup>92</sup> Стоян Николов, “Според мегадознание № 130,” *Черно море*, 2 July 2009, available at: <http://more.info.bg/article.asp?topicID=527&issueID=2577> (accessed on 6 October 2012).

former partners was eminent; moreover some of the prosecuted middle men decided to testify against Danov and his son. Danov decided to make a deal with the prosecution, which consequently led to the arrests and trials of Veselin Zhekov and Ivan Slavkov, as well as a number of their subordinates. Despite the serious offences for running an organised crime group, extortion racketeering, trafficking in people and money laundering, Veselin Danov got away with a sentence of three years in prison, while his son was sentenced to one year in prison. Veselin Zhekov also cooperated with the prosecution and received a sentence of two years and four months, while Ivan Slavkov was the only one to be sentenced to 10 years in prison.<sup>93</sup>

#### **4.1 The Use of Corruption**

The case of Veselin Danov and his partners in crime is illustrative of how organised crime systemically uses different types of corruption in order to ensure the smooth running of their operations. Most apparent is the use of police corruption. Not only are Ivan Slavkov and Veselin Zhekov former police officers, but they also employed their former colleagues and active officers. Indicative for the extent of the influence over the organised crime unit in Varna was that in 2008 half of the department was demoted or released of duty, together with the head of the unit. Although the levels of their influence over the director of the Varna police remained somewhat unclear, it is a fact that for the eight years of his charge the group was able to run their crime empire undisturbed up to the moment he was replaced. The use of police corruption not only turned them immune to investigating, but also provided them with competitive advantage on the local drugs and prostitution markets through destroying the competition and allowing them to keep a monopolist position.

### **5. Conclusion**

Corruption pressure over border control services in the European Union is largely affecting the east and south east external land borders. However, existing data shows that organised crime related corruption is largely related to smuggling in tobacco and other consumer goods and only a few corruption cases related to trafficking in human beings have been detected so far within border guard institutions of EU Member States. The latter fact could be largely explained by the visa liberalisation process followed by the Schengen area encompassing most of the major source countries, which renders the use of corruption for entering the European Union to a large extent an unnecessary cost for human traffickers. In addition, corruption is not necessary for internal THB. However, it should be taken into account that major origin countries of human trafficking to the European Union still remain highly corrupted states (including Bulgaria and Romania), where grand corruption and organised crime exist in perfect symbiosis. This criminal political nexus deeply affects all levels of public institutions and public security sector in particular and is the key to understand how organised crime manages to exert corruption over institutions such as border guard agencies.

Cases such as Veselin Danov and his partners in crime, allow us to explain how high-risk entrepreneurs and former law enforcement officers manage to use their social and professional background to enter corruption networks and secure protection from investigation of their criminal activities (i.e. human trafficking), gain economic power and transform it to local political influence in order to become local oligarchs. The case also illustrates the dependence of law enforcement on political elites in countries such as Bulgaria, which allows organised criminals to become almost untouchable through investing proceeds of crime in buying votes and penetrating local government.

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<sup>93</sup> Ibid.

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