STUDENTS JOURNAL ON TRANSNATIONAL ORGANIZED CRIME

FACULTY OF LAW
UNIVERSITY OF TRENTO

VOLUME 2 (2026)

Introduction and Acknowledgments

Gabriele Baratto

It is with great pleasure that I present the second volume (2026) of the Students Journal on Transnational Organised Crime, developed within the framework of the course Transnational Organised Crime offered by the Faculty of Law of the University of Trento as part of the Bachelor's Degree in Comparative, European and International Legal Studies.

As in the previous edition, attending students were invited to write a research paper on a topic of their choice related to the subject matter of the course. The first draft of each manuscript was subsequently assigned to another participant for review through a double-blind peer-review process. Following this stage, each student prepared a final version of the manuscript, refining and improving it in light of the comments and suggestions received.

The papers were then presented by their authors during the second edition of the Transnational Organised Crime Student Conference, held in the Fulvio Zuelli Hall of the Faculty of Law of the University of Trento on 19 and 20 May 2026.

As in the previous year, a number of acknowledgements are due, in no particular order.

First and foremost, I would like to thank the Faculty of Law and its Dean, Professor Paolo Carta, for their continued support of innovative teaching initiatives such as this course. Their confidence in the value of experimental and student-centred learning projects has been instrumental to the success of this endeavour.

I am also deeply grateful to Beatrice Rigon, Bianca Donati, Beatrice Pattaro, and Michele Balbinot for their invaluable support throughout the various stages involved in organising both the course and this volume. Without their dedication and assistance, neither would have been possible.

My sincere gratitude also goes to the team at FormID – the Teaching and Learning Center of the University of Trento. Their guidance, expertise, and encouragement were crucial in shaping the original idea behind this course and in making its launch possible last year. The success of this second edition confirms the soundness of that vision.

Lastly, and most importantly, my heartfelt thanks go to all the students who participated in this second edition. Their intellectual curiosity have exceeded expectations. This volume is a testament to their hard work and to the quality of the contributions they have produced. I hope that this experience has helped them develop skills that will prove valuable in their future academic and professional careers.

Table of Contents

FROM HEROIN TO METH - THE POLITICAL ECONOMY OF METHAMPHETAMINE PRODUCTION IN POST-2021 AFGHANISTAN 8
Ali Aiserik

TREN DE ARAGUA AND ITS POSSIBLE INVOLVEMENT WITH THE VENEZUELAN GOVERNMENT .. 12
Nikol Andrea Armas Barreto

THE ATLANTIC SLAVE TRADE - THE "GRAVEST CRIME AGAINST HUMANITY" OF ALL TIME 16
Emilio Benvenuti

COUNTERFEITING AS FORM OF TRANSNATIONAL ORGANIZED CRIME IN LUXURY GOODS - GLOBAL ILLICIT NETWORKS AND THE LEGAL ISSUES ASSOCIATED WITH INDUSTRIAL AND INTELLECTUAL PROPERTY 20
Eleni Maria Bouchti

THE ROLE OF ONLINE DEVIANT SUBCULTURES IN FACILITATING TRANSNATIONAL CHILD SEXUAL EXPLOITATION - MECHANISMS OF FACILITATION AND NORMALISATION IN ONLINE CRIMINAL SUBCULTURES 24
John Brady

ART TRAFFICKING AT THE HEART OF TERRORIST GROUPS: FOCUS ON IRAQ AND SYRIA 27
Juliette Breillat

THE CONCEPTION OF THE ITALIAN MAFIA IN AMERICAN CULTURE - THE "GODFATHER" PHENOMENON 31
Franscesco Bronzi

THE EUROPEAN "LAUNDROMAT" - THE EXPLOITATION OF LONDON REAL ESTATE AND OFFSHORE ACCOUNTS BY EUROPEAN CRIMINAL ORGANIZATIONS 34
Eleonora Buscardo

MAFIA IS KILLING ITALIAN FOOTBALL 37
Mario Giuseppe Carrieri

REGULATING A VISIBLE CRIME - STATE TOLERANCE AND SEMI-LEGITIMACY OF YAKUZA 41
Aurora Consolaro

THE EVOLUTION OF MARITIME PIRACY - A COMPARATIVE AND HISTORICAL ANALYSIS 45
Alice Costella

THE MEDELLÍN CARTEL - FROM LOCAL CONTRABAND TO THE GLOBAL EMPIRE OF PABLO ESCOBAR 48
Federico Cristoni

THE MYTH OF DECAPITATION - ASSESSING THE KINGPIN STRATEGY THROUGH THE FALL OF "EL CHAPO 53
Anna Elena Crivellaro

ETA A TRANSNATIONAL ORGANIZATION BETWEEN FRANCE AND SPAIN 57
Amélina Croizet Bessière

CHILD LAUNDERING IN INTERNATIONAL ADOPTIONS - MANIPULATION OF IDENTITIES & ACTOR NETWORKS 61
Anna Dal Cin

POST-YUGOSLAV ARMS TRAFFICKING IN THE WESTERN BALKANS - CAUSES, NETWORKS, AND POLICY LIMITS 65
Virginia De Rosa

CHINA'S STRUCTURAL ROLE IN THE U.S. FENTANYL CRISIS 70
Jonah Di Nunno

BEYOND A DOMESTIC CRISIS - IRELAND'S COCAINE MARKET WITHIN TRANSNATIONAL ORGANISED CRIME NETWORKS 74
Shannon Dowd

THE ROLE OF CRYPTOCURRENCIES IN TRANSNATIONAL ORGANIZED CRIMES - AN ANALYSIS OF HYDRA MARKET 78
Sara Duka

THE DARK SIDE OF SPORT - MONEY LAUNDERING, MATCH-FIXING, AND CRIMINAL INFLUENCE IN THE GLOBAL SPORTING BUSINESS 82
Emily Dunne

THE BELARUSIAN STATE: A MIGRANT SMUGGLER? - THE LIMITED EFFECTIVENESS OF THE LAW ON TRANSNATIONAL ORGANIZED CRIME 86
Coleen Enderlin

WHO GETS TO COUNT? - VICTIM IDENTIFICATION FAILURES IN IRELAND'S ANTI-TRAFFICKING FRAMEWORK 90
Chiara Ferrari

CRIMINAL INFILTRATION AND VULNERABILITY OF SLOVAKIA - THE 'NDRANGHETA AND THE MURDER OF JÁN KUCIAK 95
Linda Figura

SAND SMUGGLING - WHAT IS SAND SMUGGLING AND HOW HAS ITS CRIMINAL INDUSTRY FLOURISHED SO MUCH? 99
Abby Fizpatrick-Ryan

BEYOND SCANDAL: CAN EPSTEIN ENTERPRISE BE INTERPRETED THROUGH A TRANSNATIONAL ORGANIZED CRIME FRAMEWORK - A DOCTRINAL LEGAL ANALYSIS OF THE EPSTEIN NETWORK 102
Roisin Anna Forgione

THE 'NDRANGHETA'S OVERREACHING INFLUENCE - FROM THE PERFIDO CASE TO OPERATION EUREKA 107
Duncan Ian Giuseppe Fraser

MONEY LAUNDERING - THE ECONOMIC, POLITICAL, AND SOCIAL CONSEQUENCES 110
Jaiden Fraser

FROM POACHING TO PROFIT - IVORY TRAFFICKING AS A NETWORKED FORM OF TRANSNATIONAL ORGANIZED CRIME 113
Benedetta Frison

THE LIMITS OF CITES IN ADDRESSING WILDLIFE TRAFFICKING - TOWARDS A TRANSNATIONAL CRIMINAL LAW APPROACH UNDER UNTOC 118
Martina Galiazzo

IS VIOLENCE AN ESSENTIAL ELEMENT OF ORGANISED CRIME? - IS VIOLENCE A DEFINING CHARACTERISTIC OF ORGANISED CRIME, OR A STRATEGIC TOOL USED SELECTIVELY? 122
Jude Glynn

THE CRIMINALIZATION OF KNOWLEDGE - TRADE SECRETS THEFT AND INDUSTRIAL ESPIONAGE IN THE EU 126
Alice Guerriero

AVOIDING CRIMINAL LIABILITY - THE EXPLOITATION OF MINORS AND YOUTHS BY SWEDISH GANGS 131
Tilda Gustafsson

CLAN CRIMINALITY IN GERMANY - THE ISSUE OF CLAN CRIMINALITY IN GERMANY AND ITS PORTRAYAL IN THE MEDIA 135
Lena Janhoff

TRANSNATIONAL BRIDE TRAFFICKING TO CHINA - A PECULIAR PHENOMENON ROOTED IN HISTORY AND CULTURE WITHIN ASIA 138
Chen Chen Ji

TRAFFICKING IN WOMEN AND STATE FAILURES TO INVESTIGATE - AN ANALYSIS OF B.B. V. SLOVAKIA 142
Olívia Keményová

LIBERAL INSTITUTIONS IN THE NEW WORLD DISORDER - THE CASE OF INTERPOL'S RED NOTICES.. 146
Panlaphat Leelittigoonchai

HOW STEROIDS TRAFFICKING AND ABUSE ARE IMPACTING PEOPLE'S EVERYDAY LIFE 150
Marco Migotto

THE FRAGILITY OF INTERNATIONAL COOPERATION AGAINST TRANSNATIONAL ORGANIZED CRIME IN TIMES OF GEOPOLITICAL CONFLICTS - RUSSO-UKRAINIAN WAR CASE STUDY 154
Maddalena Marra

THE FLOW OF WEAPONS ACROSS THE US AND MEXICO BORDER - HOW WEAPONS TRAFFICKING ACROSS TWO COUNTRIES INTERACTS WITH SPECIFIC CONTEXTUAL VARIABLES 159
Lucia Meacci

PREVENTION AND COMBATING OF TRAFFICKING IN HUMAN BEINGS AND THE PROTECTION OF CHILDREN IN EUROPEAN UNION LAW 163
Peter Melicher

WIVES, MOTHER AND LEADERS - AN EVOLUTION OF THE ROLE OF WOMEN THROUGH GENERATIONS 167
Ada Sofia Micheli Furini

HOW HAVE TRANSNATIONAL DRUG TRAFFICKING NETWORKS CONTRIBUTED TO THE RISE OF COUNTY LINES IN CITIES SUCH AS MANCHESTER? 171
John Milligan

CRIME ON DEMAND: CYBERCRIME-AS-A-SERVICE IN THE BALTIC STATES 175
Paula Pavlovska

THE IMPACT OF DIGITALIZATION ON HUMAN TRAFFICKING - EVOLVING METHODS OF RECRUITMENT AND EXPLOITATION 179
Emelyn Pena Ruiz

THE ARCHITECTURE OF CORRUPTION - FIFA AND THE OPPORTUNITY STRUCTURES OF ORGANIZED CRIME 183
Emil Pernter

THE NEW AGE OF PIRATES: REFRAMING FILM PIRACY - HOW FILM PIRACY BECAME A STRATEGIC ENGINE OF TRANSATIONAL ORGANISED CRIME 187
Davide Piccione

CRIME - TERROR NEXUS IN EAST AFRICA - THE ROLE OF COASTS AND AL-SHABAAB IN THE KENYA-SOMALIA CORRIDOR 191
Alice Piredda

PILLS OF DECEPTION - THE GLOBAL TRADE IN FAKE PHARMACEUTICALS 195
Valerios Plaskasovitis

BLURRING THE LINES - CHOCOLATE COMPANIES' ROLE IN TRANSNATIONAL ORGANIZED CRIME ... 199
Everett Andrew Pondolfino

MALA DEL BRENTA - FROM LOCAL DISORGANIZED BANDITS TO A TRANSNATIONAL CRIMINAL ORGANIZATION 202
Lucrezia Rasera

COMPARATIVE STUDY OF ORGANISED CRIME AND TERRORISM - FROM THE COMPARISON TO THE HYBRIDISATION 206
Romane Michèle Marie-Line Testut

THE PSYCHOLOGY OF SEXTORTION IN THE PHILIPPINES THROUGH A CULTURAL LENS - WHAT MAKES PHILIPPINES THE HUB FOR SEXTORTION? 210
Matthew Sarmiento

THE PINK PANTHERS - ANALYZING THE INFLUENCE AND STRUCTURAL RESILIENCE OF AN INTERNATIONAL JEWEL THIEF NETWORK 215
George Seresli

HIDDEN OWNERSHIP - HOW ANONYMOUS COMPANIES ENABLE TRANSNATIONAL ORGANIZED CRIME 219
Ruvens Shapovalov

WAR, GRAIN AND ORGANIZED CRIME - HOW ARMED CONFLICTS RESHAPE SUPPLY CHAINS: THE CASE OF UKRAINE'S WARTIME GRAIN TRADE 223
Tetiana Shevchenko

THE EFFECTIVENESS OF INTERPOL IN TRANSNATIONAL ORGANISED CRIME - WHAT REFORMS ARE NECESSARY? 228
Isabella Stringer

THE WOMEN BEHIND THE YAKUZA - THE ROLE OF THE WOMEN IN THE MALE-DOMINATED JAPANESE UNDERWORLD 232
Lea Stüber

BEYOND THE BOUNDARIES OF CONTROL - THE EVOLUTION OF DEFI IN TRANSNATIONAL MONEY LAUNDERING 235
Mirko Annunziato Tondo

FROM COLONIAL MARGINALIZATION TO TRANSNATIONAL CRIME - THE HISTORICAL AND STRUCTURAL ORIGINS OF BRAZIL'S FIRST CAPITAL COMMAND 239
Isabella Valandro Alves

THE EVOLUTION OF HUMAN TRAFFICKING IN AFGHANISTAN 242
Giulia Valle

TRANSNATIONAL ORGANIZED CRIME AND THE ILLICIT TRADE IN ENDANGERED FLORA - ANALYZING THE CRIMINOLOGICAL DYNAMICS AND SUPPLY CHAINS OF FLORA-CRIME..... 246
Patrick Veronesi

FROM PLANTS TO PRECURSORS: THE EVOLUTION OF DRUG PRODUCTION AND TRAFFICKING IN THE SYNTHETIC ERA 250
Veronica Vaia

PRICELESS BY DESIGN - INFLATED ART DONATIONS AND THE ORGANISED CRIMINAL EXPLOITATIONOF CULTURAL PHILANTHROPY IN THE US..... 254
Olivia Voicu

HUMAN TRAFFICKING NETWORKS IN CENTRAL ASIA: FOUNDATION, STRUCTURAL EVOLUTION AND GENDERED DYNAMICS OF TRAFFICKING NETWORKS 259
Otabek Yakubov

MARITIME INTERDICTION AND SMUGGLING NETWORKS - THE EFFECTS OF THE CRIMINALIZATION OF MIGRATION 263
Giulia Ziggiotto

BLOOD DIAMONDS - FORCED LABOR AND TRANSNATIONAL SMUGGLING NETWORKS..... 268
Evelina Zile

From Heroin to Meth

The Political Economy of Methamphetamine Production in post-2021 Afghanistan

Ali Aiserik

Abstract — **Afghanistan's drug economy changed significantly after the Taliban's April 2022 opium ban, as poppy cultivation fell by about 95 percent in one season. Despite this, Afghanistan maintained its role in the global drug trade because trafficking networks switched to methamphetamine production. This paper analyzes how supply-side political economy directly shaped that shift. Afghan meth production is structurally enabled and politically tolerated, not simply a market reaction. Three causal factors explain this transition: abundant natural ephedra stocks that provide cheap precursor chemicals, heroin trafficking routes repurposed for meth, and the Taliban's pragmatic tolerance of synthetic drug production for informal revenue under sanctions. The paper also examines ISIS-Khorasan Province, which leverages overlapping criminal and militant networks across Central Asia to finance operations. A comparison with the Golden Triangle demonstrates that once synthetic drug production is embedded in a regional criminal economy, it becomes extremely difficult to suppress. Supply-side interdiction alone cannot achieve meaningful progress.**

I. INTRODUCTION

At the end of the 20th century, the first Taliban regime (1996-2001) made Afghanistan the global leader in illicit drug production. Afghan opiates (mainly heroin) supplied up to 90% of the world market for these drugs. In April 2022, 20 years later, Taliban Supreme Leader Hibatullah Akhundzada announced a nationwide ban on opium poppy farming, the main raw material for heroin. Within one growing season, this ban triggered the largest drop ever recorded in Afghan opiate supply. The 2023 Afghanistan Opium Survey by the United Nations Office on Drugs and Crime (UNODC) reported poppy farming areas shrank by about 95 percent, briefly raising policymakers' hopes (UNODC, 2023a). However, optimism faded as the drop in opium farming fueled a rapid rise in methamphetamine production. Afghan trafficking groups exploited abundant ephedra shrubs, the primary source for methamphetamine ingredients, and shifted to synthetic drug manufacturing. Since 2021, authorities have seen a sharp rise in methamphetamine seizures linked to Afghan supply routes in Iran, Central Asia, and Gulf state markets (GI-TOC, 2023).

This paper argues that existing resources, established trafficking networks, and the Taliban's need for new income sources drove the rise in Afghan methamphetamine production after the opium ban. Drawing on reports from the UNODC, GI-TOC research, and academic studies, the paper organizes its analysis into four sections: the state of Afghan synthetic drug production after 2021, the factors that enabled the shift to methamphetamine, the political and economic reasons for Taliban tolerance, and a comparison with the Golden Triangle's experience.

© 2026 Aiserik Ali. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. THE TALIBAN'S OPIUM BAN AND ITS UNINTENDED ECONOMIC CONSEQUENCES

The Taliban's April 2022 decree banning opium poppy cultivation achieved more than any internationally supported eradication program in the previous twenty years. Poppy farming land dropped from about 233,000 hectares in 2022 to around 10,800 hectares in 2023. Farmer income from opium fell by more than 92 percent from an estimated USD 1.36 billion to USD 110 million (UNODC, 2023a). The decree served several political purposes: it signaled interest in international engagement, reinforced the Taliban's image of Islamic governance, and helped consolidate economic control by redirecting profits to Taliban-controlled sectors (Felbab-Brown, 2023).

However, the ban did not dismantle the trafficking infrastructure developed over four decades of conflict-driven narco-economy. Networks of farmers, traffickers, financial intermediaries, and cross-border logistics operators that facilitated Afghan heroin distribution across Europe and Asia represented a substantial accumulation of criminal capital: social, financial, and operational, that a single agricultural decree could not dissolve. From the perspective of criminal entrepreneurship theory, the ban incentivized adaptive behavior: networks with significant investments in trafficking infrastructure sought alternative commodities, and methamphetamine, with its increasing regional demand, became an attractive option (GI-TOC, 2024). The ban thus produced a dual effect: on the one hand, it disrupted one segment of the drug economy; on the other, it generated economic desperation, underutilized criminal networks, and redirected trafficking capital, which are the very conditions that facilitated the emergence of another illicit market.

Structural Conditions Enabling the Pivot to Methamphetamine

Market incentives alone cannot explain Afghanistan's rapid shift toward methamphetamine production. The country's abundant ephedra plants supply ephedrine and pseudoephedrine, which serve as key methamphetamine precursors. This abundance provides a strong competitive advantage. David Mansfield et al. (2020) first documented this transition. They identified the shift from pharmaceutical-grade precursors to plant-based extraction as the turning point in Afghan meth production economics.

Field researchers identified 448 ephedrine labs in just two Afghan districts. They estimated potential annual production at up to 1,000 tons, manufactured at about one-tenth the cost of Southeast Asian production. Afghan meth commands comparable export prices (Vice, 2021). In 2019, the wholesale price of Afghan methamphetamine was about USD 286 per kilogram, compared to USD 3,062 per kilogram in Myanmar (TRT World, 2021).

Existing infrastructure further reinforces this cost advantage by enabling methamphetamine production to utilize heroin-related assets, such as clandestine laboratories, storage, and cross-border movement. Smuggling groups adapted corridors through Iran, Pakistan, and Central Asia for synthetic drug transport, making use of their experience and routes established for heroin. UNODC (2023b) reports show that the adaptation of these corridors contributed to a sharp increase in methamphetamine seizures: from 2.5 tons in 2017 to 29.7 tons in 2021. Authorities reported suspected Afghan-origin seizures as far away as Eastern Africa, Southeast Asia, and the European Union, reflecting the global reach enabled by established trafficking networks. The methamphetamine market in Iran steadily grew, likely feeding off these flows. By 2019, about 2.8 million Iranians reported substance use problems. Expanding demand across Central Asia provided the commercial pull that made this economic transition rational (GI-TOC, 2023), linking infrastructure, trafficking adaptation, and regional consumption.

III. THE POLITICAL ECONOMY OF TALIBAN TOLERANCE AND ISIS-K

The Taliban's approach to methamphetamine production differs markedly from its policy toward opium and understanding why requires engaging seriously with the group's internal political economy rather than treating it as a monolithic or ideologically consistent actor.

Methamphetamine holds a genuinely ambiguous position within Taliban religious jurisprudence. Unlike opium, which is addressed with relative clarity in Islamic legal scholarship and was banned by the Taliban on firm theological grounds, synthetic stimulants have no established consensus among Taliban-affiliated religious authorities. The relevant Islamic legal arguments are less clearly defined, and no authoritative ruling prohibits methamphetamine production as distinct from its consumption. Furthermore, because the drug is primarily consumed in non-Muslim foreign markets, the domestic moral case against its production carries considerably less weight within the Taliban's internal discourse (Felbab-Brown, 2023). This theological ambiguity has created space for a pragmatic tolerance that would have been harder to sustain publicly in the case of opium. Field reports illustrate this dynamic: observers in western Afghanistan have noted that Taliban fighters occasionally inspect meth markets without shutting them down, indicating a consistent pattern of selective non-enforcement.

The Taliban currently faces a severe revenue crisis due to international sanctions and the termination of foreign aid. In this context, parts of the Taliban patronage network appear to have imposed informal taxes on ephedra harvesting and laboratory operations, replicating the taxation model used for opium during the insurgency period (GI-TOC, 2024). Khoruk (2024) observes that this fits the broader pattern of Taliban illicit economic governance, in which formal prohibition coexists with informal rent extraction from the very activities being nominally banned.

Rather than being a peripheral issue, the role of the Islamic State – Khorasan Province (ISIS-K) reinforces the paper's core thesis that the Afghan drug economy has become embedded in a broader web of criminal and political actors that supply-side interdiction alone cannot address. Formed in 2015 by defectors from the Pakistani Taliban, the Afghan Taliban, and the Islamic Movement of Uzbekistan, ISIS-K has actively sought to exploit the same geographic corridors that facilitate synthetic drug flows into Central Asia (Director of National Intelligence, 2024). A 2023 UN estimate placed ISIS-K's total fighter and family population between 4,000 and 6,000, with a substantial proportion originating from Tajikistan, Uzbekistan, and Kazakhstan, which reflects targeted recruitment among economically marginalized communities and labor migrants (Caspian Policy Center, 2023). This Central Asian demographic base creates a structural overlap between ISIS-K's recruitment pipelines and the human networks involved in drug trafficking, including couriers, border facilitators, and hawala operators who may serve both criminal and militant purposes simultaneously. Although ISIS-K's direct involvement in Afghan methamphetamine trafficking is less systematically documented than Taliban taxation practices, available evidence indicates opportunistic use of drug infrastructure in areas where Taliban control is weak (GI-TOC, 2016). The March 2024 Crocus City Hall attack, perpetrated by Tajik ISIS-K operatives, highlights the group's deep integration within Central Asian migrant and criminal networks, complicating efforts to distinguish organized crime from terrorist financing in the region (Atlantic Council, 2024).

The Taliban is better understood as a loose coalition of regional commanders and patronage networks than as a hierarchically disciplined organization. Tolerance of methamphetamine production likely varies greatly across provinces and commanders, with local revenue needs rather than centralized policy driving these differences. What remains constant is the structural logic: revenue maximization under sanctions, maintaining patronage networks, and avoiding politically costly enforcement are incentives that broadly align with tolerance of synthetic drug production. As long as these structural conditions persist, prospects for meaningful Taliban-led suppression remain limited regardless of formal policy commitments.

IV. THE GOLDEN TRIANGLE PRECEDENT AND AFGHANISTAN'S PROJECTED TRAJECTORY

To understand where Afghanistan's drug economy may be heading, it is useful to recall how a similar transformation unfolded in the Golden Triangle: the overlapping border regions of Myanmar, Laos, and Thailand that supplied much of the global opiate trade for most of the twentieth century. From the 1990s onward, sustained international pressure progressively reduced opium production across

the region, most notably from Thailand and Laos. Criminal groups in Myanmar's Shan State responded not by withdrawing from the drug trade, but by developing methamphetamine production capacity on a massive scale. By the 2010s, the Golden Triangle had become the world's main methamphetamine source. Seizures in East and Southeast Asia reached nearly 151 tons in 2022 and a record 236 tons in 2024, showing a 24 percent increase from the previous year (UNODC, 2025).

Many features of this pattern align closely with what is happening in Afghanistan today. In both cases, opiate suppression disrupted agricultural production without dismantling the criminal infrastructure built around it. In both, an abundance of raw materials or precursor resources facilitated the pivot to synthetic production. And in both, weak or complicit state governance provided the political permissiveness necessary for large-scale illicit manufacturing to take root. International agencies repeatedly declared progress against Golden Triangle opiate production in the 1990s and early 2000s, only to confront a synthetic drug problem of far greater scale and geographic reach. The core lesson is that supply-side successes in one segment of a criminal drug economy tend to displace rather than eliminate illicit activity, which applies directly to current assessments of the Taliban's opium ban (UNODC, 2023c; The Diplomat, 2024). A reduction in Afghan heroin supply accompanied by the emergence of Afghanistan as a major methamphetamine producer represents, at best, a lateral shift in the global drug problem rather than a genuine reduction in harm.

V. CONCLUSION

To sum up, Afghanistan's drug economy has changed in ways that are both important and not well understood in global organized crime. As this paper has discussed, ending opium cultivation did not reduce Afghanistan's role in illegal drug production. Instead, it led to a shift toward synthetic drugs, which now pose a bigger and more widespread threat. The mix of abundant natural precursors established trafficking networks, Taliban financial needs, and rising regional demand has allowed Afghan methamphetamine production to grow quickly. Seizure data shows supply chains now stretch from Afghanistan's western provinces into Central Asia, the Gulf, and beyond (UNODC, 2023b; Mansfield et al., 2020).

Looking at Afghan meth production through a political economy lens is more useful than focusing only on security. This approach shows that Taliban tolerance is not just a failure of organization, but a logical and deliberate response to the incentives they face (Felbab-Brown, 2023; GI-TOC, 2024). The presence of ISIS-K, which uses the same networks, makes the situation even more complicated. This crime-terror link calls for more integrated analysis and action than usual in either field (GI-TOC, 2016; Director of National Intelligence, 2024).

The Golden Triangle example offers important lessons for policy. Trying to stop the drug supply alone is not enough and can even make things worse if it increases economic hardships, which fuels both drug production and militant recruitment. Real progress starts by addressing deeper issues. Providing economic alternatives for ephedra-harvesting communities, monitoring precursors across the region, improving border management in Central Asia, and finding ways to work with Taliban structures to encourage stronger enforcement. These steps are hard to achieve in the current political climate. Nevertheless, the evidence shows that doing nothing will only make the problem worse over time. Synthetic drug markets will grow, criminal networks will deepen in Central Asia, and drug trafficking and terrorist financing will become more connected.

REFERENCES

Atlantic Council. (2024, October 10). *From Dushanbe to Berlin: The emerging ISIS-K threat. https://www.atlanticcouncil.org/blogs/menasource/europe-isis-k-tajikistan/*

Caspian Policy Center. (2023). *ISKP's resurgence: The growing threat to Central Asia and global security. https://www.caspianpolicy.org/research/security/iskps-resurgence-the-growing-threat-to-central-asia-and-global-security*

Director of National Intelligence, National Counterterrorism Center. (2024). *ISIS-Khorasan. https://www.dni.gov/nctc/terrorist_groups/isis_khorasan.html*

Felbab-Brown, V. (2022). *Pipe dreams: The Taliban and drugs from the 1990s into its new regime. Brookings Institution. https://www.brookings.edu/articles/pipe-dreams-the-taliban-and-drugs-from-the-1990s-into-its-new-regime/*

Felbab-Brown, V. (2023, July 17). *How the Taliban suppressed opium in Afghanistan — and why there's little to celebrate. Time Magazine. https://time.com/6294753/taliban-opium-suppression-afghanistan/*

Global Initiative Against Transnational Organized Crime. (2016). *The nexus of conflict and illicit drug trafficking: Syria and the wider region. https://globalinitiative.net/wp-content/uploads/2016/10/The-nexus-of-conflict-and-illicit-drug-trafficking-Syria-and-the-wider-region.pdf*

Global Initiative Against Transnational Organized Crime. (2023). *The impact of Afghanistan's drug trade on its neighbors (Research Paper No. 25). https://globalinitiative.net/wp-content/uploads/2023/11/SOCACE-RP25-AfganDrugTradeImpact-20Nov23.pdf*

Global Initiative Against Transnational Organized Crime. (2024). *Illicit economies in Afghanistan under the Taliban. https://globalinitiative.net/wp-content/uploads/2024/03/Maria-Khoruk-Illicit-economies-in-Afghanistan-under-the-Taliban-GI-TOC-March-2024.v2.pdf*

Global Initiative Against Transnational Organized Crime. (2025, February 17). *Smoke and mirrors: Afghanistan's illicit drug economy after the opium ban. https://globalinitiative.net/analysis/afghanistans-illicit-drug-economy-after-the-opium-ban/*

Khoruk, M. (2024, March). *Illicit economies in Afghanistan under the Taliban. Global Initiative Against Transnational Organized Crime. https://globalinitiative.net/wp-content/uploads/2024/03/Maria-Khoruk-Illicit-economies-in-Afghanistan-under-the-Taliban-GI-TOC-March-2024.v2.pdf*

Mansfield, D., Cunningham, A., Laniel, L., Griffiths, P., & Sedefov, R. (2020). *Emerging evidence of Afghanistan's role as a producer and supplier of ephedrine and methamphetamine. European Monitoring Centre for Drugs and Drug Addiction. https://www.euda.europa.eu/system/files/publications/13410/emcdda-methamphetamine-in-Afghanistan-report.pdf*

The Diplomat. (2024, May 28). *Asian synthetic drug production continued to grow in 2023, UN says. https://thediplomat.com/2024/05/asian-synthetic-drug-production-continued-to-grow-in-2023-un-says/*

TRT World. (2021, April 28). *After decades of war, Afghanistan's drug trade booms like never before. https://www.trtworld.com/article/12766884*

United Nations Office on Drugs and Crime. (2023a). *Afghanistan opium survey 2023: Cultivation and production after the ban — effects and implications. https://www.unodc.org/documents/crop-monitoring/Afghanistan/Afghanistan_opium_survey_2023.pdf*

United Nations Office on Drugs and Crime. (2023b). *Understanding illegal methamphetamine manufacture in Afghanistan. https://www.unodc.org/unodc/en/press/releases/2023/September/unodc_-methamphetamine-trafficking-in-and-around-afghanistan-expanding-rapidly-as-heroin-trade-slows.html*

United Nations Office on Drugs and Crime. (2023c). *Synthetic drugs in East and Southeast Asia: Latest developments and challenges 2023. https://www.unodc.org/unodc/en/frontpage/2023/June/synthetic-drug-supply-remains-at-extreme-levels-and-diversifies-in-east-and-southeast-asia--according-to-new-unodc-report.html*

United Nations Office on Drugs and Crime. (2025). *Rise in production and trafficking of synthetic drugs from the Golden Triangle. https://www.unodc.org/unodc/en/press/releases/2025/May/rise-in-production-and-trafficking-of-synthetic-drugs-from-the-golden-triangle--new-report-shows.html*

Vice. (2021). *Afghanistan's meth boom. https://www.vice.com/en/article/afghan-meth/*

Washington Post. (2022, May 2). *The drug trade now flourishing in Afghanistan: Meth. https://www.washingtonpost.com/world/interactive/2022/afghanistan-meth-opium-drug-industry/*

Tren de Aragua and its Possible Involvement with the Venezuelan Government

Nikol Andrea Armas Barreto

Abstract — **This paper, through a qualitative review of academic and institutional sources, analyzes the origins, development and consolidation of the Tren de Aragua as a transnational criminal organization, taking into consideration the factors that contributed to these aspects. It examines the group's structure, illegal activities and methods of recruitment. Finally, it analyzes the possible involvement, understanding this as a minimal connection not only with members of the State but also with the president, of the organization with the Venezuelan government, something that should be taken into consideration.**

I. INTRODUCTION

Over time, Venezuelan people and even foreign experts of justice and transnational crime have talked about the "Tren de Aragua", one of the biggest criminal organizations in Venezuela. It will be analyzed as the main topic and also how its history and characteristics made possible the consolidation and expansion. The context of the organization from the beginning, in the prison, and eventually its extension is a reflection of how it developed with the help of certain authorities of the government. This was perceived as a possible involvement with the State, something that has been proven because of many events and testimonies that ensure this relation.

II. ORIGINS AND DEVELOPMENT OF THE "TREN DE ARAGUA"

The "Tren de Aragua" (Aragua's train) is a transnational criminal organization that started its operations between 2012 and 2013 in the state of Aragua in Venezuela, more concretely in what will later become its main headquarter, the operations center, located inside the Penitentiary Center of Aragua, known as "Prison of Tocorón" but also called the Big House.

The origins of the Tren de Aragua have been discussed, mainly two different versions. The first one refers to the union of workers that used to participate in the construction of a rail train system that was never concluded in Aragua, Venezuela, whose members were put in the prison of Tocorón in 2010 (Casado, n.d.). The second one refers to an incident between inmates and authorities powers in the prison Rodeo in Caracas. A confrontation occurred in 2011 when approximately 4000 officers fought against some gang members that were reclused in the prison, including the leader known as "Oriente". After almost a month the showdown ceased but Oriente and his allies escaped in apparent agreement with the Interior Minister at that time, Tareck El Aissami (Humire, 2024).

© 2026 Nikol Andrea Armas Barreto. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

The incident was used as a pretext to move all the gang leaders from Rodeo to the Tocorón Prison in Aragua where the main Pran, Hector Guerrero Flores, already was. With the new inmates in the prison and the leadership of the Pran the Tren de Aragua started to take form. All this under the administration of Iris Varela, the minister of prisons from 2011 to 2020.

Due to the lack of control and the permissive measures in the prisons of the Aragua state under the administration of Valera and the statal government of El Aissami (2012-2017), they were able to create their own government inside the prisons, where the inmates were the ones in charge of the organization and administration inside the infrastructure. This criminal government is called "El Carro" (the car) and it used to play the same role as the statal power and guaranteed the protection against offences from the state or other criminal organizations.

This system was established inside but also outside the prisons. The Tren de Aragua wanted to control the local communities where they created the "zonas de paz" (peace zones), thanks also to the existence of ex inmates of Tocorón that used to live there (Sampó & Troncoso, 2024).

The first zone was imposed in the community of San Vicente, in Girardot, at the end of 2015. They had an outreach among the citizens through leisure activities like concerts and parties, but also through benefits about the alimentary situation that in these years in Venezuela used to be very alarming.

After this, the phase of information started, when the normative rules of the organization were spread through Community Assemblies. The norms imposed:

- The expulsion of all the officers and ex officers that lived in the zone.
- The prohibition to common criminal bands of doing any criminal activity and starting being part of the main organization, the Tren de Aragua.
- Convenience norms aimed at the citizens related to censorship with any incident that could occur, care with the minors and the prohibition of any domestic violence or even the dependence on the police (Terán, 2023).

This way the organization ended up consolidated in the state of Aragua.

III. STRUCTURE, RECRUITMENT AND CRIMINAL ACTIVITIES

Tren de Aragua is organized in a hierarchy and pyramidal system which on the top finds the leader called "Pran principal" (main Pran) that at the moment is Héctor Rusthenford Guerrero Flores, alias "El Niño Guerrero". This role is apparently selected by three important

members, the founders of the organization, but this version has not been proven.

"Pran" is the word used to refer to a prison leader that eventually becomes the leader of a band or organization because of his control on a big quantity of inmates in the detention center.

Below the main Pran there are the Local Pranes, or also called lieutenants, they are the leaders of the different gangs spread all over the country and are almost at the same level as the main Pran. Under the Pranes there are the "Luceros", the right-hand men in charge of the security of the Pran. Then the "Gariteros" are found, the ones in charge of vigilance and transmission of information to the top of the pyramid. Finally, in the last step there are the "Soldados" (Sampó & Troncoso, 2024).

From a more general point of view there were two different groups. The first one called "Grupo de los sanos", which is the "legal" and visible face of the organization, in charge of maintaining harmony in the communities and providing benefits to the citizens. They had an official foundation that received all the direct sponsorship that came from the State. And the second one called "Grupo armado", formed by the Luceros and Gariteros, in charge of guaranteeing the compliance of the rules established for the organization, using the violence if needed. All of the local Pranes counted on one group of each to ensure the fulfillment of their orders and objectives (Terán, 2023).

The method of recruitment takes place in the prison, with people that are already prisoners and had the approval of the Pran to be moved to the Tocorón prison, and that have escalated positions inside the organization due to the seniority or loyalty shown to Niño Guerrero. Other ways of recruitment refer to the capture of teenagers and even kids through the offering of money, help or protection, that are sent to perform small activities and be trained after all this in training centers to realize kidnapping and hitman services (Transparencia Venezuela, 2022).

The activities carried out by the group include extortion, kidnapping, robbery, prostitution, drug trafficking, illegal mining, hitmen service and so on (Humire, 2024).

IV. GROWTH OF THE TREN DE ARAGUA

A. National Expansion

The expansion of the organization outside the prison, and specifically into the communities of the state, occurred after an incident where a healthy, responsible and well-behaved man, according to the witnesses, was killed when the police and militaries broke in the community during the People's Liberation Operation (OLP).

This operation took place because of a violent protest carried out by the "Colectivos" against the opponent mayor elected in 2013 in the community of Mario Briceño Iragorry. The Colectivos are non-statal armed groups specialized in submitting the opposition movements and everything that can be against the regime. These are armed and paid by higher authorities inside the government to guarantee the permanency of certain figures in power.

This event and many others related to the same topic, abuses and persecutions by the authorities, made the neighbors complain and manifest against the State power. This context was enough to permit the access of the organization to the community to break out the monopoly of the state in Aragua.

This situation ended up in an agreement between the municipal authorities and the group that started with the expulsion of all the officers out of the neighborhoods that made up the peace zones imposed by the criminal organization (Terán, 2023).

The expansion of the organization through the country occurred with the members that were released from prison and sent, as members of the organization, to different parts of the country where they had to establish relations with the local gangs or small criminal organizations to achieve the organization´s objectives, expansion and cooperation. Nowadays, the Tren de Aragua is present in at least six of the twenty-four states of the country (InSight Crime, 2023).

In recent years, other organizations also called "Trenes" were taken over by the Tren de Aragua like "Tren de Norte" or "Tren de Guyana" to obtain relevance as the biggest criminal organization of Venezuela (Humire, 2024).

B. International Expansion

Since 2015 Venezuela has been struggling with the health system, the low availability of food and a currency that keeps being devalued constantly. With all this happening, the citizens choose to leave the country as the only possible solution and waves of migration have been occurring since then. With all this happening, the citizens choose to leave the country as the only possible solution and waves of migration have been occurring since then.

Tren de Aragua took advantage of this situation and started their international expansion to the nearest countries like Colombia, Perú, Chile and Bolivia.

The system consisted of three phases:

- Exploration phase: Movement to other countries and recognition of the main but not legal border crossing.
- Penetration phase: Localization of local illegal economies and the infiltration inside these ones.
- Consolidation phase: Use of the new ways of financing and the attempt to infiltrate in the corrupted parts of the States to find ways of money laundering (Patiño, Rodríguez & Acevedo, 2024).

Apparently, the group started the mobilization in 2017 establishing a system of migrant smuggling where the exchange was clear, they received money from the migrants and guided them through the border crossing, providing food, lodging and transport.

It is important to also mention the human trafficking and the sexual exploitation from women that the organization started to carry out in this situation (Sampó & Troncoso, 2024).

V. POSSIBLE INVOLVEMENT WITH THE VENEZUELAN GOVERNMENT

As was said before, the relation with the organization and the government is seems to be a reality, because of the permissive system that the local government allowed inside the prison of Tocorón as a result of the suggestion of the Minister of prisons Iris Valera and the Governor Tareck El Aissami since 2011.

In 2015, Franqui Flores and Efrain Campo Flores, both nephews of the President at that time Nicolás Maduro, were arrested in Haiti by the DEA after trying to introduce eight hundred kilograms of cocaine to the United States according to their text messages. Also, in their communications were discovered a conversation about the murder of a Tren de Aragua leader, this topic being related to the capabilities of the hitmen service offered by the group, that could be used by the regime or nearby for their own interests (Humire, 2024).

According to some members that testified, there was always a negotiation between the organization and governmental entities, like ministers, governors, majors, judges and senior police officials, by offering its violent services to intimidate the opposition movements, like manifestations or protests. This way the ones in charge of doing the job used to mimic the strategies of the Colectivos to submit the opponents (Terán, 2023).

A. No Direct Connection with the Prime Minister

As it is said, is obvious the connection of the organization with members of the government, in order to protect the regime's interests by oppressing the opposition. With this it can be considered that the prime minister, Nicolás Maduro, is the one making the orders and contracting the services of the organization, but nothing could be further from the truth.

According to the intelligence services of United States, it has been declassified a memorandum that declared that there is no direct control from the presidency of the country to the organization, so it is not the president the one in charge of asking for services to Tren de Aragua (Savage & Barnes, 2025).

This information proves that the involvement is not directly with the president of the country, this also can be noticed with a very new event.

The prison of Tocorón was taken in an operation carried out by military and police forces in September 2023, but without capturing Hector Niño Guerrero and many other inmates because they had escaped. The raid was ordered by the president Nicolás Maduro after being pressed by other governments about the need to do something to mitigate the organization. Inside the prison were found a pool, a nightclub, a zoo, a childcare center and tunnels to go in and out of the penitentiary, showing in this way the liberty and the benefits that the inmates had inside because of the criminal government. Because of this intervention the structure of the organization is no longer the one explained. It became decentralized and unknown.

Even with this, it was confirmed by nearby sources to the military operation, neighbors, inmates of the center and their relatives that the escape of Niño Guerrero, his lieutenants and Luceros was agreed beforehand. They escaped days before by tunnels and hid in the proximate mountains (OVP, 2023).

In summary, it can be affirmed that it is actually an involvement of the organization with the government, not with the president, at that time, but with high authorities of it.

VI. CONCLUSION

Tren de Aragua is a dangerous organization that not only threatens the order in Venezuela but in other countries because of its transnational characteristics. Its complicated organization, missing leaders and the crossing business at the frontiers of all the countries where it has presence, made it a constant menace to border safety.

In the beginning, the organization was able to establish itself in a formal way and even in a physical place because of the liberty that the State itself offered them for that purpose. With that starting point, it has been proven that there is evidence that shows the real involvement with the government in the field of the contracting of services for its own interest. Although even with that the relation is carried out between the organization and high governmental authorities and not directly with the presidency of the country.

However, this indirect relation with the presidency does not exempt it of the responsibility of the easy and permitted development of the organization inside the country, because it acted knowing the existence of the Tren de Aragua and that was operating in not only the Tocorón prison but in many other places in the country. This unfortunately led to the development of the transnational characteristic of the organization that ended up affecting other countries. A solution for this would have been a strong regulation against the violence in the prisons to prevent the rising of organized criminal groups or the investigation of certain members of the government to avoid the corruption.

There are so many measures that could have been taken to make the situation different but since the corruption and the dark intentions came from the president nothing was done. Even if the president did not have control over the actions of the organization, he was beneficiary of the actions of the members of his government and their idea of contracting the services for their benefits, so he was also part of the issue.

This investigation demonstrates how the power and the desire of permanency in the power can arise a transnational problem.

REFERENCES

Casado, F. (2025). El tren de Aragua: El nuevo relato del gobierno de Trump en contra de Venezuela. PUEBLOS. https://pueblos.org.ve/wpcontent/uploads/2025/07/Un-Mundon-en-Construccion_-CasadoPUEBLOS-2.pdf

Erazo-Patiño, L. A., Laverde-Rodríguez, C. A., & Devia-Acevedo, E. D. (2024). Medios digitales y percepción de la violencia. Revista Científica General José María Córdova, 22(46), 457-482. https://doi.org/10.21830/19006586.1287

Humire, J. M. (2024). *Derailing the Tren de Aragua.* https://www.venezuelapolitica.info/wp-content/uploads/2024/12/Derailingthe-Tren-de-Aragua-Joseph-M.-Humire-Informe.pdf

Oveprisiones. (2023, 20 septiembre). *Los "pranes" entregaron Tocorón*. Observatorio Venezolano de Prisiones. https://oveprisiones.com/lospranes-entregaron-tocoron/

Sampó, C., & Troncoso, V. (2024). El tren de Aragua: La transnacionalización del crimen organizado a través del tráfico de migrantes. Análisis Político, 37(108), 147-176. https://doi.org/10.15446/anpol.v37n108.116972

Savage, C., & Barnes, J. E. (2025, May 6). Agencias de espionaje no creen que Venezuela dirija al Tren de Aragua. New York Times [Digital Edition].

https://link.gale.com/apps/doc/A838711907/AONE?u=anon~db4e9388&s id=googleScholar&xid=91039ac5

Trasparencia Venezuela. (2022, 27 junio). TREN DE ARAGUA - Trasparencia Venezuela. https://transparenciave.org/economiasilicitas/tren-de-aragua/

Unidad Investigativa de Venezuela. (2023). *Tren de Aragua: De megabanda carcelaria a empresa criminal transnacional*. https://insightcrime.org/wp-content/uploads/2023/08/Tren-de-Aragua-Demegabanda-carcelaria-a-empresa-criminal-transnacional-InSight-CrimeOct-2023-4.pdf

Terán, I. (2023). De la cárcel al barrio: el control territorial del Tren de Aragua, Venezuela. Dialnet (Universidad de la Rioja). https://doi.org/10.5281/zenodo.8075454

The Atlantic Slave Trade

The "Gravest Crime Against Humanity" of All Time

Emilio Benvenuti

***Abstract* — This paper will explore a topic which was recently debated in the United Nations General Assembly: the Atlantic Slave Trade. After an historical overview, the paper will focus on the laws which were regulating the system at that time, making it one of the most complex and articulated criminal organisation in the history. After the abolitionist movement gained importance a huge legal rethinking had to be made, which led to the official criminalisation of slavery. The topic, however, remains unsettled: no country has paid reparations to the African countries, which still are struggling to leave behind them an experience that brought the entire continent to its knees..**

I. INTRODUCTION

On the 25th of March 2026, the United Nations General Assembly was called to vote on an extremely debated and influential issue: the Atlantic Slave Trade. This expression refers to the enormous and forced movement of people, kidnapped in western and central Africa and sold to the New World as slaves between the 15th and 19th century. The question advanced to the General Assembly by the President of Ghana was whether the Atlantic Slave Trade could be considered as "*the gravest crime against humanity*", since the formal recognition of such wrong could finally lead to the necessary birth of a movement of reparatory justice for what happened.

The resolution was very well received, with a heartfelt round of applause and 123 votes in favour. However, among the 3 contrary votes (Argentina and of course the United States and Israel) and the 52 abstained, we can find the states which bore the heaviest responsibility for the crimes such as Portugal, Spain, United Kingdom, France, Netherlands and the Scandinavian countries (United Nations, 2026). The US representative in the General Assembly argued that "*the US does not recognise a legal right to reparations for historical wrongs that were not illegal under international law at the time they occurred*".

The Slave Trade was indeed legal at the time, governed by international laws as a crucial part of the international trading system (Veraart, 2023). However, the complete lack of morality and the brutalities committed to carry out those operations necessarily call for punitive and reparatory measures, especially if the actions are now considered as a crime against humanity.

Hence, this paper will show, mainly under a legal point of view, the development of the Atlantic Slave Trade towards the criminalisation of it, arguing that even if the activities were legal at the time, they can now be considered as a transnational organised crime.

© 2026 Emilio Benvenuti. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. HISTORICAL OVERVIEW

In order to fully understand the legal development of this tremendous event, it is essential to first having a brief historical overview of it. As mentioned earlier, the Atlantic Slave Trade was the largest intercontinental migration of people in the history, with an estimation of at least 12 millions enslaved African people (Ikechukwu, 2013). Slaves were illegitimately taken from mainly western and central Africa and forced to work in plantations of sugar, tobacco, cotton and other resources in North America, Brazil and the Caribbean. The motivations that the colonisers used was that they were brilliant workers because of their resistance (also to diseases), strength and familiarity with agriculture. It has been demonstrated that the Atlantic Slave Trade was indeed driven by economic, capitalistic and imperialistic purposes, with the aim to boost the Western industrial development (Ikechukwu, 2013).

This movement of slaves trade was firstly begun by the Portuguese in the 15th century, by transporting African slaves in Portugal to make them work in the country as domestic servants. At the beginning, slaves were mainly bought among already-enslaved people in tribal wars from African slave dealers, and only after the expansion of this market the Europeans begun to seize captives themselves. Portugal ruled this system for a long time, in fact it is estimated that roughly 40% of the slaves involved in the trade (4-5 millions) were controlled and took by the Portuguese (Ikechukwu, 2013). However, because of the efficiency of this method, other European countries were quick to adopt it: Spain, the Netherlands, France, Denmark, Sweden and mostly England, which in the 18th century achieved the shameful distinction of being the most active slave traders (Ikechukwu, 2013).

The Atlantic Slave Trade was carried out in a well-organised and systematic way, confirming that it was perceived as a fundamental branch of the economy at that time. This complex scheme can be divided into three phases, in fact it is known as the "*triangular trade*" (Lasky, 2023). In the first stage, merchant ships would leave from European ports towards the coasts of West Africa with manufactured goods - such as rum - to be bartered for human beings who were treated as cargo. The second step of the route was the infamous "Middle Passage", which consisted in the shipping of the slaves across the Atlantic Ocean. The odyssey lasted several months and slaves were forced into inhuman conditions: chained together, tightly packed below deck and exposed to heat, cold, illnesses and the regular abuses of the crew members. Many people did not survive the journey, in fact it is estimated that around 15-25% of the slaves died before reaching the Americas (Lewis, 2026). At the destination, they were officially sold as slaves working in plantations. Finally, in the third leg, the raw materials collected in the plantations

were transported in North America and especially back to Europe: the triangular trade was vicious cycle, since those materials were also used to produce manufactured goods applied to buy new slaves (Lasky, 2023).

III. LEGAL ASPECTS OF THE SLAVE TRADE

As mentioned in the introduction, in the latest UN General Assembly discussing the matter, the United States underlined something as important as it is concerning: the Atlantic Slave Trade was a completely legit practice at the time. Of course, it is perfectly well-known this is also a strategy adopted by many states in order to elude the obligation to pay for reparations for wrongful acts.

In the Middle Ages, slaves were already used in most parts of Europe, and this practice was allowed even though it was not completely socially accepted for moral motivations. The movement arisen with the Atlantic Slave Trade, however, was completely different: it was a huge activity involving any kind of professionals (bankers, investors, insurers, merchants, artisans…) and it was profoundly embedded in the Western culture, so much to be felt as absolutely legitimate (Patisso, Carbone, 2020). For this reason, the medieval rules regulating slavery could not satisfy the needs of the new society. In this scenario, the so-called "Black Codes" came to existence with the aim to discipline all the fields connected to slaves, including their personal life (they were regulating marriage, freedom, life, movement…). In such an intricate system, these codes were absolutely necessary to organise everything in the most efficient way and also to maintain public order and prevent riots among slaves. For these purposes, they had to be extremely strict, terrifying and violent, at the point that punishments for transgressors included whipping, mutilation and in some cases even death (Patisso, Carbone, 2020). At the same time, however, in order to give slaves the illusion of a sweeter life, they were given some small concessions: in this way the feared uprisings were less probable. Still, those shy protections were often even completely put aside because of the objectified vision of the slave that was installed in the society: slaves were not humans, and as so they did not deserve any sort of dignity or safety according to law (Patisso, Carbone, 2020). This dehumanised vision, according to many experts, was an inspiration of the "Black Codes" themselves, since they contributed in deeply establishing in the society this culture, that was taken for granted and therefore the slave system was operating unchallenged.

The first two nations to issue the "Black Codes" were Portugal and Spain, which established that slaves could no longer move and act freely in the colony. For the first time it is mentioned here the possibility to sentence to hanging slaves who did not comply with the orders (Patisso, Carbone, 2020). Very similar provisions are contained also in collections issued later by France, since European countries used to influence each other on the matter, and the peak of their activity dates back to the eighteen century. Certainly, even England played a crucial role in the making of slavery laws, as can be seen in their colony of Barbados (Rugemer, 2013). There, the English issued the Barbadian Code which suddenly became a model for all the colonies surrounding, such as Jamaica or South Carolina. Racial distinction and apartheid was the rule, as demonstrated by the fact that the Barbados House of Assembly adopted two distinct labor provisions, one applying for christian servants and one applying for African people (Rugemer, 2013).

Even though codes were officially published and were applying, the authority of the master over their slaves was undisputed, often resulting superior to the codes as well. The abuses, in fact, even if were not recommended since they could have brought to riots, were never persecuted nor even questioned by tribunals, which, with their jurisprudence, confirmed *de facto* total powers to masters, as many scholars agree on. This practice inevitably led to the loss of effectiveness of written laws, which were overruled, omitted and reinterpreted (Patisso, Carbone, 2020).

IV. THE ZONG MASSACRE AND EVOLUTION IN THE CONCEPTION OF SLAVERY

In 1781, the Zong - an English ship registered in Liverpool -, during the Middle Passage, committed a severe crime that would have contributed to bring a change in the slavery culture. During the journey, the captain of the slave ship noticed that there was a shortage in the drinking water supplies, and to face this problem he ordered the crew to throw off board 132 slaves in the middle of the ocean, saving only the "*marketable ones*" (Walvin, 2011). This case was brought in front of Liverpool's court by the owners of the Zong ship themselves because of insurance purposes: slaves were seen as mere objects, and the loss of them represented an economic damage for the owners who claimed reparations (Walvin, 2011). However, this case suddenly became popular at an international level, so that it was transformed into a political and legal debate. It was the first time that awareness was brought on the matter, and that the morality of the slave trade was severely questioned (Walvin, 2011).

A huge abolitionist movement was started, and in 1807 Britain officially banned the slave trade, setting the stage for many other countries to follow them: in the late 1860s the number of slaves illegally traded was extremely low, and by the 1900s slavery had been forbidden in every Western country (Ikechukwu, 2013).

This is an evidence of how slavery was intentionally wiped out after a realisation of the depravity and madness of the structure, especially by means of international courts. In fact, despite the common conception that international law courts were created with Nuremberg, in the early 1900s slave trade courts called "Mixed Commissions" arose as a first archetype of international human rights bodies (for example in Brazil, Sierra Leone and Cuba) (M'Baye, 2007). They were composed of judges coming from different countries and applying international law to promote humanitarian aspirations.

For the first time in history, the term "crime against humanity" was used in courts to describe the Atlantic Slave Trade, and the outcomes were outstanding: at today, no country in the whole World officially protects slavery (M'Baye, 2007). Even though in the practice slavery is still present in some realities, the antislavery movement and its use of international law can show us the impact that such revolutions may have.

V. MODERN SITUATION

The international tribunals discussed above were fundamental to pave the way for the official criminalisation of slavery and the international recognition of a protection against such crime.

In 1926, in New York, the Slavery Convention was adopted by the League of Nations (now replaced by the UN), in which slavery is firstly defined and then abolished by the agreeing states (OHCHR, 1926). It has been shown by many of the most influential jurists that this provision is a landmark in the battle against slavery, since for the first time this topic was treated as a matter of international concerning by an official body. From that moment on states decided to cooperate in order to definitely erase slavery, as also shown by the UN Declaration of Human Rights issued after the Nuremberg process. Article 1 of the declaration states that "*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood*"; article 4 is even more specific on the issue by quoting that "*No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms*" (United Nations, 1948). The Rome Statute, adopted in the early 2000s by the International Criminal Court, signs the final culmination of the modern legal framework about slavery: in its article 7 the enslavement of people is considered a crime against humanity, therefore prosecutions are imposed for the transgressors (International Criminal Court, 2002).

Given that slavery is now a fully recognised international crime, the hole system of the Atlantic Slave Trade should be considered as a clear and evident case of transnational organised criminal group. The so-called "Palermo Convention", in fact, in its article 2 illustrates the definition of "organised criminal group" by setting some criteria: "*Organized criminal group shall mean 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*" (United Nations, 2000). It is evident how the crime in question meets the requisites.

VI. HAS ANYONE PAID FOR IT?

In the light of the fact that the Atlantic Slave Trade is arguably the most catastrophic case of transnational organised crime - and the crime being one against humanity -, it is appropriate to ask ourselves whether the responsible countries have paid for it and whether it still has some effects on contemporary Africa.

Concerning the first question, many political leaders as Tony Blair, Barack Obama or the King of Belgium, over the years, have formally apologised for the events, but no one has actually paid for it. There is a gap between the moral recognition of the crime and words of the US representative mentioned in the introduction (United Nations, 2026). Also the United Nations in its Declaration concerning racial discrimination admitted that slavery and slave trade not only are crimes against humanity, but "*they should always have been so*", and yet reparations haven't been carried out (United Nations, 1963). The UN Office of the Special Adviser on Africa claimed that a mere declaratory recognition of the West's wrongs is not enough: the devastation that the slave trade brought to a whole continent are far beyond (United Nations, 2025). The industrial development of African countries was severely limited in favour of colonials' benefits, having its economic consequences still nowadays: it is demonstrated that many countries (despite having reached political independence) are still not economically autonomous, and they had to maintain the colonial economic structures. A study reveals that the African countries with the lowest GDP are the ones which suffered the most from the Atlantic Slave Trade (United Nations, 2025). Also socially speaking, African countries which had the highest rate of enslavement witnessed the more military coups, civil wars and tensions with neighbour countries (United Nations, 2025). In this scenario, in which the West exploited most of Africa's resources, restorative justice and cardinal policy agendas are absolutely essential in every field to reach global stability and fairness.

VII. CONCLUSIONS

This article took inspiration from the recent UN resolution about the Atlantic Slave Trade, which opened the debate on whether it could be considered as the gravest crime against humanity of all time or not.

By starting with an historical overview on the matter focused on the detailed organisation of the slavery system, it can be shown that laws at the time were regulating and not punishing such actions. The peak of the brutalities was reached with the infamous Zong massacre, which opened the discussion over the morality and consequently the legality of the slave trade.

For the first time, international tribunals were created to address the matter and they started to criminalise the events, until the official recognition of slavery as a crime in 1926 with the Slavery Convention. Now, slavery and slave trade are pointed out as criminal actions by many international sources, making the prohibition of it one of the most important principles of international law.

Despite this, concrete reparations from the responsible actors fail to arrive, and the African countries which suffered those crimes for such a long time are still facing serious consequences. In conclusion, defying the Atlantic Slave Trade as the "gravest crime against humanity" is completely in line with the current international legal trending.

REFERENCES

M'baye, B. (2006). The Economic, Political, and Social Impact of the Atlantic Slave Trade on Africa. The European Legacy, 11(6), 607–622. https://doi.org/10.1080/10848770600918091

Lewis, T. (2026, March 28). transatlantic slave trade. Encyclopedia Britannica. https://www.britannica.com/topic/ transatlantic-slave-trade

Kanu, I. (2014). The Trans-Atlantic Slave Trade: A Historico-Philosophical Analysis. Lwati: A Journal of Contemporary Research, 10(4), 131–143. https://doi.org/10.4314/lwati.v10i4

Edward B. Rugemer. (2013). The Development of Mastery and Race in the Comprehensive Slave Codes of the Greater Caribbean during the Seventeenth Century. *The William and Mary Quarterly*, *70*(3), 429–458. https://doi.org/10.5309/willmaryquar.70.3.0429

Veraart, W. (2023). The Most Salient Legal Hurdle: Countering the Refusal to Legally Recognise Colonial Slavery as a Crime against

Humanity. Netherlands Journal of Legal Philosophy, 52(2), 211-226. https://doi.org/10.5553/NJLP/221307132023052002005

United Nations. (2026, March 25). UN resolution urges reparations for slavery's "historical wrongs". UN News. https://news.un.org/en/story/2026/03/1167199

United Nations Office of the Special Adviser on Africa. (2025). Learning from the past: Transatlantic slave trade, colonialism, extractive economies and institutions in Africa (Policy brief, Sub-theme 1). https://www.un.org/osaa/sites/www.un.org.osaa/files/sub-theme_1_-_policy_brief_-_draft.pdf

Patisso, G., & Carbone, F. E. (2020). *Slavery and slave codes in overseas empires*. IntechOpen. https://doi.org/10.5772/intechopen.91411

Office of the United Nations High Commissioner for Human Rights. (1926). *Slavery Convention*. https://www.ohchr.org/en/ instruments-mechanisms/instruments/slavery-convention

International Criminal Court, Office of the Prosecutor. (2024). Questions and answers: The ICC Office of the Prosecutor's policy on slavery crimes. https://www.icc-cpi.int/about/otp/questions-and-answers-the-icc-office-of-the-prosecutors-policy-on-slavery-crimes#:~:text=The Rome Statute expressly includes,manner consistent with its Statute.

Office of the United Nations High Commissioner for Human Rights. (n.d.). *Universal Declaration of Human Rights*. https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf

United Nations Office on Drugs and Crime. (2004). *United Nations Convention against Transnational Organized Crime and the Protocols thereto*. https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf

Walvin, J. (2011). *The Zong: A massacre, the law and the end of slavery*. Yale University Press. https://books.google.com/books?id=kIp9er6RDyYC

EBSCO. (n.d.). *Triangular trade*. Research Starters in Diplomacy and International Relations. https://www.ebsco.com/ research-starters/diplomacy-and-international-relations/triangular-trade

Counterfeiting as form of Transnational Organized Crime in Luxury Goods

Global Illicit Networks and the Legal Issues Associated with Industrial and Intellectual Property

Eleni Maria Bouchti

Abstract — **This paper explores the close connection between the counterfeiting of luxury products and transnational organized crime. Cross-border trade and technological advancements have transformed this form of counterfeiting into a global phenomenon characterized by expansive and structured criminal activity. The study highlights that it constitutes a mass-production industry governed by specific processes regarding production, transport and distribution, with profit maximization as its ultimate objective, while also being linked to other illicit activities. It also examines how counterfeiting constitutes a transnational threat both to societies and citizens and to the victim companies, whose prestige and reputation are undermined, raising concerns related to brand identity, industrial and intellectual property. The study concludes that counterfeiting is not merely a matter of civil and commercial law but also falls within the scope of criminal law, as its structure and proliferation are closely associated with organized crime, further exploring the link between luxury product counterfeiting and transnational criminal networks.**

I. INTRODUCTION

The advent of globalization, accompanied by the expansion of industry and shifts in contemporary consumption patterns, has led to an increased demand for luxury goods. For a variety of reasons, consumers are now inclined to acquire an expensive handbag, a pair of shoes, a watch, regardless of their financial capacity. This phenomenon raises a number of ethical concerns (Chen et al., 2018, p. 249) and has also contributed to the proliferation of counterfeit products. Criminal networks seek to exploit this social behavior by producing counterfeit luxury products. Their activities extend across the entire supply chain, from production and transport to the distribution of these products in channels. Counterfeiting, in essence, involves the replication of an item, pattern or the appropriation of its branding. It constitutes an extremely complex and structured process, carried out step by step and often transcending national borders, thereby generating significant concerns and prompt critical questions. First, do these products constitute violations of IP rights? Second, are they related to the concept of "dupes" or piratical products? Or third, do they represent a form of criminal behavior?

II. COUNTERFEITING AS A FORM OF CRIME

Paradoxical as it may seem, we will begin with the final question. In order to determine whether an act constitutes a crime, it is first necessary to define the concept of counterfeiting. It is defined as the illegal reproduction and unauthorized imitation of products, and in this case, of a branded good (European Commission [EC], 2010). As articulated in the agreement known as the TRIPS Agreement on IP rights within the World Trade Organization, "Counterfeit trademark goods shall mean any goods bearing without authorisation a trademark which is identical to the trademark validly registered in respect of such goods, or which cannot be distinguished in its essential aspects from such a trademark and which thereby infringes the rights of the owner of the trademark in question under the law of the country of importation (World Trade Organization [WTO], 1994).

This constitutes the objective element of the crime of counterfeiting, as it represents a punishable unlawful and imputable conduct that is sanctioned by law and has the character of an economic crime. Specifically, it encompasses the production, transportation, and distribution of imitation products, with the aim of presenting them as genuine. It is a crime of extended subjective element, as the perpetrator's intent is profit-making.

Every criminal provision consists of the legal consequence, namely the threatened penalty. In many cases, the severity of the penalty plays a significant role as a motivating factor influencing whether an individual will engage in criminal conduct. According to rational choice theory, the offender operates as a rational actor who makes decisions based on the maximization of profit, weighing the expected benefits against the associated costs (Gül, 2009). This form of crime is characterized by high profits with low risks and low penalties, and is often considered a more lucrative criminal activity compared to others. The penalty include imprisonment and a financial sanction, while courts may also impose the additional penalty of legal confiscation of the proceeds of crime (Kolarov, 2013, p.6). The severity of the punishment is clearly increased when the offence exhibits a transnational and organized character.

A. Is Counterfeiting an Organized Crime?

It is an indisputable fact that the counterfeiting of luxury products constitutes a "global threat" (United Nations Interregional Crime and Justice Research Institute [UNICRI], 2007), which is organized through specific recurring patterns and practices by particular groups with a cross-border character. The official definition of organized crime was provided by the UN Convention against TOC (United Nations [UN], 2000, Art. 2), which defines an organized criminal group as 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/offences in order to obtain (in)directly an (non)economic benefit. In simple terms, it is a criminal organization with a certain duration, operational capacity, and a structured mode of organization.

© 2026 Eleni Maria Bouchti. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

The critical element that has to be examined is the existence and maximization of profit. The key lies in organization. Precisely, according to the UNODC Report (2010), these organizations operate and exhibit structures similar to those of multinational corporations, as they "accumulate assets and make profit that is illegal" (United Nations Office on Drugs and Crime [UNODC], 2010, p. 25). This phenomenon doesn't constitute any form of infringement of the brand and IP of a legitimate brand owner, but also represents a criminal practice with a form of consumer fraud (Kolarov, 2013, p.4). Criminal organizations have turned counterfeiting into a mass-industry/major enterprise of illegal products, taking advantage of high demand and profits with low risk. It is worth noting that this phenomenon is grounded in pre-existing consumer demand for such products, while consumers tend to display a more lenient attitude towards this type of crime, as with their attitude are like legitimizing it. Moreover, the involvement of organized crime has significantly expanded the scale of this activity, as a substantial proportion of the trade in counterfeit goods is orchestrated by these same criminal networks and is linked to the commission of a wide range of other criminal offenses, like money laundering, human and drug trafficking.

B. Counterfeiting in Luxury Products

From a criminological perspective, this specific crime is related to its definition as "non-safety critical" and its perception as a "victimless' crime" (Large, 2019, p.2). Nevertheless, its multidimensional nature and scale are evident, as it has a significant impact on international trade, being the most financially valuable trade in illicit goods for "transnational criminals". Specifically, according to the OECD (2021), global trade in counterfeit products reached $467billion annually, which represents approximately 2.3% of total global trade, where 62% of this represents products from luxury-related categories (OECD, 2025).

III. MODUS OPERANDI

The counterfeiting of luxury goods isn't a petty crime, but is often organized by international flexible and multi-layered criminal networks based on division of roles and structured in hierarchical manner:

A. Production

The large scale of production of counterfeit luxury goods is undeniable, as counterfeiters adopt highly flexible methods to imitate products and avoid detection. Production usually takes place in low-cost regions and in countries with weak regulation or controls and is based on organized networks operating either in fully illegal factories or misuse of legitimate production (UNICRI, 2007). In many cases, production is also fragmented, making it more difficult to detect illegal activity. The expansion of the counterfeit market has also enabled the availability of the same product at different price levels depending on quality. Some counterfeit goods are high-quality named as superfakes, which compete with genuine products.

The main countries of production is China and Hong Kong, while significant manufacturing centers are situated throughout Asia and Africa, depending on the type of product. It is one of the most profitable industries, in which certain restrictions are imposed on activities (OECD & EUIPO, 2017, p. 8). In the case of Guccio Gucci SPA v. Intiyaz Sheikh, the Delhi District Court restrained a local manufacturer from using the brand's iconic logo on its products[1].

B. Transport

There is an entire network involved in the transport of counterfeit goods from the producer to the buyer, which can only be described as highly complex. The use of multifaceted transit chains serves to disguise the primary origin of goods and circumvent regulatory oversight, while simultaneously enabling relabelling processes that frustrate enforcement efforts (OECD & EUIPO, 2017, p. 19). The method of shipment plays a significant role. Precisely, transport is carried out mainly via maritime shipping or transit countries.

Part of this complexity arises when luxury goods are rerouted to avoid detection or are falsely declared at customs, as well as when strategies continuously evolve. Small consignments, postponed branding, bundling, anonymous channels, the free trade zones and infiltration of legitimate supply chains are some of the methods used by criminal networks to avoid detection (Miao et al., 2018, p.3). They exploit weaknesses in border controls with false documentation and the absence of deterrent legislation in order to distribute luxury goods within the legal economy.

C. Distribution

Well-connected networks is often presented as a key factor facilitating the proliferation of counterfeit products across multiple countries and distribution channels. Two primary channels can be identified: offline and online.

In the first case, such products are sold in illegal markets, physical hub markets, or even through street vendors, raising concerns about labor exploitation. Some of the most well-known markets considered "grey zones" include the Yiwu International Trade Market in China, the Patpong Night Market in Thailand, and the Grand Bazaar in Turkey. In some cases, counterfeit goods may also be distributed through legitimate retail outlets, including stores associated with luxury brands or department stores. Notably, Louis Vuitton secured a default judgment against Westgate Discount Mall[2], which was found to bear contributory liability for trademark infringement.

Anonymity, accessibility, and low cost have significantly contributed to the rapid expansion of online channels. The e-commerce economy has grown extensively, as sellers exploit information asymmetries (Stevenson & Busby, 2015), while consumers are able to locate luxury goods easily, quickly, and at lower prices. Websites, online marketplaces, social media platforms, mobile applications, or a combination thereof, dominate the promotion of such products. Online platforms are

[1] *Guccio Gucci S.P.A. v. Intiyaz Sheikh*, CS (COMM) 140/2020 (District Court, Delhi).

[2] *Louis Vuitton Malletier, S.A. v. Westgate Discount Mall, LLC*, No. 1:09-cv-2575 (N.D. Ga. 2010)

increasingly being exploited by counterfeiters to introduce fake goods into the market. For instance, Gucci obtained judgment against Lord & Taylor Ecomm LLC for the distribution of counterfeit products through e-commerce channels[3]. In the digital environment, counterfeiters leverage a wide range of channels, including second-hand resale platforms (e.g., Vestiaire), as well as various online advertising avenues (OECD & EUIPO, 2017).

Moreover, the relatively lenient access requirements of social media platforms, combined with prevailing digital trends, have further fueled sales through these channels, with Instagram being particularly prominent (approximately 57,000 accounts reportedly involved in counterfeiting activities-(Cammarone, 2022). In many instances, counterfeiters exploit official supply chains and global logistics providers in order to integrate illicit goods into the flow of legitimate trade. There are also cases where such activities extend to the dark web, thereby constituting a form of cybercrime.

IV. LINK TO IP LAW

One of the questions raised at the outset is whether the counterfeiting of luxury goods constitutes an issue of infringement of industrial rights and copyright law known as “Intellectual Property”. The primary purpose is the protection of rights and intangible assets through the grant of exclusive rights, so that “the undertaking that created or invented such creations may use and exploit them for its own benefit, uninterruptedly and exclusively” (Rokas, 2022, p. 2). The subject matter of protection includes rights relating to technical inventions, aesthetic creations, and distinctive signs. Kohler argued that the "idea" is distinct from the physical matter. Indeed, IP issues, also, receive supplementary protection under the law of unfair competition (Belfanti, 2018; Brown, 2010).

The legal safeguarding of these rights is predicated upon their capacity for economic exploitation. In particular, the powers of the holder consist of the exclusive right to manufacture, possess, use, offer, or place on the market products protected by the patent (positive dimension), as well as the right to prevent third parties, without the rights holder’s consent, from using, appropriating, infringing, or otherwise exploiting the protected subject matter (negative dimension) (Rokas, 2022, p. 7). In cases of counterfeiting, such conduct erodes the advantages associated with intellectual property rights and brand identity (Staake et al., 2012).

A. Concept of Branding

It constitutes a promotional strategy through which an undertaking establishes and shapes a specific identity, a distinctive image, and a particular perception in the minds of consumers (American Marketing Association, n.d.). The principal characteristics of a clear brand identity include exclusivity, superior quality, as reflected in product integrity and the brand signature, symbolic value and heritage. Furthermore, a significant role is also played by marketing strategy implemented through communication tools such as fashion shows, advertising, public relations, direct marketing, and celebrity endorsement (Fionda & Moore, 2009).

B. Protection through IP Law

IP rights constitute a cornerstone of the fashion industry, as they establish the legal framework for the protection of innovation and creativity, which are transformed into legally protected assets (Luxury Society, 2015) and the most “valuable backbone of the luxury and fashion industry”. For that reason, international agreements, EU regulations, directives as incorporated into domestic law, and national legislation operate in a complementary manner to provide effective means of protection.

It is worth noting that piracy should not be conflated with intellectual property, as it pertains to the misappropriation of goods (UNICRI, 2007). Moreover, it does not constitute an infringement of trademark law, since piracy amounts to a violation of copyright and related rights, as well as factory overruns and parallel imports, which are regarded as breaches of contractual obligations rather than infringements of trademark law.

C. How Counterfeiters Exploit Brand Identity

Profit constitutes the ultimate objective of luxury product counterfeiting, and it is for this reason that the imitation of such goods has evolved to such an advanced level. The increase in production and sales, combined with rising consumer demand, has led to the emergence of products across various “tiers” of quality and price, placing varying degrees of emphasis on qualitative differentiation and the fidelity of the reproduced item. The fact that this activity operates as a mass-production industry, structured in a hierarchical and highly organized manner, has resulted in its characterization by UNICRI as both “a global threat” and “a global spread,” affecting not only the reputation but also the economic stability of commercial brands.

The primary form of exploitation of brand identity is the replication of symbols and logos. Indeed, their precise imitation is often executed with such detail that highly accurate replicas (superfakes) are produced. Within the same framework falls the concept of trade dress, which is grounded in the theory of aesthetic imitation (look and feel). The most significant asset available to a counterfeit product is the pre-existing reputation of the respective company(free-riding) without engaging in additional marketing efforts.

D. Dupes VS Counterfeits

At this point, it is necessary to address a crucial question that has arisen and requires clarification, because dupes operate in a legal grey area (Brunet-Stoclet, 2024). Many tend to conflate these two concepts; however, they differ in terms of the acting subject, the object of the action, and the intended purpose. More specifically, these are products that either exhibit a high degree of imitation or offer lower-cost alternatives to well-known and popular goods (Han & Kim, 2025) with their legal classification depending on the so-called “spectrum of imitation”(Primeaux, 2018). The most common forms of imitation include the replication of a product’s distinctive packaging, the product itself and the reproduction of its functional effect.

[3] Guccio Gucci S.p.A. v. Lord & Taylor, LLC, No. 1:23-cv-10141 (S.D.N.Y. 2023)

As is evident, this strategy frequently entails legal risks for businesses, as it may create consumer confusion or improperly appropriate the goodwill associated with the original brand leading to significant damages for economic and moral harm (Chanel vs Jonak Case)[4].

V. CONCLUSIONS

Undoubtedly, counterfeiting in luxury products significantly affects revenue and goodwill, as it leads to the degradation and loss of prestige of both the goods and the company itself. This may result either in the development of consumer distrust toward any provider of such products or in their devaluation through ubiquity. The impact and scale of this phenomenon compel us to examine it from another perspective. Although it could be regarded as a matter of civil/commercial law, its transnational and multidimensional character has rendered it exclusively a matter of criminal law. The production of luxury goods to their distribution constitute integral components of the criminal activity of counterfeiting, rather than instances of trademark infringement or violations of IP rights due to their complexity. Such conduct falls within criminal jurisdiction and is classified as a criminal offense under the penal codes of all jurisdictions, and given its scale and complexity, it assumes a transnational and organized character. Consequently, even where trademarks, copyrights, or patents are infringed, the matter cannot be reduced to a dispute of civil or commercial law. Addressing this growing transnational threat requires the cooperation and the coordinated action of criminal justice systems.

REFERENCES

American Marketing Association. (n.d.). *Brand and branding*. https://www.ama.org/topics/brand-and-branding/

Belfanti, C. M. (2018). Branding before the brand: Marks, imitations and counterfeits in pre-modern Europe. *Business History*, *60*(8), 1127–1146. https://doi.org/10.1080/00076791.2017.1282946

Brown, A. E. L. (2010). Access to essential technologies: The role of the interface between intellectual property, competition and human rights. *International Review of Law, Computers & Technology*, *24*(1), 51–61. https://doi.org/10.1080/13600860903570178

Brunet-Stoclet, D. (2024, May 22). *Dupes: What are the legal actions available to protect luxury brands?* Schmidt Brunet Litzler. https://www.sbl.eu/our-publications/dupes-what-are-the-legal-actions-available-to-protect-luxury-brands/

Cammarone, L. (2022). *The luxury counterfeit market: Trademark protection in the online ecosystem* [Master's thesis, Luiss Guido Carli]. Luiss Thesis Repository. https://tesi.luiss.it/35035/1/731861_CAMMARONE_LUDOVICA.pdf

Chen, J., Teng, L., & Liao, Y. (2018). Counterfeit luxuries: Does moral reasoning strategy influence consumers' pursuit of counterfeits? *Journal of Business Ethics, 151*(1), 249-264. https://doi.org/10.1007/s10551-016-3255-y

European Commission. (2010, June 23). Counterfeiting and Piracy - frequently asked questions. https://ec.europa.eu/commission/presscorner/detail/en/memo_10_272

Fionda, A. M., & Moore, C. M. (2009). The anatomy of the luxury fashion brand. *The Journal of Brand Management*, *16*(5), 347–363. https://doi.org/10.1057/bm.2008.45

Gül, S. K. (2009). An evaluation of the rational choice theory in criminology. *Girne American University Journal of Social and Applied Science, 4*(8), 36-44. http://www.gear.pol.tr/rd.Do%C3%A7.%20Dr.S.Kenan%20G%C3%9CL1/Rational%20Choice%20Therory%20in%20Criminology.pdf

Han, E. L., & Kim, S. (2025, June). *Imitation game: Legal considerations with dupes-based business models*. Ropes &Gray. https://www.ropesgray.com/en/insights/alerts/2025/06/imitation-game-legal-considerations-with-dupes-based-business-models

Kolarov, T. (2013). Counterfeiting as an activity managed by transnational organized crime: The systemic action within the United Nations framework and anti-counterfeiting law system in Bulgaria. *Archivio Penale, 2013*(3). https://archiviopenale.it/2013-3--todor-kolarov-counterfeiting-as-an-activity-managed-by-transnational-organized-crime-the-systemic-action-within-the-united-nations-framewo/contenuti/1481

Large, J. (2019). *The consumption of counterfeit fashion*. Springer International Publishing. https://doi.org/10.1007/978-3-030-01331-8

Luxury Society. (2015, June 17). *Luxury fashion: The importance of intellectual property*. https://luxurysociety.com/en/luxury-fashion-the-importance-of-intellectual-property/

Miao, Q., Xie, D., & Zhong, W. (2018). Platform externality, asymmetric information, and counterfeit deterrence in e-commerce. *Emerging Markets Finance and Trade*, *54*(14), 3209–3234. https://doi.org/10.1080/1540496X.2017.1378639

OECD. (2025). *Global trade in fake goods reached USD 467 billion, posing risks to consumer safety and compromising intellectual property*. https://www.oecd.org/en/about/news/press-releases/2025/05/global-trade-in-fake-goods-reached-USD-467-billion-posing-risks-to-consumer-safety-and-compromising-intellectual-property.html

OECD & EUIPO. (2017). *Mapping the real routes of trade in fake goods*. https://doi.org/10.1787/9789264278349-en

Primeaux, S. (2018). Makeup dupes and fair use. *The American University Law Review*, *67*(3), 891–926. https://aulawreview.org/article/makeup-dupes-and-fair-use/

Rokas, N. K. (2022). *Industrial property and unfair competition* [Viomichaniki idioktisia kai athemitos antagonismos]. Legal Library

Staake, T., Thiesse, F., & Fleisch, E. (2012). Business strategies in the counterfeit market. *Journal of Business Research*, *65*(5), 658–665. https://doi.org/10.1016/j.jbusres.2011.03.008

Stevenson, M., & Busby, J. (2015). An exploratory analysis of counterfeiting strategies: Towards counterfeit-resilient supply chains. *International Journal of Operations & Production Management*, *35*(1), 110–144. https://doi.org/10.1108/IJOPM-04-2012-0174

UNICRI. (2007). *Counterfeiting: A global spread, a global threat*. https://unicri.org/sites/default/files/2019-10/Counterfeiting%20a%20global%20spread%20a%20global%20threat_0.pdf

United Nations Interregional Crime and Justice Research Institute. (2007). *Counterfeiting: A global spread, a global threat*. https://unicri.org/sites/default/files/201910/Counterfeiting%20a%20global%20spread%20a%20global%20threat_0.pdf

United Nations. (2000). *United Nations Convention against Transnational Organized Crime*. https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf

United Nations Office on Drugs and Crime. (2010). *The globalization of crime: A transnational organized crime threat assessment*. https://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf

World Trade Organization. (1994). *Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPS Agreement), Art. 51, n.14 (a). https://www.wto.org/english/res_e/publications_e/ai17_e/trips_art51_jur.pdf

[4] Chanel v. Jonak, No. 2019050015 (Trib. Comm. Paris, Feb. 14, 2020)

The Role of Online Deviant Subcultures in Facilitating Transnational Child Sexual Exploitation

Mechanisms of Facilitation and Normalisation in Online Criminal Subcultures

John Brady

Abstract — **This paper explored the role of online deviant sub-cultures in facilitating transnational organised sexual exploitation. It discussed subcultural theory and how it applies to online deviancy. It discussed how the subculture normalises its criminal behaviour through means of reinforcement, encouragement and a status hierarchy. It described the paramount role that the internet plays in the growth of child sexual exploitation, in particular the anonymity it affords to the users, and how it transformed the child sexual exploitation issue into a transnational problem. It explored how these online deviant sub-cultures facilitate the transnational child sexual exploitation market by means of knowledge sharing, reinforcement and normalization.**

I. INTRODUCTION

The internet has transformed society on an unprecedented level, arguably surpassing the influence of other revolutionary inventions in history, such as the printing press. Internet usage has become intertwined in every aspect of our lives, from shopping, news, entertainment, and communication. The internet has also become an integral part of criminal activity and has aided the expansion of transnational organised crime. Online deviant subcultures have arisen on the internet. Deviance means deviations from norms that meet with social disapproval and elicit negative sanctions if detected. (Clinard & Meier, 1963). A deviant sub-culture is a group of individuals with alternative values that reject dominant norms. (Satria & Yusuf, 2025).

The online deviant sub-cultures this essay will discuss are sub-cultures engaging in transnational child sexual exploitation. According to UNODC (2020), "*online child sexual exploitation involves the use of digital technologies to facilitate abuse*". This issue is obviously extremely important, but what is less obvious is that it is growing massively. 'In 2022, the National Center for Missing and Exploited Children received 32 million reports of suspected CSAM (child sexual abuse material) from around the world, up from 29 million in 2021' (Mishra, 2024). The online deviant sub-culture environment contributes to the facilitation and the normalisation of child sexual exploitation.

This essay will discuss the theory of deviant sub-cultures, normalisation of deviant behaviours, status hierarchies within the sub-culture, how technology plays a role to make this a transnational issue and how this all comes together to allow online deviant sub-cultures to facilitate the sexual exploitation of children. The term sexual exploitation is used instead of 'child pornography', as the latter term can indicate that consent was given, which would be impossible for a child to do. (Nurmi et al, 2024)

II. THEORY OF DEVIANT SUB-CULTURES

The theory of deviant sub-cultures was heavily influenced by the Chicago School of Sociology, and the city of Chicago throughout the 20th century. Chicago is an incredibly ethnically and culturally diverse city, characterised by its many different areas such as 'Deutschland', 'The Ghetto', and 'China Town'. (Jenks, 2005). The inner city of Chicago was a bustling commercial area. The outer suburbs were pleasant. The area between the inner city and the suburbs suffered from social fragmentation and isolation, with many newly immigrated people struggling to find a place in society. (Baratto, 2026, TOC Lecture 3).

Albert K. Cohen was an influential scholar in this area, arguing that young men from disadvantaged slums group together to form a subculture in which they can achieve status that they could not obtain in the dominant culture due to unfair allocation of means. (Iuliana, 2021). This ties in heavily with Durkheim's anomie theory and the concept of strain, which is fascinating but unfortunately not within the scope of this essay's argument. These sub-cultures, by rejecting the dominant culture's values, create their own values.

The sub-cultures in question here are defined by race and socio-economic status, which are the criteria that the sub-culture says prevents them from having an equal footing with the dominant culture. This is not the case with online child sexual exploitation sub-cultures. These deviants come from all races, ages, and socio-economic backgrounds. The parallel to draw is that both groups create their own value system and culture which is deviant to society at large, but acceptable and sought after in their sub-culture.

III. NORMALISATION AND STATUS HIERARCHIES

Online deviant sub-cultures who engage in child sexual exploitation have the major task of attempting to justify engaging in it to themselves. To face the dire truth, to face the evil that they are committing, would be too much for the human psyche. They must attempt to normalise and justify it. Within the confines of their online sub-culture, they are able to talk with one another and shape their own narrative about their actions.

Through an analysis of five forums designated for the online deviant subculture of paedophilia, normalisation and a process of enculturation was observed. Users provided emotional support and encouragement to one another, provided justification that paedophilia wasn't

© 2026 John Brady. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

wrong and claimed that paedophiles were punished too harshly due to being marginalised. Users also discussed sexual preferences with one another and gave advice on how to conduct relationships with children. (Ball et al, 2024).

Online deviant paedophilic sub-cultures are extremely well organised, having their own coded language, utilising the dark web to avoid detection and to promote and share child exploitation content. (Jain et al, 2025). To access CSAM, the prospective user would be obliged to create their own child exploitation content and publish it to the site. Users who upload content rise the hierarchy of the site, where they will be commended by their fellow paedophile comrades. This system of encouraging engagement by users to create their own content feeds into normalising the deviant behaviour.

IV. TECHNOLOGICAL ENVIRONMENT AND TRANSNATIONAL NATURE

A major factor in the prevalence of child sexual exploitation engagement on the internet is the anonymity afforded to the perpetrators. Users of online forums for an online sub-culture of child exploitation proclaimed that in the environment of online anonymity, they are willing to "self-disclose more intensely than they would in person". (Ball et al, 2024). Online anonymity is a breeding ground for anti-social human behaviour and is a cause of the online disinhibition effect. This is where, when people are anonymous, they have lower psychological restraints which often results in anti-social behaviour such as racism, aggression, sexual deviance, and sexism. This release of social fear that comes with anonymity aids online paedophiles in being open with their fantasies. However, the much more important factor for these online deviant sub-cultures is the avoidance of detection from authorities.

By using Tor browsing, users and website owners can avoid detection from anybody due to encryption which gives very strong privacy protection and security. Tor is the technology that makes the Dark Web possible. Originally, it was designed by a group of researchers in the US Naval Research Laboratory in the early 2000s. (Collier, 2024). Unbeknownst to a large demographic of the population, the Tor technology is not used primarily for deviant and criminal behaviour. Ordinary users who value their privacy are the beating heart of Tor, and there are also people in authoritarian regimes and cybercrime reporters using the encryption technology. (Collier, 2024). Despite the practical utility of the Tor technology, it is a hub for criminal activity.

For the topic of this paper, it is no different. Tor is notoriously popular for online deviant sub-cultures to access child exploitation. CSAM is easily available using 21 out of the 26 most-used Tor search engines. (Nurmi et al, 2024). With the fear of detection gone, users flock to these websites. Hidden communities utilising Tor appear, and the online deviant sub-cultures flourish. The internet also easily facilitates a transnational element to online child exploitation sub-cultures. Borders and distance are no longer a factor.

In the past, what would normally be many small local sub-cultures, has evolved through the aid of the internet into a global sub-culture. Anybody with a desire to seek out this content has a culture of people waiting to normalise and promote it to them.

The transnational element can be vividly seen in relation to the victims of the exploitation, and the users engaging with the content. Somebody could be engaging in the creation of child exploitation content in Asia and distributing it to the Americas instantaneously. This transnational connectivity also makes it extremely difficult for national authorities to investigate. There is the issue of split locations. The offender, the victim, and the server can all be in different countries. There is a jurisdictional issue, since different countries have different laws and thresholds.

Conducting these investigations where there are different offenders in different countries requires international cooperation. International cooperation is slower and more complex than a national investigation. The offenders of child exploitation take advantage of these logistical issues and use the gaps to avoid detection. On top of these difficulties, the child exploitation subculture are all utilising the Tor anonymity. While the law enforcement is scattered and disorganised, the sub-culture is united and working together to avoid detection. It is not only Tor encrypted aided websites, also known as the Dark Web, that is used for the distribution and engagement with child exploitation content. Surface web (internet publicly accessible to anyone) activity also contains online deviance. Forums such as Whatsapp or Telegram can be used by groups of deviant subcultures to engage in child exploitation also, by creating private groups and communities.

V. FACILITATION

Online deviant child exploitation sub-cultures facilitate the creation and distribution of child exploitation content. They do this in a number of ways.

All the group's members are subject to the online disinhibition effect. This means that they are freely discussing their paedophilic fantasies which would be impossible in normal society, without fear of repercussion. This creates an environment of normality, especially for people who are experimenting with CSAM initially. These first-time participants often report first stumbling across CSAM on the Internet accidentally or seeking out CSAM primarily out of curiosity. (Wortley et al, 2024). These newcomers are greeted with a sense of normality, and that what they are doing isn't so bad if others are also engaging.

Combine this with discussion forums on said sites proclaiming the normality of paedophilia, complaining about the strife of the marginalised paedophiles in an unfair society, discussing techniques on how to engage in child exploitation, how to use Tor effectively as to evade detection, and discussing sexual preferences (Ball et al, 2024), and you can see how the online sub-culture has a great chance of recruiting a new consistent member.

The knowledge sharing, reinforcement and encouragement, and community atmosphere present in the sub-culture normalises the crime to the new member, and facilitates the growth of the child exploitation industry, as it has now obtained a new user. The ease of access, the all but guaranteed anonymity and lack of punishment due to

Tor, make it enticing for the newly corrupted user to continue down this path, with their fellow users in the sub-culture that values child exploitation.

VI. CONCLUSION

This essay explored the role of online deviant sub-cultures in facilitating transnational child sexual exploitation. The essay discussed what a sub-culture is and how deviant values not accepted by the dominant culture develop. It showed how online deviant sub-cultures, having child sexual exploitation as its deviant value, normalises the act through reinforcement, encouragement and a status hierarchy which requires participation to climb the sub-cultures status ranks.

The essay showcased how the internet has transformed the deviant sub-culture into a global issue. Utilising the anonymity and easy access of Tor, transcending borders and geographical distance, alongside the difficulties authorities encounter in combatting the criminal activity, the child sexual exploitation market has unfortunately boomed exponentially due to the internet.

The essay finally discussed how members of the online deviant sub-culture facilitate child sexual exploitation through knowledge sharing, reinforcement and by fostering an environment that normalises the behaviour. Understanding online deviant sub-cultures is essential in the fight against child exploitation.

Due to the unprecedented changes that the internet has brought, traditional crime prevention strategies simply don't work anymore. Law enforcement needs to adapt to the nature of child exploitation in today's world, which is digital, anonymous, decentralised and transnational. An understanding of online deviant subcultures could also enable a more effective manner to tackle people from being exposed to CSAM material in the first place. With many factors working against law enforcement, such as Tor network, Law enforcement should focus not on the individuals, but on the subculture that facilitates and normalises child exploitation.

REFERENCES

Ball, M., Bouhours, B., & Broadhurst, R. (2024). Online paedophiles and the criminal justice experience: A qualitative perspective. *Child Abuse & Neglect*, *155*, 106996.

Clinard, M. B., & Meier, R. F. (1963). *Sociology of deviant behavior*. New York: Holt, Rinehart and Winston.

Collier, B. (2024). Tor: From the dark web to the future of privacy. MIT Press.

Iuliana, S. A. (2021). Subcultural theories of delinquency and crime. *Jurnalul de Drept si Stiinte Administrative*, *2*(16), 135-144.

Jain, N., Gupta, S., & Kumar, A. (2025). CHILD PORNOGRAPHY AND INTERNET SUBCULTURES IN INDIA.

Jenks, C. (2005). *Subculture : the fragmentation of the social* (1st ed.). Sage Publications.

Mishra, K. (2024). Hidden Horrors: Comprehensive Reports and Statistics on CSAM. *Available at SSRN 4898385*.

Nurmi, J., Paju, A., Brumley, B. B., Insoll, T., Ovaska, A. K., Soloveva, V., ... & Arroyo, D. (2024). Investigating child sexual abuse material availability, searches, and users on the anonymous Tor network for a public health intervention strategy. *Scientific Reports*, *14*(1), 7849.

Satria, G., & Yusuf, H. (2025). Cultural Deviance and Criminal Behavior: A Theoretical Review of Subcultural Theories in Criminology. *Veteran Law Review*, *8*(1), 118-128.

UNODC. (2020). *Online child sexual exploitation and abuse*. https://www.unodc.org/cld/en/education/tertiary/cybercrime/module-12/key-issues/online-child-sexual-exploitation-and-abuse.html

Wortley, R., Findlater, D., Bailey, A., & Zuhair, D. (2024). Accessing child sexual abuse material: Pathways to offending and online behaviour. *Child Abuse & Neglect*, *154*, 106936.

Art Trafficking at the Heart of Terrorist Groups: Focus on Iraq and Syria

Juliette Breillat

Abstract — **This paper explores the link between illegal art trafficking and terrorist groups in the Middle East, more precisely in Iraq and Syria. As the third-largest illegal trade globally, we will explore the extent to which the illicit trafficking of antiquities in the Middle East constitutes a strategic financing lever for terrorist groups, and why its suppression remains particularly difficult. Through an analysis of ISIL's strategies and networks from the pyramid of production by local populations to sales in Western countries, this paper highlights the sophisticated and organised nature of this trade. Despite the efforts of the international community, these efforts remain insufficient due to slow ratification processes, institutional weaknesses, and legislation ill-suited to the realities of online trafficking. This paper will try to analyse where are the weaknesses of international cooperation on the question of illegal art trade.**

I. INTRODUCTION

In 2011, UNESCO Director-General Irina Bokova noted that "the illicit trafficking of cultural objects is the third largest in the world after drug and arms trafficking. It is closely linked to them. It is used to launder dirty money and finance terrorism." The illicit trafficking of cultural property can be defined as a fraudulent and clandestine trade involving cultural heritage assets (theft, trade in counterfeits, money laundering, or even a source of funding for organised crime) (Jolibois, 2017). It is now considered the third-largest illicit trade globally, after arms and drug trafficking, representing $6.3 trillion annually according to the OECD.

However, it differs from these two forms of trafficking in that looted objects must pass through the legal market to be sold— that is, "laundered"—by concealing their transit routes, producing false documents, and attributing a false provenance to them in order to confer a higher value (Puskas, 2022).

In the era of globalisation and international trade, this trade is now expanding on a global scale. However, one region is particularly affected: the Middle East, including Iraq and Syria. The ongoing destruction of Iraq's archaeological heritage is particularly well documented. Between the end of the Gulf War in 1991 and 1994, 11 regional museums were looted, and approximately 3,000 artefacts and 484 manuscripts were stolen, of which only 54 have been recovered (Brodie and Renfrew, 2005). However, it was after the Arab Spring in 2011 that a major wave of looting began, as conflicts and chaos facilitated easier access to resources. (Guerin and De France, 2024) It was in this context that terrorist groups turned to the trafficking of cultural property as a means of financing their organisations. (Puskas, 2022)

In recent years, the United Nations Security Council, through several resolutions, has established a link between terrorism and organised crime regarding financing or logistical support, particularly concerning the illicit trade in cultural property and international responses to these security challenges. Resolution 2199 (2015)—concerning Iraq and Syria—recognised that ISIL, the Al-Nusra Front (ANF), and other Al-Qaeda-affiliated groups profit from the looting and smuggling of cultural heritage assets to support their recruitment efforts and strengthen their operational capabilities. In the aforementioned Resolution 2347 (2017), the Council used the same wording, also recognising the links "between the activities of terrorists and organised criminal groups, which in some cases facilitate criminal activities, including trafficking in cultural property, illicit revenues and financial flows, as well as money laundering, corruption, and bribery (Puskas, 2022).

Given the scale of this phenomenon and the complexity of the networks behind it, it is worth examining the specific mechanisms through which the illicit trade in antiquities has become a financial tool for terrorism, and the reasons why law enforcement agencies are still struggling to combat it. Thus, to what extent does the illicit trafficking of antiquities in the Middle East constitute a strategic financing tool for terrorist groups, the suppression of which remains particularly difficult?

We will first examine how terrorist groups organise their antiquities trafficking before analysing the international community's responses to this phenomenon.

II. ANTIQUITIES TRAFFICKING IN THE SERVICE OF TERRORISTS GROUPS: STRATEGIES, NETWORKS AND MODUS OPERANDI

A. Meticulous and Strategic Organisation

(1) The Techniques Used to Carry Out the Traffic

Since these activities are, in fact, illegal, it is difficult to quantify the extent of terrorist groups' revenue from trafficking in cultural objects. However, ISIL is considered the first terrorist organisation to have derived a viable and significant source of revenue from the systematic and large-scale looting, smuggling, and illegal sale of cultural property. Its sphere of activity has primarily extended to Syria and Iraq (Puskas, 2022). ISIL's activities in Syria and Iraq have generated hundreds of millions of dollars in profits through institutionalised looting on an unprecedented scale. The terrorist organisation made archaeological excavations conducted in the area under its

© 2026 Juliette Breillat. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

control subject to obtaining a permit issued by its Department of Natural Resources (Diwan al-Rikaz) and imposed a tax (khums) of 20 to 50% on smuggling activities (Bonnard, 2021). Over time, the techniques of fund "collection" have evolved: initially, the organisation derived its revenue primarily from issuing excavation permits, but later it likely purchased the artefacts to manage the trade itself (Puskas, 2022). Modern information and communication technologies, particularly the Internet (and notably various social media platforms such as Facebook, WhatsApp, Instagram, TikTok, YouTube, etc.), are also playing an increasingly important role in managing illicit trade, both by ensuring anonymity and by facilitating access to global markets (Puskás, 2022). An excellent example illustrating this phenomenon is the ATHAR Project report published in June 2019, which examined Facebook's role in the global illicit trafficking of art objects and its links to terrorism, organised crime, and cross-border smuggling. 36% of posts by Arabic-language Facebook groups offering artworks for sale, studied as part of this investigation, originated from conflict zones, with Libya ranking second just behind Syria (Puskas, 2022).

(2) The Organisation of Cultural Objects Trafficking by Terrorists Groups

The entire trafficking process can be divided into several stages, with different actors playing different roles within these stages.

First, there is the production pyramid (Greenland, 2019), consisting mainly of the general population. Moreover, ISIS organises forced clandestine excavations by employing local populations. It turns out that a large number of the looters are residents of the country being looted. This is described as "subsistence looting" due to the economic crisis facing the inhabitants of the affected countries. Greenland notes that the trafficking of these artefacts serves to generate income, which is then redistributed by the organisation to the most destitute living within the caliphate (Greenland, 2019). In reality, the organisation pays only one-third of the profit from sales to its "diggers," while two-thirds go directly to the organisation (Bonnard, 2021).

Following the production pyramid is the distribution pyramid, involving several intermediaries. The first of these collects the antiquities and handles domestic transport. The second intermediary is responsible for transport outside the borders of the source country. This intermediary typically contacts a fence responsible for the sale and international transport of artefacts, who, in exchange for monetary compensation, facilitates the cross-border movement of a wide variety of goods (Bonnard, 2021). According to UNESCO, the fence is generally located in a country neighbouring the country of origin. This is the case with Lebanon and Turkey (UNESCO, 2019:77), which serve as "source" countries but are also key routes for the illicit trade in art objects. As evidence, in 2011 and 2017, Lebanese authorities seized a total of 970 antiquities originating from Syria and Iraq within the country (Amineddoleh, 2016). To successfully cross borders easily, traffickers resort to exporting looted antiquities through front companies, producing fake customs documents to conceal the works' country of origin, creating forged cultural property passports, or relying on complacent appraisals and unscrupulous international art dealers (TRACFIN).

Finally, the looted works arrive in so-called "receiving" countries. According to journalist Bolzinger, many art objects looted in the Middle East end up in Western auction houses (England, Belgium, China, Spain, France, the Netherlands, Japan, Luxembourg, the Gulf States, Russia, the United States, etc.), with their sale indirectly financing terrorism. (Jolibois, 2017).

Even if one manages to find information on the general operations, it remains difficult to know exactly who the intermediaries are and what tasks are entrusted to them, as is the case with any illegal enterprise.

B. Collectors and Governments as Indirects Actors Fuelling the Trade

The art trafficking network established by terrorist groups actually involves more actors than those mentioned above. In fact, indirect actors are involved at various stages of the process. Here, we will take the example of buyers and governments, which play distinct roles but are each significant in their own right.

In the trafficking of artworks from the Middle East, the production/distribution/consumption chain includes intermediaries one might not necessarily expect. Indeed, as mentioned above, the artworks leave looted sites in Syria or Iraq and arrive in Western countries in the hands of museums or private collectors. It so happens that these actors at the end of the chain play a major role in perpetuating this large-scale trafficking. These buyers do not really concern themselves with the provenance of the items and thus encourage illegal excavations and the destruction of the objects' historical context (Brodie and Renfrew, 2005). Some buyers are even unaware of the damage caused by the black market, show indifference to the fact that their purchases lead to destruction, or justify their actions by believing they are "saving" objects from conflict zones (Amineddoleh, 2016).

It may seem unfair to place all the blame for this situation on curators and museum directors, but as qualified professionals, they should have a clearer understanding than private collectors of the requirements for impeccable ethical conduct. (Brodie and Renfrew, 2005)

Finally, states also play a secondary role. On this subject, Neil Brodie notes in his report that the Syrian government engaged in looting in Palmyra in 2012. This is a highly ironic act, given that this same government seized several looted objects between 2012 and 2015, and it is exacerbated by the "permeability of political borders," which facilitates corruption (Bonnard, 2021).

III. THE AMBIGUOUS LEGAL FRAMEWORK

A. An International Meeting to Combat the Trafficking of Illegal Artefacts

Many countries have legislation designed to protect their own cultural heritage, but there is also an international legal framework. However, very few countries currently have specific legislation that effectively protects antiquities from other countries and makes it a criminal offence to import antiquities that have

been illegally excavated or exported from their country of origin (Brodie and Renfrew, 2005).

On the issue of looted or stolen works of art, one of the key players is UNESCO. By 1970, the issue had taken on such international significance that UNESCO adopted its Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The 1970 UNESCO Convention prompted museums and their representative associations to examine their ethical obligations, particularly regarding the acquisition of cultural objects, and since then, codes of conduct have been developed to ensure impeccable ethical behaviour. (Brodie and Renfrew, 2005)

Article 2.1 of the Code of Ethics for Museums of ICOM (2004), the professional body to which most of the world's major museums belong, clearly states: "2.1 Collections Policy. The governing body of each museum shall adopt and publish a written collections policy that addresses the acquisition, conservation, and use of the collections.

A major convention adopted is the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Property, which addresses a perceived gap in the 1970 UNESCO Convention by harmonising the various laws regarding stolen property in civil law and common law countries. The 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage extends protection to cultural heritage located on the international seabed.

Finally, heritage protection organisations have used the internet to actively combat this parallel economy. The International Observatory on Illicit Trafficking in Cultural Property, created in 2003 at the initiative of ICOM, informs us on this subject that "public communication is the key to raising awareness." Several practical tools have therefore been developed and made available to the public via the internet in the fight against illicit trafficking in cultural property, and many of these tools remain in use.

In 2015, more specific legislation came into effect regarding cultural property from Syria and Iraq. This is United Nations Security Council Resolution 2199, which prohibits all trade in cultural property from Iraq and Syria. Efforts have intensified to prevent the financing of terrorism through the illicit trafficking of antiquities. A global movement initiated by UNESCO calls for more stringent legislation. (Jolibois, 2017)

To jointly combat these "dual threats" (trafficking in cultural property and terrorism), UNESCO, UNODC (United Nations Office on Drugs and Crime), Interpol, the WCO, and the OSCE (Organisation for Security and Co-operation in Europe) have all played an active role in supporting Member States in implementing Resolution 2347 (2017) by organising awareness-raising activities, supporting international cooperation, and offering capacity-building training to cultural heritage professionals, judges, police forces, customs officials, art market actors, and financial services (Puskas, 2022)

B. Results Fall Short of Ambitions

Despite several national and international initiatives, the issue of illicit trafficking in cultural property remains difficult to resolve. These conventions are by no means laws. It is only upon ratification of a treaty that a State becomes bound to the other States Parties and to the convention itself (Bonnard, 2021). Furthermore, the treaty will only have legal force once the signatory countries have amended their national laws to meet its requirements. However, the enactment of laws remains a slow process that delays the implementation of the original convention. States also sometimes demonstrate laxity in creating and establishing an appropriate legal framework. These gaps facilitate the transport of illicit cultural objects into these very territories (Bonnard, 2021).

We are also witnessing institutional weakness. The Court's scope of action is limited because it can only rule on cases involving its member states (Cornu et al., 2018). However, if the destruction of cultural heritage is considered a war crime that must be brought before the ICC, how can individuals from non-signatory countries be punished? The Court is unable to rule on recent atrocities committed in Syria, Iraq, or Libya that are the work of non-state actors. (Bonnard, 2021).

Another factor explaining the persistence of antiquities trafficking is that the prioritisation of heritage compromises its preservation (Cornu et al., 2018). Brent Patterson, a professor at the École Nationale Supérieure d'Architecture Paris-Malaquais, notes that the degree of importance accorded to cultural heritage varies depending on whether it is classified as World, national, or regional heritage. This fact has implications for the allocation of funds for the preservation or restoration of cultural heritage (Bonnard, 2021).

Finally, none of the previously mentioned conventions addresses the issue of current technological developments and the use of the internet in the illicit trafficking of cultural property. Nevertheless, the internet contributes to making the fight against illicit trafficking perilous.

Although concrete measures have been implemented by states following these recommendations, they are limited in scope and cannot keep pace with the frenetic pace driven by the black market. (Bonnard, 2021).

IV. CONCLUSION

The illicit trafficking of cultural property in Syria and Iraq has, over time, become an effective means of financing for terrorist groups. From local production to Western collectors, this underground economy relies on a complex and highly organised supply chain, exploiting the poverty of local populations and the ignorance of certain buyers to perpetuate itself.

Despite the many conventions that have been established, the international community is struggling to resolve this widespread problem due to slow ratification processes, legislative loopholes, the limitations of the ICC, and the fact that existing laws are ill-suited to the realities of online trafficking. Although there have been some notable successes—such as the German police arresting a gang that, between 2011 and 2014, stole cultural artefacts locally to support Syrian rebel groups like Ahrar al-Sham, Jund al-Sham, or ISIS — (Hardy, 2017), as long as a comprehensive strategy combining law enforcement and prevention is not fully implemented, the cultural heritage of the Middle East will continue to finance the violence that is devastating it.

REFERENCES

Bonnard Marine, « Le trafic illicite de biens culturels dans le cadre de la guerre civile syrienne. Une mosaïque byzantine à Palmdale, étude de cas », Research paper, Université de Montréal, 2021

Brodie Neil, « The Criminal Organisation of the Transnational Trade in Cultural Objects: Two Case Studies » *in* Saskia Hufnagel and Duncan Chappell, *The Palgrave Handbook on Art Crime,* Palgrave macmillan, pp. 439-461, 2019.

Brodie Neil and Renfrew Colin, « Looting and the World's Archaeological Heritage: The Inadequate Response ». Annual Review of Anthropology, n°34, pp. 343-361, 2005.

Jolibois Blandine, « L'art en danger : les biens culturels au coeur des conflits armés, du terrorisme et de la criminalité organisée », Les Notes du CREOGN, 2017, N° 23.

Puskas Anna, « "Blood Antiquities" of Africa: A Link between Illicit Trafficking of Cultural Property and Terrorism-Financing? », *Academic and Applied Research in Military and Public Management Science*, Vol. 21, n°1, pp. 95-116, 2022.

TRACFIN, Tendances et analyse des risques de BC/FT en 2019-2020, « Le secteur de l'art présente des vulnérabilités qui l'exposent à des risques de blanchiment, comme de financement du terrorisme »

Guerin Jeanne and De France Louise, « Trafic de biens culturels au Moyen Orient », Les jeunes IHEDN, online, 20/06/2024, https:// www.jeunes-ihedn.org/2024/trafic-de-biens-culturels-au-moyen-orient/

Amineddoleh Leila, « How western art collectors are helping to fund Isis », The Guardian, online, 26/02/2016, <https:// www.theguardian.com/artanddesign/2016/feb/26/western-art-fundingterrorism-isis-middle-east>

Hardy Samuel, « Pillage d'antiquités : arrêter l'hémorragie », UNESCO, online, 23/10/2017, <https://courier.unesco.org/fr/ articles/pillage-dantiquites-arreter-lhemorragie >

The Conception of the Italian Mafia in American Culture

The "Godfather" Phenomenon

Francesco Bronzi

***Abstract* — At the turn of the 20th century, we saw an unprecedented phenomenon of migration from Southern Italy to America, which brought with it the issue of the Mafia. In this paper, I am going to analyze how the American intolerance to the "Other" led to an idyllic representation of Mafia activities and bosses. If it began to mock Italian Americans, but it soon turned into a romanticization of organized crime, flourishing even when reports about Mafia's real brutality were coming out. What is interesting to compare this to is Italian cinema, because it was able to completely reorient its goal: it shifted from a mockery of southern Italians to a powerful instrument fighting against the corruption of Mafia. The main goal of the research is to try and mend a bridge between films and reality, analyzing what movies skyrocketed the popularity of the mafia topic in America: Coppola's "*The Godfather*".**

I. INTRODUCTION

At the end of the 19th century, there was a never-seen-before phenomenon in America: a mass process of migration. This was mainly due to the ongoing industrialization that was happening in the continent, but over time it developed with America becoming "the land of everyone's dreams".

This led to people of different ethnicities to move, but, even if it can be said that "multiculturalism" (not as the modern concept, since the diverse cultures were hardly accepted) was a prevailing characteristic of the period, it must be admitted that the majority of these people came from Italy. This was both due to the reputation that the "Land of Opportunities" was getting and the conditions that the Italians were suffering during this historical period, especially in the south. In fact, of about 1.1 million Sicilians who emigrated, about 800,000 of these made the United States their new home (Quraisin & Rasiah, 2023).

The main issue that was tormenting Sicily at the time was the rise of "Cosa Nostra", the most famous mafia group that developed on Italian soil. When these immigrants reached American shores, it was difficult to distinguish between them: the majority of them were there to begin a new and better life, but some were instead members of the mafia, who wanted to expand its horizons.

Moreover, locals were not very accommodating with Italians, who, as a consequence of this, were forced to essentially form ghettos to live in. This was due to the idea that Americans had of them: they were seen as the worst of the immigrant masses, they considered them uneducated and violent. Life was not easy there, and this was what moved so many "legitimate people" to associate with mafia members, to be able to keep a roof over their head, thus objectively spreading even more the seeds that (mainly) Cosa Nostra was trying to plant.

© 2026 Francesco Bronzi. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

The main *starting point* for the evolution of mafia "businesses" in the United States was prohibitionism. This was in fact the first area in which they were able to operate, and the one that allowed them to expand their control, determining companies that could operate in different sectors, establishing cartels to rig prices and exploit pensions.

The objective of this paper is to try and analyze the development of the film industry in the United States, mainly focusing on the increasing interest of the topic of the *Mafia*. In doing so, I will compare this development to the Italian one, trying to identify the reason why the two have taken such different roads.

The primary objective of this research is to raise awareness about the reality of organized crime, with a goal to go beyond this false and constructed view that is so common, trying to "mend a bridge" between fiction and reality.

II. THE DEVELOPMENT OF MAFIA MOVIES

Over time, this phenomenon became increasingly important, but mostly it got widespread recognition. In fact, at a certain moment in time, it was hard not to hear of it. Due to this reason, it got "selected" as one of the main topics of Hollywood movies, starting from the beginning of the 20th century.

Its importance was not the only factor playing into this though: Italian Americans were still very connected to their land, and this could be seen, to make a couple of examples, via their clothing and accent, and this brought about a very serious stereotype. In fact, as Lourdeaux stresses, "ethnic characters create a sense of the Other who can be ridiculed and admired at the same time; the quiet ridicule maintains sufficient distance for viewers to feel comfortably different, while admiration means to be attracted to positive social values proven by experience." (Lourdeaux, 1990, p. 4)

In the beginning, there were movies like Hawks's "Scarface", which played an important part in the stereotype that was already developing: Italian Americans were considered violent, sentimental and stupid. However, the real issue of this movie was that it depicted the figure of the mafioso in such a way that one could almost resonate with him: he was under the spotlight, but the light was good. As a result of this, the producers were forced to add a subtitle ("The Shame Of A Nation"), to reassure that this movie was made to condemn mafia, not to appreciate it. Nevertheless, it needs to be said that this movie was the first change in perspective in American media culture: a non-indifferent percentage of the viewers was probably led to believe that Mafia was a good influence, a group of people that, even though pursued illegal methods, was after the "right" thing.

After the second World War, something shifted: it was the beginning of some differentiation in the genre of movies Italian Americans were featured in. In fact, even though their violent representation didn't cease to exist, it began to be spread to different micro areas, all focusing on the working class.

After this intermezzo, there was yet another different portrayal of Italo-Americans: this was a new light they were put under, a comical one. In fact, the Mafia phenomenon was again treated as something light; American producers once more illustrated it in an ambiguous way: if on one side, they were making fun of it (and of its members & origins), on the other they were making masses believe that it was not something they needed to be scared of, nor take seriously.

Subsequently, the Hollywood film industry underwent major developments, as it started to see more foreign directors. This could be seen as a double-edged sword, since on one side, since Hollywood was looking for new formats, this allowed Italian American authors were able to tell their own story and win over big audiences; nevertheless, on the other side, to be able to be a part of "mainstream" cinema, they needed to conform to specific rules that had been set decades prior.

III. THE "*GODFATHER*" PHENOMENON

All of the aforementioned history is extremely important to understand the conception that the general public had of Cosa Nostra, but it may be argued the "Godfather" trilogy (and its subsequent movies) was the one that had the most cultural impact.

Indeed, the "Italic Institute of American" has been conducting a yearly study since 1995 about Italian culture in movies, and, ever since the "Godfather" has been out, the majority of Italians has been portrayed in a bad light, as Mob characters (which do not resemble the reality for the most part), and an overall increase in movies about this specific topic (Senzani, 2004).

Puzo's research originally wanted to be as close to reality as possible, and, to do so, he didn't directly "tap into" the mafia, he instead studied human nature, analyzing human actions thoroughly. However, he wasn't able to strictly keep to this, and his trilogy became one of the major forces in reinforcing the stereotypes against Italians.

As a matter of fact, since he didn't come directly into contact with members of the Mob, he was forced to fabricate some elements: namely, no one in the mafia called the head "Don" or Godfather (most times, he was called "capo di tutti i capi", there wasn't a real formal name), it was a construct that he created for his character, who he wanted to be seen as a man of God.

Moreover, these novels were the reason for the creation of numerous "positive" stereotypes that we, as Italians, are still trying to fight against nowadays. For instance, he was one of the first to create a definite external and internal appearance for the mobster. As for the second part, other than describing him as a man of *faith*, he was also the representation of a man of his people, one who followed certain codes of honor, and that was at the disposal of everyone in his community.

The main issue that may be found in the trilogy (both in its book and movie form) is that it tries hard to increase the awareness of Mafia as a social problem and expose its connections with the governments, but in the end it indulges in celebrations of the *mafioso* man, who pursues good things (while, often, also looking good, as this made viewers more inclined to side with him, a phenomenon that was recurrently utilised ever since these films came out)

IV. THE STEEP CONTRAST WITH ITALIAN CINEMA

When it comes to its *native* land, the development of the representation of mafia in the cinematic industry has followed a really interesting path. In fact, the beginning almost resembled the American situation, but for a different reason: at the time, after World War Two, Sicily (and southern Italy in general) was seen as a rural land, and its vicissitudes were not considered by the rest of Italy.

When looking at the first notable movies, it may be understood that the Mafia was portrayed in an almost humorous way: these portrayed the *mafioso* as a man who uses the wrong ways to achieve his goals, but that is still a good person at the end. In the specific example of Germi's "*In Nome della Legge*", the boss, at the end of the movie, changes sides and becomes a part of the *resistance* against the Baron, who is the main antagonist of the story.

Flashing forward twenty years, films become more light-hearted and parodic, and this happened mainly because the mafia phenomenon was still not truthfully understood by the majority of Italians. Due to this, they thought they were simply depicting a non-dangerous activity, while also making fun of Sicilians.

The real turning point came about fifteen years later, when it began to be possible to see a more distanced representation of Mafia, given there had been a "dramatic escalation of violence in Sicily" (Leotta, 2011). This was owed to the "Second Mafia War", that provoked about 1000 deaths; but also to a higher, new understanding of what Mafia was actually doing in the entirety of the State. Owing to this, the new movies focused more on the denunciation of modern events, using the American dichotomy of the good versus the evil, but also picturing the common, everyday struggle that citizens had to endure, not the "big" fights led by governments and police forces.

The end of the century was marked by the emergence of movements and protests going against Mafia, and these were born mostly thanks to the exposure that was now prevalent in Television, both with movies and Television series: they were speaking of mafia as a deep-rooted issue, that even involved corrupt governments, police forces and judges.

V. COMPARING TWO CULTURES

As it has been seen following history, the conception of Mafia as a serious issue has arisen in societies quite late (both considering the *overseas* American example and the local Italian one), mainly due to the lack of seriousness that was applied by the media.

The main difference that arose can be placed in time in the 1970s: in fact, in Italy there began to be more coverage and general awareness of the horrors that Mafia was committing, and thus more serious movies (often with a hopeful and encouraging ending, to "give hope to the Italian audience that one day the mafia would be eradicated from their lives" (Vulcano, 2022). This was important because the matter was not confined to some groups of people or cities, it had become a national issue, even for people not directly involved.

On the other side, the same period was in the United States the beginning of the mass production of Mafia movies. As it may be understood, starting with "*The Godfather*", these did not respect the same standards as the Italian films, they instead focused more on making the viewers understand the position of the *mafioso*.

Over time, the issue grew even more, as many new movies where the Mob has been romanticized (while also portraying the ways they use to obtain what they desire) have been created, with the most famous example being the recent "*365 Days*" franchise, that has leveraged on casting handsome men and hyper-sexualizing them, therefore leading the audience (primarily female) to empathise with the protagonists, as they see them as the "perfect men" in their mind, due to their sexualization and character traits (with arrogance as the most prominent one). (Vulcano, 2022)

VI. CONCLUSION

The main aim of this paper was to try and develop a *bridge* between the actuality of the issues Mafia is imposing on societies and the *romanticized* version that has been gaining traction in the United States.

On one side, it can be said that Americans have used these movies not only to create an almost *idyllic* version of mafia but, especially in the beginning, to degrade Italians, making them the villain in society and mocking them (this because, as said, they did not want to integrate their culture, but for every outsider to become fully American). As this mocking period ended, the glorification of Mafia bosses began, and it could be said that this mainly stemmed from the strong idea of *family* that Italian Americans had.

Italian cinema, on the other side, after realizing just how vicious and cold-blooded the Mafia really was, decided not to mock it anymore, and instead to use its power to generate even more awareness for the masses. This said, one thing that needs to be considered regardless is the fact that this realization came quite late, and this was probably due to the internalised national division there was between northern and southern Italy, which led to Mafia not being considered a national issue until late.

Reaching the conclusions of the paper, I can personally say that this research has solidified my beliefs on the matter. Indeed, many times, when I have found myself speaking with Americans, I have found myself "talking to a brick wall", and this because their belief that mafia is only an Italian problem, that is "not that serious" and something to mock has grown very deep roots over the years.

The main difficulty I always had in accepting this misconception of mafia is the fact that American culture is prevalent worldwide, and, as a consequence, this misinterpretation has spread overseas, worsening this problem even more.

Overall, what I realized in writing this research is that, most of the time, the real danger doesn't only sit with violence, but also with misconceptions and misunderstandings, and, therefore, it is our job, as people who are educated in this topic to actually spread the correct word.

REFERENCES

De Cerro, B. *Italic Institute **of**America: Image Research Project. Italian Culture on Film. (1928*- 2002). http://italic.org/imageb l.htm.

Hawks, H. (Director). (1932). *Scarface* [Film]. The Caddo Company; Atlantic Pictures Corporation.

Jacobs, J. B. (2020). *The rise and fall of organized crime in the United States. Crime and Justice*, 49, 17–63. https://doi.org/10.1086/706895

Johnston, Ali. "*Sexualization of Psychopaths*." Reporter, 4 Apr. 2019, https://reporter.rit.edu/features/sexualization-

Leotta, A. (2011). *Do Not Underestimate the Consequences of Love: the Representation of the New Mafia in Contemporary Italian Cinema*. Italica, 88(2), 286–296. http://www.jstor.org/stable/23070839

Lourdeaux, L. (1990). *Italian and Irish filmmakers in America: Ford, Capra, Coppola, and Scorsese*. Temple University Press.

Maranzana, S. (2017). *Italian Americans and the mythology of crime: "The Godfather paradox."* Proceedings of the AATI Conference in Palermo [Italy], June 28 - July 2, 2017. Section Cultural Studies. AATI Online Working Papers, 1–8.

Quraisin, A. Q. A., & Rasiah. (2023). *Mario Puzo's novel The Godfather: Stereotyping Italian American as mafia*. Jurnal Penelitian Bahasa dan Sastra CANON, 1(2), 106–117.

Senzani, A. (2004). *Ethnicity, class and humor: Stereotypical representations of Italian Americans in film* [Master's thesis, Youngstown State University]. OhioLINK ETD Center.

Vulcano, R. (Ed.). (2022). *The representation of the Italian Mafia in movies.* Omnium Media. https://omniummedia.wordpress.com/wp-content/uploads/2022/08/vulcano.pdf

The European "Laundromat"

The Exploitation of London Real Estate and Offshore Accounts by European Criminal Organizations

Eleonora Buscardo

Abstract — **This paper analyzes the relationship between Transnational Organized Crime and White-Collar Crime, arguing that modern criminal organizations may be indistinguishable from legitimate enterprises, since they have assumed the characteristics of corporate structures. By examining the three different cases of Russian, Italian and Balkan criminal groups, it is noticeable how these syndicates exploit property markets and offshore jurisdictions to transfer "dirty" money into legal frameworks. Central to this relationship is the role of professional enablers, such as lawyers and financial analysts, who perform services for the Criminal Organization voluntarily, helping them acquire property or build shell companies. The geographical hubs are varied because these activities can take place in London, Malta, Delaware or in the UAE. Ultimately, the goal of this paper is to delve into the survival of modern Transnational Organized Crime, showing that it would be impossible to separate it from the world of White-Collar Crime in present times.**

I. INTRODUCTION

When someone mentions the world of White-Collar Crime, the public connects it with nonviolent and financially motivated crimes, committed by experts and professionals in their specific sector. On the other hand, when Transnational Organized Crime is brought up, a conceptual link is frequently established with violence, corruption and illegal trade of goods or services. Although it can still be considered an accurate depiction of some of the activities linked with Organized Criminal Groups, society may fail to recognize how they have now evolved into "corporation or business-like" systems. White collar crimes have become the primary framework for modern criminal organizations, and it is difficult to draw the line between the two separate categories of offenses. This shift is clearly evidenced by the fact that 86% of the EU's most threatening criminal networks exploit legal business structures (Europol, 2014).

Some sectors of the economy (like real estate) have been targeted by Organized Criminal Groups as a means to integrate their illicit activities into the formal economy (ComplyAdvantage, 2025). By utilizing the same tools as legitimate corporations, these groups hide in plain sight, relying on the structure of global finance to survive.

This paper argues that the survival of modern transnational organized crime is dependent on its symbiotic relationship with White-Collar systems. Furthermore, it aims to analyze how Russian, Italian and Balkan groups exploit the property market and offshore accounts to effectively conceal their illicit profits in legitimate sectors.

© 2026 Eleonora Buscardo. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. THE RUSSIAN ANGLE

The first example of the symbiotic relationship between Organized Crime and White-collar Crime can be shown through another important relationship, which is the one between Russian Criminal Groups and London. Ever since the dissolution of the Soviet Union, London has evolved into a famous hub for money laundering. However, a prevailing misconception suggests that it is not a haven reserved for the "upperworld" or people such as oligarchs, but it is also used by the "underworld" of Russian Organized Crime.

This transformation allowed post-Soviet groups to navigate the UK's economy, particularly the real estate sector, to convert illicit earnings into legitimate assets. The scale of this phenomenon is evidenced by the fact that 87,000 homes in the U.K. are currently owned by foreign shell companies, with at least £1.5 billion of those owned by Russians (Medium, 2022). This "infiltration" traces back to 1994, when the UK government decided to introduce the "investor visa scheme", allowing people who invested £2 million or more a fast-track to permanent residency. The combination of this policy, a booming housing market and a strong protection of property rights turned London into the most eligible destination for those in search of a way to clean large sums of "dirty" money through the acquisition of property (Investigate Europe, 2022).

Another interesting perspective is the one by Kinossian & Morgan (2023), who nicknamed the capital of the UK "Londongrad". According to the authors, the Londongrad phenomenon functions at three different levels. The first is the *place* itself, which provides a safe center for Organized Crime and their gains, through solid property rights. The second is the *process* in which the city connects illicit profits to the legitimate global economy. The third is the *paradox*, through which Russian Authoritarian Capitalism and British Neoliberalism, as different as they may seem, become aligned. This is because the UK's legal and economic system legitimizes these transactions through a strong protection of property rights, which makes it difficult for regulators to challenge or recover. Once the dirty money is converted into real estate, it benefits from the same legal protection as lawful investments.

III. THE ITALIAN ANGLE

The second example that can be useful to understand the aim of this paper is the one of Italian Organized Crime. Focusing more specifically on 'Ndrangheta, the syndicate has used international hubs, such as London, as a defense against strict anti-mafia laws back in Italy, because moving their illicit wealth away from "home" made it

easier to hide it. Unlike the Russian criminal groups, 'Ndrangheta was not interested in moving on the territory. Their main intent has always been to manage their assets from afar, through the financial system.

This is the reason why they decide to rely on "professional enablers" and financial experts to help them through the stages of money laundering (as witnessed in the Operation Rinascita Scott). (Sergi & Rizzuti, 2021). This allows them to move illicit earnings into the economy through real estate or online gaming, only by setting up UK-based shell companies. Between 2015 and 2019, a major scandal erupted because international investors (Banca Generali) accidentally bought bonds backed by 'Ndrangheta profits. (Financial Times, 2020).

As previously established, the 'Ndrangheta uses London as a "protective shield" from Italian Laws. The exploitation of the differences between the latter and British Laws is important. For example, it is much more difficult for the state to confiscate private property in the UK, compared to Italy. Therefore, through a method called "regulatory arbitrage", in which companies can restructure to take advantage of more favorable regulations, criminal organizations are enticed to move their assets in a less stringent jurisdiction. In cases like the Operation Vello D'Oro and Operation Martingala, middlemen reinvested 'Ndrangheta dirty profits through some shell companies all over Europe. However, in order to extinguish them, they were transferred to the UK, where the legal system was easier to navigate (Sergi & Rizzuti, 2021).

The strategy of using foreign legal jurisdictions for protection is also clear in Operation Gambling. The investigation led by the Reggio Calabria police exposed a network of gaming companies used to launder money. The business was run in Malta and set up to manage online betting. However, it was linked to other foreign offices such as Panama and the Antilles. Ultimately, for the 'Ndrangheta, these foreign places serve as a shelter where criminal gains are not only turned into clean assets but protected by the same laws that govern legitimate businesses (MaltaToday, 2015).

IV. THE BALKAN ANGLE

Compared to the other European areas, the Balkans are viewed as a hotspot for criminal organizations. Nevertheless, their money is not made at "home", but in foreign countries. The Balkan syndicates have evolved into an entrepreneurial and corporate-like system, using professional enablers (like the 'Ndrangheta) such as lawyers, accountants and financial advisors who help them to set up offshore accounts and companies. Such companies cannot be traced back to the Organization, therefore setting up a business abroad can create an alternative identity for them. Drug lords are enabled to hide behind companies to escape law enforcement. (Global Initiative Against Transnational Crime, 2020)

In the case of the so-called "Balkan Cocaine King" Darko Šarić, the transition from drug trafficking to formal economy is striking. He initially set up offshore companies to hide assets from police, launder money and evade taxes in Delaware. This is because it is the U.S. state with the most business-friendly laws which guarantees high levels of secrecy. Because of this, he was able to move billions of drug dollars through the USA without suspicion.

Nevertheless, he did not stop at Delaware, because he started building businesses in the British Virgin Islands. The interesting aspect is that they were "nested business structures", namely layers of companies which own other companies. Through this intricate model, the police found it even more difficult to connect everything to him.

His offshore network granted him an esteemed reputation as a businessman, which allowed him to later sell a Serbian Company to the German Media. This showcases how difficult it had become for investigators to connect this identity to the cocaine trade. (OCCRP, 2016)

Edin "Tito" Gačanin, a Bosnian drug lord, is another example of the transition between criminal to corporate persona. He set up a nested business structure, just like Darko Šarić, in Dubai. The first one was Edin Group Ltd, a shell company in the British Virgin Islands, which then "gave birth" to another company, the Edin Group DMCC, in the UAE. This provided him with a legitimate identity and the title of *General Director*, through which he secured official residence permits and bank accounts for himself and his team. A convicted drug lord was able to move through the world under the status of General Director. In the past, famous criminals survived hiding, depending on physical secrecy. However, this shows us how "institutional invisibility" is what Organized Crime aims to achieve nowadays. (International Consortium of Investigative Journalists, 2024)

These two cases are significant in showing that the Balkan Cartel has moved from the "underworld" to having a similar structure to enterprises, making them essentially inseparable from the financial systems that they exploited. Modern Organized Crime depends entirely on these offshore hubs and professional enablers.

V. WHO IS BEHIND THE "LAUNDROMAT"?

The "Laundromat" cannot function without its professionals, whom Oliver Bullough (2022) would define as the "Butlers" of the world. Their proper name is "professional enablers", a class of white-collar professionals, such as accountants, lawyers and financial advisors, who provide strategies to facilitate financial crimes and ensure the protection of the real origins of criminal money. According to the OECD (2021), these people are not making mistakes, but they are consciously choosing to use their knowledge to help criminals. As seen, this is the link between the groups mentioned in the previous paragraphs. They all needed the help and services of professional enablers to transform their activities or identities into what seemed legitimate. However, these individuals tailor their assistance to what each criminal group needs the most. In the case of Russian groups, professional enablers facilitate property acquisitions. Their goal is to move capital from less secure environments into the stability of Western markets. Here, real estate agents or luxury asset managers help them to "circumnavigate" background checks for paperwork, making it possible for them to satisfy the bank's security and keeping their identity hidden. On the other hand, the Italian Mafia needs accountants. The groups often deal with the problem of hiding huge amounts of physical cash, therefore these

experts are asked to "merge" dirty money with the legal earnings of businesses such as restaurants or construction firms. Their objective is to shape these businesses to look profitable on paper, and by paying taxes on their income, it is possible for the mafia to make use of them as legitimate companies. Lastly, concerning the Balkan Cartels, the professional enablers are entrusted with the creation of new identities for the criminals. In order to operate internationally, their past needs to be concealed. This is made possible through the exploitation of the different requirements for residency permits and citizenship in other jurisdictions. By helping them to receive a new passport with no criminal records, they effectively create a new legal persona, who is untraceable by the police.

This creates a sort of vulnerability within the financial system, because by operating within the legal framework and exploiting legal loopholes, they make it almost impossible for the authorities to detect anomalies. What concerns society the most is the fact that these are respected and valued professions which can benefit from credibility. Accountability is also "bypassed" through their "professional privilege", claiming they were just following their client's instructions. This leads the authorities to have difficulties in proving their involvement in the crime. Consequently, the "Laundromat" system remains functional and protected. It sustains itself from within the legal economy, revealing that the enablement of financial crimes is not a deviation external to the system, but rather deeply rooted in it.

VI. CONCLUSIONS

This paper has solidified the belief that the present structure of transnational organized crime cannot be completely understood without examining its connection with white collar systems and crimes. The examples of the Russian, Italian and Balkan criminal organizations have shown that these groups no longer operate only within the underworld, but they have adapted into enterprises or corporate structures that rely on the legal framework of the global economy. The common pattern here is that none of these organizations could have scaled or sustained their operations without the framework provided by the upperworld of "white collar activities". For example, the figure of professional enablers facilitates these activities and exchanges. The relationship between the two worlds is not incidental, but symbiotic. Modern Transnational Organized Crime is dependent on the opacity and loopholes of the financial systems. The so-called European "Laundromat" is not an exception, but a result of the evolution of Organized Crime. As argued by Young & Woodiwiss (2020), "we currently live in a world fit for money laundering", where it is easier for the global financial system to find ways to enable criminal activity. This shows that the financial system itself allows crime to take place and flourish.

Nevertheless, this raises concerns about current laws and regulations, which can be fixated on catching criminals rather than fixing the system in which they are allowed to operate and hide. The fight against organized crime has become more complicated with its entanglement to the financial system, which signals the importance of introducing some changes to it. Overall, understanding the relationship between the formal economy and organized crime is essential in order to grasp that the problem is not an exception or an anomaly, but it is embedded into its framework.

REFERENCES

Bullough, O. (2022). *Butler to the world*. St. Martin's Press.

Cameron, S. (2025). *How is organized crime changing – and what can I do to protect my firm?* ComplyAdvantage. https://complyadvantage.com/insights/how-is-organized-crime-changing-and-what-can-i-do-to-protect-my-firm/

Dalli, M. (2015). *'Ndrangheta investigation leads to €25 million asset freeze.* MaltaToday. https://www.maltatoday.com.mt/news/national/57036/ndrangheta_investigation_leads_to_25_million_asset_freeze

Europol analysis reveals how criminal networks exploit legal businesses to strengthen their grip on the economy. Europol. (2014). Europol.https://www.europol.europa.eu/media-press/newsroom/news/europol-analysis-reveals-how-criminal-networks-exploit-legal-businesses-to-strengthen-their-grip-economy

Ferguson, J. (2022). *Londongrad: a city's addiction to Russian oligarchs and easy money*. Investigate Europe. https://www.investigate-europe.eu/opinion/londongrad-a-citys-addiction-to-russian-oligarchs-and-easy-money

Galloway, S. (2022). *How Russian oligarchs stow away their money in the US and UK*. Marker. https://marker.medium.com/how-russian-oligarchs-stow-away-their-money-in-the-us-and-uk-f486124a07b8

Johnson, M. (2020). *Italian mafia bonds sold to global investors*. Financial Times. https://www.ft.com/content/bcebd77c-057b-4fd0-bd99-b97e0e559455?syn-25a6b1a6=1

Kemp, W. (2020). *Transnational tentacles – global hotspots of western Balkan organized crime*. Global Initiative. https://globalinitiative.net/analysis/transnational-tentacles-wb6/

Morgan, K., & Nadir Kinossian. (2023). Dismantling Londongrad: the dark geography of dirty money. *European Planning Studies*, *32*(1), 1–17. https://doi.org/10.1080/09654313.2023.2221283

OECD (2021), *Ending the shell Game: cracking down on the professionals who enable tax and white-collar crimes.* OECD Publishing, Paris, https://doi.org/10.1787/79e22c41-en.

Sergi, A., & Rizzuti, A. (2021). C.R.I.M.E. Countering regional Italian mafia expansion. University of Essex.

Shiel, F., Garcia Rey, M., & Cosic, J. (2024). *A notorious drug kingpin set up shell companies in the British Virgin Islands and Dubai to employ alleged cartel underlings, documents show.* International Consortium of Investigative Journalists. https://www.icij.org/news/2024/08/a-notorious-drug-kingpin-set-up-shell-companies-in-the-british-virgin-islands-and-dubai-to-employ-alleged-cartel-underlings-documents-show/

The long trial of the Balkan "cocaine King." (2016). OCCRP. https://www.occrp.org/en/feature/the-long-trial-of-the-balkan-cocaine-king

Young, M. A., & Woodiwiss, M. (2020). A world fit for money laundering: the Atlantic alliance's undermining of organized crime control. *Trends in Organized Crime*. https://doi.org/10.1007/s12117-020-09386-8

Mafia is killing Italian Football

Mario Giuseppe Carrieri

Abstract — **In recent years the relationship between organized crime and Italian football has become more and more evident. What is often perceived just as sport and entertainment can in reality transform into a space in which criminal groups are able to obtain power and profit. This paper analyses the involvement of mafia organizations and "ultras" groups in Italian football, with a particular focus on the recent cases that saw the "curve" of Milan and Inter, and recent investigations related to Juve Stabia, Crotone, Foggia, and many football players. By phenomenological approach the paper analyses how Italian football is not just a sport but a social and economic space that can attract criminal interest, raising doubts about the future and the credibility of Italian football.**

I. INTRODUCTION

On 4 September 2024, two men get out of a gym in Milan. They get into a car but soon after a violent fight breaks out. A shot is fired. After a few moments one of the two men gets out of the car injured: he is Andrea Beretta, leader of the "ultras" group of Inter. The other man is dead, stabbed 21 times. He is Antonio Bellocco, heir to one of the most powerful families of the 'Ndrangheta.

This episode has shown a fundamental issue: the relationship between mafia and Italian football.

II. HISTORICAL ORIGINS OF MAFIA ORGANIZATIONS

Mafia organizations in Italy have their origins in the 19th century. "Cosa Nostra" was born in Sicily as an organization tasked with protecting farmers from bandits. With the passing of time it transformed into a network of clans that extorted money from businesses and controlled the territory through a rigid code of loyalty and silence. In parallel two other major criminal organizations were born: Camorra in Campania and 'Ndrangheta in Calabria. Those groups were able to infiltrate deeply into the economy of their regions. A 2015 study estimated that the presence of mafia organizations contributed to an increase in Italy's GDP (Montani, 2017).

III. THE RISE OF THE 'NDRANGHETA

In the 1980s Cosa Nostra was weakened by violent internal feuds and by a strong response from the state which culminated in important trials against hundreds of members of the mafia. Nevertheless, this opened the space for the rise of the 'Ndrangheta. Differently from other mafia organizations, the 'Ndrangheta chose a less visible strategy. They used the control of strategic harbours to manage the international drug trafficking, particularly cocaine, shipped across Europe. The profits were soon after reinvested into legal activities such as hotels, restaurants and shops. This model enabled them to expand at a global level. Today the organization is present in dozens of States and generates estimated revenues of around 50 billion dollars per year (L'espresso,2023). With that amount of money to invest, it was inevitable that the Mafia would become interested in football. Football in Italy is not just a sport: it is a huge social and economic phenomenon, a large amount of money circulates around matches including tickets, merchandising (t-shirts, scarfs, balls, etc.), parking lots, food and the sale of other products. This generates opportunities for illegal activities. Historically organized crime has had many contacts with football. Many famous players such as Diego Armando Maradona, during his experience in Naples, were associated with members of the Camorra. Moreover, Italian football has been many times involved in scandals linked to the manipulation of matches. In the 1990s and 2000s some mafia organizations were also able to control small and local clubs. The article mentions many cases including Juve Stabia, Crotone, Foggia, etc.

IV. MANAGERIAL INFILTRATIONS AND FICTITIOUS COMPANIES

From ticket management to beverage and security it was all in the hands of the Camorra (Nicola Gratteri, Procuratore di Napoli). For this reason Juve Stabia has been placed under special administration, FC Crotone was also previously investigated (Glicine-Acheronte investigation), revealing criminal interest linked with the management of the club, indirectly or directly subjected by members of 'Ndrangheta clans ("cosche"). Also in Puglia the investigations brought to light pressures of criminal organizations on local teams like Foggia. The main goal was to increase prestige and social consensus in the territory controlled. The Attorney General's Office for Sport highlighted how in 2017 alone, 2,759 cases were handled, many of which related to "feared risks of organised crime infiltration" through direct interference in clubs. In addition to the cases of Juve Stabia and Foggia, the authorities have verified numerous episodes of "mala gestio" that include the creation of fictitious companies and irregularities in the registration procedures ("tesseramento"). These administrative instruments are often used to hide conflicts of interest or to facilitate money laundering operations within the sports circuit. However, directly owning large clubs would have been too risky. Therefore, the mafia chose a different strategy: infiltrating in the informal power structures surrounding the teams, particularly the ultras groups. "Ultras" represent the heart of organized support in Italian stadiums. They are responsible for chants, choreography, and banners, and often develop a strong collective identity tied to the city and the team. However, some ultras groups have also been

© 2026 Mario Giuseppe Carrieri. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

associated with violence, political extremism, and criminal activity.

V. FOOTBALL BETTING: MAFIA INFILTRATION AND PLAYER INVOLVEMENT

Another dangerous channel for organized crime to penetrate Italian football is the phenomenon of soccer betting, i.e., match-fixing (manipulation of matches) or the use of illegal betting networks to launder money and generate illicit profits. As documented in the Report of the Parliamentary Commission of Inquiry on the Phenomenon of the Mafia and Other Criminal Associations (Doc. XXIII, no. 31, 2017), mafia organizations—particularly the Camorra and 'Ndrangheta—view betting as a "multi-billion dollar business" intertwined with the laundering of drug-related capital, loan sharking, and extortion. Illegal betting, especially on unregulated foreign or Asian platforms, allows bets to be placed on altered results (number of goals, partial score, cards) with huge profit margins and low risk of traceability. Historically, Italian football has experienced epochal scandals that have demonstrated the permeability of this mechanism. The 1980 Totonero scandal directly involved AC Milan players like Ricky Albertosi and Giorgio Morini, as well as club presidents and other members, resulting in on-field arrests and match-fixing for clandestine betting. In the 2000s, operations like "Last Bet" (2011, Cremona) and "Dirty Soccer" (2015, Catanzaro) exposed transnational networks linked to Camorra and 'Ndrangheta circles, who recruited players and managers to manipulate results in Serie A, B, and Lega Pro. Even more recent investigations, such as the one in 2013, have touched upon the Milan and Inter Milan environments: former players like Gennaro Gattuso (formerly of Milan) and Cristian Brocchi (formerly of Milan and Inter) were investigated for conspiracy to commit sports fraud. Today, the phenomenon has evolved. While actual match-fixing is more common in the lower leagues (where clubs are weaker and money flows are less controlled), major clubs are not immune to the risk. The Milan Prosecutor's Office's 2025 investigation into an illegal betting ring on unauthorized platforms implicated at least 12 Serie A players, including Alessandro Florenzi (AC Milan) and other top club members such as Samuele Ricci (with ties to AC Milan). The investigation uncovered a system of parallel "banks" (jewellery shops used to settle debts) and chat rooms where players promoted illicit platforms among colleagues. While these incidents are not match-fixing, they create a huge vulnerability: players in debt or approached by borderline intermediaries become potential targets of mafia blackmail. The 2017 Anti-Mafia Report itself (mentioned above) highlights how the ultras terraces – already under the control of clans like the 'Ndrangheta at San Siro – can act as a "bridge" to exert pressure on footballers, transforming fan support into a tool of intimidation, even in terms of betting.

VI. THE CASE OF THE TWO "CURVE" OF MILAN: INTER AND MILAN

In Milan, there are two major ultras groups: AC Milan's "Curva Sud" and Inter's "Curva Nord". For the 'Ndrangheta, the plan was relatively simple: controlling the ultras meant controlling the economic environment surrounding the San Siro stadium. Despite their historic football rivalry, investigations revealed a proper "non-aggression pact" between the two fan groups, aimed at jointly managing illicit business and maximizing profits. For years, the leader of the Inter ultras was Vittorio Boiocchi, nicknamed "lo Zio," who was murdered in 2022. After his death, the 'Ndrangheta's influence increased with the rise of Antonio Bellocco (linked to the Rosarno clan), who began collaborating closely with Andrea Beretta. On the AC Milan side, control of the "Curva Sud" has long been associated with Luca Lucci, previously convicted of drug trafficking and implicated in several investigations. Lucci also gained notoriety for a 2018 photo showing him with the then-Minister of the Interior/Home affairs (Ministro dell'Interno) at a celebration marking the "Curva Sud's" fiftieth anniversary. The investigations revealed that AC Milan's side was also deeply tainted by criminal interests. The system mimicked Inter's: extortion of ticket sales, control of parking, and merchandising. In particular, the leaders of the "Curva Sud" managed the ticket scalping obtained by the club through pressure and intimidation. Another branch of the business involved the sale of drinks and sandwiches: organized crime had managed to impose a sort of protection racket ("pizzo") or directly control the profits from the stadium stalls. During the 2023 Champions League final, Inter were reportedly threatened with possible riots if they did not provide additional tickets. Similarly, links have emerged between the AC Milan fans' top figures and attempts to infiltrate seemingly legitimate businesses, such as managing security at some Milan nightclubs and providing stadium services. The criminal system based on the pact between the fans entered a crisis with the internal conflict within the "Curva Nord", culminating in Bellocco's murder at the hands of Beretta. This event gave the authorities the opportunity to intervene massively on both fronts. In 2024, the investigation colloquially known as "Doppia Curva" led to the arrest of nearly all the leaders of both fan groups, including Andrea Beretta and Luca Lucci. The AC Milan ultra leaders are charged with criminal conspiracy with the aggravating circumstance of mafia methods, extortion, and assault. Investigations have revealed that mafia infiltration into the ultras world is not an isolated case. In addition to managing tickets for the Istanbul final, it emerged that the leaders of the two "curve" split the profits from every single economic activity related to the San Siro stadium, transforming organized support into a proper criminal holding company. In 2018, police had already uncovered links between the 'Ndrangheta and Juventus ultras groups, confirming a criminal pattern that spans all of Italian football, from Lazio in Rome to the Camorra in Naples.

A. The Control of the "Curve" and Strict Liability ("Responsabilità Oggettiva")

In Milan, the control of the "Curva Nord" by figures like Boiocchi and Bellocco wasn't just a matter of fan support, but a precise and specific economic plan. This dynamic is directly reflected in the analysis of the Parliamentary Anti-Mafia Commission, which defines "strict liability" of football clubs as a potential blackmail weapon in the hands of organized crime. Criminal groups, in fact, exploit the threat of causing disturbances at the stadium—which

would result in heavy disciplinary sanctions for the club—to obtain illegitimate financial benefits, just like the bundle of thousands of free tickets intended for ticket scalpers in the case of Inter Milan. The principle of strict liability of football clubs (enshrined in the "FIGC Code of Sports Justice") is the point of conflict between law and the criminal reality. According to this principle, clubs are liable for the behaviour of their fans even if they are not directly at fault. Although this rule serves to push clubs to be extremely vigilant, in the context of mafia-related crimes, it creates a paradox. If a club reports infiltration, it exposes itself to violent retaliation or enormous financial damages resulting from the suspension of its pitch (stadium closure). Recent case law is attempting to mitigate this severity: if a club demonstrates it has adopted efficient organizational models and actively cooperated with law enforcement to "isolate" criminal elements, it can obtain a reduced sentence. However, the intimidating power of the control of the "curve" is so strong that many clubs prefer the path of silent coexistence, unwillingly fuelling the clan's strength.

B. Control of the Territory and Consensus: The Case of the Roman Province

While the Milanese case study illustrates the economic exploitation of top-tier football, the Roman suburbs offer a different perspective where the focus shifts from pure profit to the substitution of state welfare with criminal patronage. Criminal infiltration in Lazio's football, especially in Rome's suburbs, aims not only at money laundering but also at territorial control and social consensus. In neighborhoods lacking services, amateur sports replaces state welfare, offering clans a tool to generate belonging and public legitimacy. The case of Polisportiva Montespaccato is emblematic: controlled by the Gambacurta clan until its seizure in 2018, the club did not focus on sporting results, but rather on entrenching the clan's power in the neighborhood through the employment of dozens of people and the involvement of hundreds of young people. At the same time, at Real San Basilio, a member of the 'ndrine Marando managed to become president, climbing the ranks and demonstrating how the 'Ndrangheta uses football to control drug dealing centers and gain prestige, disproving the idea that in Rome it is limited to money laundering alone. In the lower leagues, poor traceability turns sport into a "laundering machine" for illicit capital derived from drugs and loan sharking. However, football, above all, builds social capital: it creates solidarity networks in disadvantaged contexts, making clans credible spokespeople for the community. A significant turning point was the "Talento & Tenacia" program at Asilo Savoia, which, after the seizure of Montespaccato, transformed the team into a bastion of legality, achieving sporting success and providing real employment for young people. Despite this, Lazio remains vulnerable: from infiltration in Ostia (Spada and Fasciani) to the province, mafias continue to invest in sport to transform neighborhood pitches into extraterritorial "fiefdoms" where they can impose their rules and consolidate power.

VII. CONCLUSION

These episodes demonstrate how Italian football can become a fertile ground for organized crime to infiltrate. Stadiums are not just places of sport and passion, but also economic and social spaces where criminal groups can gain power, money, and visibility. The infiltration of Mafia, whether through managerial control of small clubs or dominance of the "curve" in large stadiums, demonstrates the clans' adaptive ability to exploit every grey area between legality and illegality. To combat this phenomenon, criminal repression alone is not enough; the sports system must strengthen its own controls. The principle of strict liability ("responsabilità oggettiva") must stop being a point of vulnerability for clubs and become a stimulus for active collaboration with the state. At the same time, social recovery models like that of Montespaccato offer a concrete way to transform football from a "laundering machine" of dirty money to a bastion of legality. Ultimately, safeguarding the credibility of Italian football depends on the ability to expel these criminal dynamics, restoring the stadium to its original function: a place of civic and sporting gathering, free from mafia blackmail and influence.

REFERENCES

Asilo Savoia. (2023). Montespaccato Calcio: Il modello Talento & Tenacia per la legalità nel Lazio. RomaToday. Last assessed on: https://www.romatoday.it/zone/aurelio/monte-spaccato/montespaccato-asilo-savoia.html

Bellinazzo, M. (2015, 21 agosto). Dirty Soccer: i verdetti di primo grado della giustizia sportiva fra ombre e contraddizioni. Il Sole 24 Ore. Last assessed on: https://marcobellinazzo.blog.ilsole24ore.com/2015/08/21/dirty-soccer-i-verdetti-di-primo-grado-della-giustizia-sportiva-fra-ombre-e-contraddizioni/

Bonzanni, L. (2017). Mafie e calcio in Italia, tra consenso e opportunità economiche. Last assessed on: https://www.researchgate.net/profile/Salomeja-Zaksaite-2/publication/352363446_Dramaturgical_and_ethnographic_studies_of_cheating_in_sports/links/615fb549ae47db4e57a492d6/Dramaturgical-and-ethnographic-studies-of-cheating-in-sports.pdf#page=81

Commissione Parlamentare di inchiesta sul fenomeno delle mafie e sulle altre associazioni criminali, anche straniere. (2017). Relazione su Mafia e Calcio (Doc. XXIII, n. 27). Parlamento Italiano.

Federazione Italiana Giuoco Calcio. (2025). Codice di Giustizia Sportiva. Last assessed on: https://www.figc.it/media/276306/codice-di-giustizia-sportiva-figc_modifica_-aggiornato_su_cu_18a_del_10-07-2025.pdf

La Gazzetta dello Sport. (2013, 17 dicembre). Scommesse, indagati Gattuso e Brocchi: blitz nella notte, 4 arresti. Last assessed on: https://www.gazzetta.it/Calcio/Speciali/Calcio_Infetto/17-12-2013/scommesse-gattuso-brocchi-indagati-blitiz-notte-4-arresti-201850429786.shtml

La Stampa. (2025, 11 aprile). Calcio Serie A, scommesse illegali: calciatori indagati. https://www.lastampa.it/cronaca/2025/04/11/news/calcio_serie_a_scommesse_illegali_calciatori_indagati-15098494/

L'Espresso. (2023, 19 luglio). La 'ndrangheta incassa 50 miliardi l'anno. Ma c'è ancora una Calabria che ogni giorno resiste. https://lespresso.it/c/inchieste/2023/7/19/la-ndrangheta-incassa-50-miliardi-lanno-ma-ce-ancora-una-calabria-che-ogni-giorno-resiste/2599

Libera.it. (2024, 21 ottobre). Condannati i capi ultras di Inter e Milan. Last assessed on: https://lavialibera.it/it-schede-2329-condannati_i_capi_ultras_di_inter_e_milan

Montani, E. (2017, November 21). Le mafie nel Pil. Lavoce.info. Last assessed on: https://lavoce.info/archives/49746/le-mafie-nel-pil/

Procura Generale dello Sport. (2017). Relazione annuale 2017. CONI. Last assessed on:

https://www.coni.it/images/Procura_Generale_dello_Sport/relazione_annuale/RELAZIONE_2017__ALLEGATI.pdf

Vecchiato, T. (2020). Analisi della devianza e controllo sociale nelle periferie romane. Università degli Studi di Padova. Last assessed on: https://thesis.unipd.it/retrieve/b99f049b-e98c-49a8-b7a0-8545e59ca4bd/Vecchiato_Tommaso.pdf

Regulating a Visible Crime

State Tolerance and Semi-Legitimacy of Yakuza

Aurora Consolaro

Abstract — **The paper aims to analyse the reasons behind the tolerant attitude adopted by Japan towards mafia-type organizations. First, I will briefly discuss the real origin of yakuza and compare it with the social perception of the illegal phenomenon reinforced by a mythological image that created a positive reputation of yakuza. In the following section, the paper will focus on the semi-legal operational areas in which yakuza has been involved until now: I will present political, economic and sociological considerations under a historical perspective, that justify the legitimisation of mafia presence in Diet politics, institutions and different business sectors, depicting how yakuza adapted to a changing social environment, as well as a short sociological interpretation of the yakuza subcultural element. Lastly, this paper will shift to the legal dimension, with an overview of the judicial framework contrasting organized criminal activities developed since 1991 and then implemented in the last twenty years.**

I. INTRODUCTION

The perception of yakuza in Japan is very different from the one usually associated with mafia-type organizations. The very first legal definition of *mafia type organization* was provided in 1982 by Article 416-bis of the Italian Criminal Code. This provision specifies that «*an association is of mafia-type when its members use the power of intimidation of their associative bond […] to commit offences, control economic activities […] and public services to obtain unfair profit […] or to obstacle the free exercise of the vote […] during elections.*». This underlines some common features of mafias, including infiltration in the economic and political system of the nation or the possible employment of violence and threat in order to derive personal advantage (Calderoni, 2011).

While usually mafia-type organizations operate in the shadows, the peculiar feature of yakuza is that it has survived basically undisturbed until the last decade of the 20th century, facilitated by the blurred lines that placed it between the definitions of outlaws and community heroes.

Yakuza can be considered as a syndicate comprising multiple families called *ikka*, the fundamental organizational units built according to a hierarchical structure. The existing bonds between the higher ranks and the subjects are based on the father-son familiar relationship also enshrined in Confucius' concept of social harmony, relying on unquestioned submission to parental authority as foundation of a stable society. This relationship is consolidated by rituals like the exchange of *sake* in official ceremonies. Yakuza members are subject to internally enforced rules that are similar to other mafia groups in Italy and in the U.S. and provide for a code of silence (*omertà*) and a system of reward and punishment emerging in other well-established rituals. This structural organization of a yakuza gang is more or less common to all families (Hill, 2003).

Three yakuza families have been particularly active in Japan: the *Yamaguchi-gumi*, *Inagawa-kai* e *Sumiyoshi-kai. Yamaguchi-gumi* was probably the most influential one since its establishment in 1915. After the Second World War, *Yamaguchi-gumi* was able to raise huge profits and went head-to-head with the Japanese government: it was able to occupy central roles in public industries and to obtain the right to enforce law under the U.S. occupation (Wang, 2022).

Similarly, other gangs were able to expand their criminal activities in all sectors, managing to adjust their range of action as the needs and composition of society changed. In the following sections, the reasons of the unbothered entanglement of yakuza in Japanese institutions will be discussed.

II. YAKUZA: BETWEEN MYTH AND REALITY

Yakuza gangs have always relied on an idealistic view of their role in the society, often used as a persuasive instrument for recruiting new members. The most important asset for mafia-type organizations is indeed reputation: it is fundamental for maintaining a cohesive internal consensus and to secure strong alliances outside the gang. This is why often yakuza associates undergo specific rituals that get them a high-level reputation among other gang members; for example, going to prison is often regarded as an honourable mention when taking part into the community. With the passing of time, other old identifying customs of yakuza – like the practice of cutting off a finger or getting full-body tattoos – started disappearing, and were replaced by monetary compensation and other forms of guarantee (Herbert, 2021).

Just like other mafia-type organizations, yakuza has established a specific code of honour that takes inspiration by samurai ethics and a strong reputation of being able to protect the poor and oppressed classes of the population. Yakuza members used to portray themselves as the rightful heirs of the medieval *Machi-Yakko* - bands of commoners who defended townspeople from attacks of *Kabuki-mono*, outlaw samurai - and gained social legitimation precisely for praising moral values like strong sense of duty and human compassion (Shikata, 2006). The paternalistic structure of yakuza derived from Confucianism - the *oyabun-kobun* relationship - has not only allowed yakuza to gain wide acceptance by the

© 2026 Aurora Consolaro. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

society and its institutions, as it reflected the true values of the Japanese people, but also to reach the admiration of marginalized social groups. *Gokudō* journalists, familiar with internal yakuza dynamics, also contributed to the promotion of the positive ideology and lifestyle of their criminal underworld (Herbert, 2021).

A. Early Years

Historically, the two distinct groups (*bakuto,* the gamblers and *tekiya,* the street peddlers) which, together with other criminal groups, ultimately merged into the organization that would've later been called yakuza, were active in Japan since the Tokugawa shogunate. In the feudal society, *bakuto* groups were hired by governmental officials to serve their interests, by illegally performing gambling activities and recover workers' salaries, while they were only marginally involved in public affairs. On the other hand, the composition of *tekiya*, made up by cheating salesman, tried to set up a whole new, more familiar society for the purpose of escaping discriminating conditions (Fisher, 2012). During this period, the police authorities also co-opted key *bakuto* and *tekiya* personnel into their intelligence networks (Hill, 2003). The reputation of yakuza grew consistently during the Meiji Restoration (1867-1912). However, despite the opportunistic attitude adopted by the newly established Meiji government, which recruited *bakuto* to fight in the civil war and overthrow the feudal order of the shogunate, a repressive ordinance against them and their gambling activities was later enacted (Hill, 2003).

B. Post-War Development

The typical mafia structure of yakuza started to emerge in the immediate aftermath of the Second World War. Yakuza, taking advantage of the social instability and disorder of police forces in the postwar period, moved towards black-market activities. The state of Japan, which was left devastated by the war, often could not directly provide effective public services and the population was forced to rely on the illicit services offered by yakuza gangs. Yakuza bosses became tax collectors, drug dealers, settlers of civil disputes and were able to occupy prestigious positions in many public industries (Hill, 2003), while the notorious yakuza family *Yamaguchi-Gumi* had also the opportunity to cooperate with the U.S. Army in the control of port operations for the Korean War in 1950s. Freed from government regulation and constraints, yakuza could expand its presence on the market, almost acquiring the monopoly of the most disparate fields of industry, including real-estate business and shipping (Wang, 2022). The rise in financial gains inevitably led to the outbreak of violent intergang disputes, which contributed to create a negative image of yakuza in the public opinion and therefore instigated a more structured reaction by police forces and governmental legislative institutions from 1991 onwards (Hill, 2003).

III. A GREY-SHADED CRIME – HOW JAPAN TOLERATED YAKUZA FOR DECADES

The deep embeddedness of Yakuza within the Japanese society is due to various elements, including myths and spread reputation of yakuza which was perceived as a Robin-Hood-like actor, but most importantly due to its involvement in politics and capacity to engage in very differentiated business sectors, adapting to evolving societal needs and legal-administrative environments (Hill, 2003). While originally profiting from illegal activities such as gambling and peddling, after WWII and during the American occupation, former yakuza members were able to penetrate the socio-economic structure of Japan, covering the "holes" left at institutional level during the Second World War.

A. Political Engagement

The anti-gambling laws promulgated by the Meiji government in 1880s encouraged *bakuto* to set up connections with right-wing movements and the Liberal Party, pushing them towards a much more violent approach. The first links between national politics and yakuza were already established in 1881 thanks to Mitsuru Toyama, an ultra-nationalist leader and member of the secret militarist society *Gen'yōsha*, pioneer of the Japanese right wing (Hattori, 2025), which operated through political lobbying, threats, voting intimidation and terrorism to discourage opponents or political candidates and promote Japanese expansion in Manchuria and Korea (Siniawer, 2008). The first national elections of 1892 represented a fertile ground for yakuza to expand its political influence, as Toyama decided to cooperate with the criminal organization, in alignment with the interests of the rightist party. These elections are remembered as one of the most violent episodes in the history of Japan, marked by government-led violence and episodes of intimidation.

The process of democratisation and "westernisation" of Japan did not undergo without public instability. The first decades of the 20th century saw the participation of yakuza in Diet politics: some yakuza bosses were elected to the House of Representatives and yakuza gangs continued their association with ultranationalist movements from the 1930s until the beginning of WWII. Yakuza was also involved in fascist associations like the *Kokusuikai*, comparable to the *Blackshirts* of the Italian *squadrismo.* However, politics secured itself great physical and financial support from yakuza especially after WWII up until 1980s, when the respectability of yakuza helped to institutionalize the presence of mafiosi into party politics. The Japanese government did not hesitate to take advantage of criminal gangs for maintaining electoral support or to repress left-winged popular protests during 1950s. In the period of the American occupation, yakuza, moved by ultra-conservative ideals, was mobilized for strike breaking as *"anti-communist force"* on behalf of the Liberal Democratic Party (Ino, 1992) both in the context of the *Red Purge* (1948-1952), backed by the *Supreme Commander for the Allied Powers,* and against the strikes of dissenting *Ampo* protesters of socialist inspiration (Siniawer, 2008). This non-repressive and even opportunistic attitude of the state helped yakuza to resist and penetrate political positions in the following years, making it more difficult to extirpate it through legislative intervention and executive enforcement.

B. Criminal Businesses and Activities

The economic reasons behind the overt persistence of yakuza in Japanese enterprises date back to the years of economic recovery of Japan in the post-war period, when yakuza profited from construction, gambling, prostitution, liquor bars, and illicit drug dealing (Johnson, 1990). Yakuza was basically seen – despite illegal - as a service-provider. The *Shōwa* years were particularly prosperous for the Japanese mafia, as it also began taking part in legitimate business activities. Aided by the speculative bubble of the late 80s, yakuza was able to set up legal front enterprises to cover its illegal market and earn more than the initial invested capital (Hill, 2003). In the 20th Century yakuza gangs have functioned largely as public corporations, maintaining offices which displayed their group logo, and even carrying business cards identifying their groups (Parliament of Australia, 1995). As in all businesses, the good reputation built by yakuza attracted customers and kept competitors at bay. Yakuza was able to finance itself through association fees, an upward franchise funding system by which subordinate yakuza gangs increase their power and leverage of intimidation (Herbert, 2021).

C. Yakuza Subculture

Another important function covered by yakuza can be understood under a more sociological perspective according to the concept of *subculture.* One of the most important rituals for yakuza was *Sakazuki,* an affiliation practice between a boss (the *oyabun*) and its subordinate (the *kobun*), which serves as a declaration of complete obedience towards the top ranks of the gang. For many young yakuza, the gang is indeed a surrogate family, to the point that groups often call themselves *ikka,* family. New members are usually recruited from marginalised categories of the society, especially school-leavers, youngsters already convicted for juvenile delinquency or Korean and Burakumin minorities. Affiliation to criminal mafia groups serves as an instrument to provide themselves with an alternative education or professional career and to escape discriminatory conditions. However, the traditional elements yakuza relied upon for over a century do not reflect the values of the Japanese people anymore, and the unattractiveness of their criminal lifestyle made the recruitment of new members harder. (Herbert, 2021).

IV. HAS BŌTAI-HŌ KILLED YAKUZA?

The uncovered complicity of yakuza boss Kodama Yoshio in the international Lockheed scandal (1976) can be considered the watershed that definitively led the Japanese government to legislative intervention aimed at adopting countermeasures against the actions of Yakuza. Until then, Japanese legislation not only tolerated, but also legitimized the presence of yakuza in state institutions and private businesses, also thanks to the loopholes left at judicial level that did not criminalize the individual adherence to a criminal group as the Italian Criminal Code does in art. 416-bis.

A. Anti-Boroyokudan Legislation

The first legislative act against organized criminal groups entered into force in 1992, after major intergang conflicts: the *Law Regarding the Prevention of Unjust Acts by Baryokudan Members* (also called *Bōtaihō*), was intended to narrow the grey area in which yakuza had operated until then. The 2004 revision of the law also introduced a clause that can make bosses liable for perpetrations and damages inflicted by their underlings (Herbert, 2021). In contrast with European and American countermeasures implemented to fight organized crime, *Bōtaihō* is not included in the national criminal code, but it is part of administrative measures, a condition that impedes prosecution and punishment against convicted individuals. Moreover, its action is restricted to a single area of yakuza activity, namely racketeering and extortion, as it prevents the payment of tangents and the recruitment of new young members. Only the enactment of other three organized crime countermeasures was able to improve a harsher legal framework than the one introduced by the 1992 law. Despite these considerations, *Bōtaihō* was absolutely innovative for Japan, because it represented a break with a deep-rooted tradition of tolerance and public cooperation with organized criminal groups (Hill, 2003). The *Bōhaijōrei*, another anti-yakuza ordinance that was introduced in 2011, imposed further restrictions over buildings and rented properties. Recent trends show that the number of criminal offences known to police began falling in 2003 and continued on a downward trend for seven consecutive years (NPA, 2010).

Police have instead employed two general strategies: direct control operations and attempts to isolate the Yakuza social-psychologically from ordinary citizens (Johnson, 1990). The legal language used in *Bōtaihō* and subsequent legislation started labelling yakuza groups as *bōryokudan*, literally meaning "*violent groups".* This authoritative categorisation - albeit not completely congruent with the real nature of yakuza - helped shape the public perception of a radicalized social phenomenon, designed to deprive yakuza of their romantic Robin-Hood image (Herbert, 2000).

The Diet stated that in order for a group to be designated as "*Boryokudan*", the group needed to meet three criteria. First, the group "*regardless of its purpose, must allow members to take advantage of the gang's influence in order to maintain their daily lives, accumulate wealth or execute their business*", which seems to recall the definition of mafia-type organization given by the Italian Criminal Code. The second is "*a certain percentage of the gang members must have criminal records*." Lastly, "*the gang must be hierarchically organized under the control of an individual representing the gang*." These three constitutive elements have been modified in 2007 and 2012, designating organized criminal groups as *extremely dangerous* (Strompf, 2016).

B. Present and Future Scenario

The balance between the implication of yakuza in a multi-faced criminal environment - purveying legal, semi-legal and illegal goods and services (Herbert, 2000) - and the legal-political scenario of Japan has dramatically shifted after the promulgation of anti-yakuza laws, leading yakuza gangsters to a rearrangement of their criminal market. The

new legal framework reduces the semi-legal status which yakuza benefitted from for decades, pushing them towards atypical, violent and invisible forms of crime, resulting in a more disorganised criminal population (Baradel, 2020). *Boryokudan* have become increasingly active internationally, particularly in global money-laundering operations and narcotics trafficking. Moreover, yakuza groups have tried to bypass the countermeasures law by re-incorporating themselves as industrial, political and even religious groups (Parliament of Australia, 1995). The rise of these so-called *anonymous and fluid criminal groups* constitute a new security threat for the Japanese society, as it is more difficult to target their members and operative structure (NPA, 2024).

V. CONCLUSION

It is interesting to notice how yakuza mafia was able to adopt strategies to survive for over a century the evolving environment of Japan and adjust its operational activity in accordance with new societal needs. After years of a laissez-faire approach, Japan broke a long-lasting tradition of open acceptance and cooperation with criminal organizations through the enactment of a series of legislative acts aiming at undermining the very existence of yakuza. Notwithstanding the loopholes persisting in the legislation in force, anti-*bōryokudan* laws have made the recruitment of affiliates more difficult and have obliged yakuza to involve in innovative and less transparent business areas. This organizational reconstruction is not to be underestimated and underlines the need to enhance existing legislation, taking inspiration from active foreign policies to further push back these emerging criminal trends.

REFERENCES

Baradel, M. (2021). Yakuza Grey: The Shrinking of the Il/legal Nexus and its Repercussions on Japanese Organised Crime. *Global Crime*, 22(1), pp. 74–91. https://doi.org/10.1080/17440572.2020.1813114

Calderoni, F. (2011). Where is the mafia in Italy? Measuring the presence of the mafia across Italian provinces. *Global Crime*, 12(1), 41–69. https://doi.org/10.1080/17440572.2011.548962

Fisher, E. (2012). From Outcasts to Overlords -The Legitimation of the Yakuza in Japanese Society. *Undergraduate Journal of Social Studies,* 3(2). College of Social Studies, Wesleyan University. https://digitalcollections.wesleyan.edu/object/ujss%3A15

Hattori, R. (2025). *War and Diplomacy in Modern Japan: Prime Minister Kōki Hirota and His Times*. Springer Singapore. https://doi.org/10.1007/978-981-96-5310-2

Herbert, W. (2000). The Yakuza and the Law. Yoshio Sugimoto (Ed.). *Globalization and Social Change in Contemporary Japan* (pp. 143-158). Pacific Affairs.

Herbert, W. (2021). From Brawler to Boss: Old School Yakuza Careers and Modern Times. Frank Jacobs (Ed.). *The Yakuza in Popular Media. Honorable Criminals or Violent Gangsters?* (pp. 21-51). Büchner-Verlag.

Hill, Peter B. E. (2003). *The Japanese Mafia: Yakuza, Law, and the State.* Oxford University Press. https://doi.org/10.1093/0199257523.003.0008.

Johnson, E. H. (1990). Yakuza (Criminal Gangs) in Japan: Characteristics and Management in Prison. *Journal of Contemporary Criminal Justice*, 6(3), pp. 113-126. https://doi.org/10.1177/104398620000600302.

National Police Agency. (2024). Police Efforts Against Anonymous and Fluid Criminal Groups. *The White Paper on Police 2024.* https://www.npa.go.jp/english/publication/hakusyo2021.html

Shikata, Ko. (2006). Yakuza – organized crime in Japan. *Journal of Money Laundering Control,* 9(4), pp. 416-421. https://doi.org/10.1108/13685200610707653.

Siniawer, E. M. (2008). *Ruffians, Yakuza, Nationalists: The Violent Politics of Modern Japan, 1860–1960* (1st ed.). Cornell University Press.

Strompf, C. M. (2016). Guilty Until Proven Innocent: A Comparative Analysis Of Organized Crime Laws In The United States, Italy, Japan, And Ecuador. *ILSA Journal of International & Comparative Law*. 23(1). https://nsuworks.nova.edu/ilsajournal/vol23/iss1/4.

Wang, B. (2022). The Establishment, Development and Trend of the Relationship between Yamaguchi-gumi and Japanese Government. *2022 International Conference on Social Sciences and Humanities and Arts (SSHA 2022).* Advances in Social Science, Education and Humanities Research (pp. 960-963). Atlantis Press. https://doi.org/10.2991/assehr.k.220401.184.

The Evolution of Maritime Piracy
A Comparative and Historical Analysis

Alice Costella

Abstract — **Maritime Piracy can be defined as one of the oldest forms of transnational organized crime. Indeed, the term itself originated in the ancient Greco-Roman world, and has been evolving continuously throughout history. This paper examines the historical development of piracy, analyzing both its transformation from localized maritime raiding to a modern transnational security threat and the legal frameworks created to address it. Particular attention is given to the socio-economic and political conditions that have facilitated the persistence of piracy across different historical periods, including weak governance, economic instability, and strategic geographical positioning near major trade routes. Furthermore, the paper explores the relationship between contemporary piracy and broader forms of organized crime, as well as the growing role of international institutions such as the United Nations in combating maritime insecurity.**

I. INTRODUCTION

When discussing the origins of pirates, it is commonly argued that pirates have existed since the dawn of history, as long as traffic and commerce at sea have existed. While early pirates operated opportunistically in regions characterized by weak naval control, modern piracy is often tied to global criminal networks and economic instability. Therefore, understanding how piracy has changed over time reveals not only shifts in organization, but also deeper socio-economic causes that continue to fuel it today.

While early forms of piracy were relatively opportunistic and unorganized, modern piracy reflects deeper structural issues such as economic inequality, political instability and weak governance. Over time, pirate groups have evolved and refined their activity, transforming from informal bands into criminal actors operating on an international scale. Consequently, this evolution highlights how piracy is an adaptive and lasting phenomenon shaped by global contemporary challenges and conditions.

Its continuous development and dangerous activity, called for a legislation capable to control pirate activity to some extension. Therefore, the United Nations defined piracy under international law, particularly in the United Nations Convention on the Law of the Sea (UNCLOS) stipulated in 1982 (United Nations, n.d.). From that moment onward, debates and discussions have increased in an attempt to address the growing and threating crime of maritime piracy; nevertheless, recent analysis suggests that the situation still remains critical.

© 2026 Alice Costella. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

A. Historical Piracy: Early Appearances and the Golden Age

Piracy is far from a modern phenomenon. Evidence of maritime raiding dates back to ancient Greece and Rome, indeed the term “pirate” itself comes from the Greco-Roman world, where it was used to describe “undesirable others”(de Souza, 1999).

During the medieval period, piracy evolved further, with the Vikings operating in Northern Europe between the 8th and 11th centuries. However, they were later replaced by Arab and Barbary pirates in the Mediterranean Sea, British pirates in the English Channel and Slavic pirates in the Baltic Sea (Satora, 2012).

It was during the so-called “Golden Age” of piracy (approximately 1650-1730) that piracy underwent a significant transformation. Pirates started operating in the Caribbean and Atlantic Ocean due to the expansion of global trade and the limited presence of naval control. Nevertheless, the distinctive characteristic of this period lies in the various form of legislation and political involvement surrounding the maritime piracy world.

As a matter of fact, many pirates were commissioned as privateers or agents of national governments charged with attacking merchant ships of enemy countries, thereby blurring the line between piracy and warfare. However, once the conflicts ended, many privateers would continue their activities independently as pirates. A key lesson derived from this period is that national enforcement efforts seem to have been quite effective in reducing the threat. This could be related to the fact that international trade at the time was monopolized by England and France; consequently, these enforcement efforts represented a private good rather than a public one. Furthermore, it is also true that accepted law enforcement practices at the time allowed considerably harsher punishment (Halwood and Miceli, 2015).

It is also known that pirates in this age adopted an internal code of conduct, a sort of structured system of governance, these “articles of agreement” functioned as a form of self-enforced law and were agreed upon collectively by the crew of a ship in order to prevent internal violence. The articles typically covered the division of the loot or rules against theft within the ship as well as punishment procedures. The reasoning behind these agreements lies in the fact that pirate crews were intended to operate as long-term partnerships in high-risk environments.

Furthermore, pirate governance had surprisingly democratic features; the articles were voted upon, captains were often elected and major decisions were often collectively agreed (Leeson, 2007).

Nevertheless, it is important to stress that the motivations behind piracy during this period were closely tied to economic conditions. In naval and merchant

services, working conditions were often extremely harsh and the wages were very low. In this context, piracy offered an alternative that promised higher rewards and greater autonomy.

Overall, historical piracy was characterized by relatively small-scale operations, localized impacts and a semi-structured organization. However, these developments ultimately proved fundamental for the evolution of the more complex forms of piracy we can observe today.

B. The Transition to Modern Piracy

By the 19th century, piracy had significantly declined due to the expansion of powerful naval forces, increased national cooperation and stronger state control over maritime territories. England, in particular, was quite successful in its attempt, for around the 1830s the King announced the remobilization of the Royal Navy, which resulted in some sailors who had previously turned to piracy after demobilization deciding to return to military service. Another Act against piracy issued in 1744 provided severe punishment for captured pirates. Thanks to these actions, England managed to almost totally eliminate classic piracy by the end of the 18th century.

Nevertheless, the late 20th and early 21st centuries witnessed a resurgence of piracy, particularly in regions where state authority was weak or absent. Unlike earlier forms of piracy, modern pirates operate within a globalized context, in which international trade routes and transnational criminal networks play a crucial role.

Moreover, globalization has increased the strategic importance of maritime trade, making commercial shipping routes more vulnerable to criminal exploitation. While historical piracy generally targeted regional commerce and operated on a relatively limited scale, modern piracy affects global supply chains and international economic stability. The increasing dependence of states on maritime trade has amplified the impact of pirate attacks, particularly in regions where governmental authority remains weak. In addition, technological developments have indirectly facilitated pirate operations by allowing criminal groups to identify and target commercial vessels more efficiently.

A key factor is the development of international law, particularly the United Nations Convention on the Law of the Sea (UNCLOS), which defines piracy and establishes legal frameworks for its prosecution.

II. MODERN PIRACY AND GLOBAL CHALLENGES

As of the 21st century, piracy has evolved completely in both its intentions and methods of execution; being committed mainly for economic ends, it is now a way of subsistence in hotspot areas. Furthermore, piracy has become just one component of a larger criminal activity, as it is now mostly tied to other organized criminal groups that operate across different fields.

What is really necessary for committing piracy is a favourable geographical position and within that, the proximity to trade routes. Practical examples would include the Gulf of Aden through which the European Union concludes 95% of its sea trade and 20% of its energy import. The situation is not too different in the Gulf of Guinea, a strategic region rich in petroleum, supplying approximately 40% of the European Union's and 29% of the United States' consumption. In addition, this area is rich in other natural resources, making the trade routes especially busy and therefore increasing the likelihood of pirate attack (Satora, 2012).

However, transnational organized crime at sea has only recently been recognized as a major security issue, it is currently receiving increasing attention at the highest levels of international policy-making. Maritime crimes have different expressions across the maritime regions, they affect human lives, political stability and economic interests.

The United Nations Security Council held its first debate on the issue in February 2019 under the "Transnational Organized Crime at Sea as a Threat to International Peace and Security" (Pászka, 2018). Among other points of action, the United Nations Office on Drugs and Crime (UNODC) included measures aimed at tackling terrorism, piracy and robberies at sea, present especially in the aforementioned Gulf of Aden and Gulf of Guinea. However, even if the objectives were quite significant, the meeting did not lead to an official conclusion. One of the reasons for this outcome was the confusion that still remains around the meaning, scope and reach of the concept itself, as well as which illicit activities it comprises, and how these activities can be meaningfully structured and addressed.

More recently, the United Nations Security Council (UNSC) highlighted the continued importance of maritime security. During a 2025 debate, it was emphasized that piracy and armed robbery at sea remain high-level threats to global trade, with nearly 150 incidents reported in 2024 alone (Bueger and Edmunds, 2020). These attacks not only endanger seafarers but also disrupt global supply chains and economic stability.

Similarly, during a 2025 Security Council meeting, member states observed that piracy incidents had increased following a temporary decline, demonstrating that piracy remains an evolving and unresolved issue. This resurgence highlights the ongoing need for continuous international cooperation and monitoring (UNSC, n.d.).

III. CONCLUSION

The evolution of piracy demonstrates how a seemingly ancient practice has continuously adapted to changing historical, economic and political conditions. From the early manifestation of raiding in the ancient Mediterranean to the organised criminal networks operating in modern times, piracy has consistently transformed, while still maintaining its core motivations.

Historically, piracy was driven by economic necessity and was facilitated by weak state legislation and lack of governmental stability, conditions that are still somehow relevant today. However, modern piracy differs significantly in its scale, organisation and global impact. Moreover, the integration of modern piracy into transnational criminal networks, together with its connection to broader issues such as political instability, highlights its complexity as a modern security challenge.

Addressing piracy, therefore, requires a deeper understanding of its roots and reasoning, including

poverty, governance failures, and global inequalities. Only through coordinated international efforts and sustainable development strategies can the seemingly everlasting problem of piracy be effectively addressed.

REFERENCES

Piracy Under International Law. (n.d.). https://www.un.org/depts/los/piracy/piracy.htm

De Souza, P. (2009). *Piracy in the Graeco-Roman world*. Cambridge University Press.

Satora, M. (2012). Piracy from the Middle Ages to the 19th century. *Polish Review of International and European Law*, *1*(1–2), 75–90. https://doi.org/10.21697/priel.2012.1.1.03

Hallwood, C. P., & Miceli, T. J. (2015). Piracy in the Golden Age, 1690–1730: Lessons for Today. In C. P. Hallwood & T. J. Miceli (Eds.), *Maritime Piracy and Its Control: An Economic Analysis* (pp. 97–114). Palgrave Macmillan US. https://doi.org/10.1057/9781137461506_8

Leeson, P. T. (2007). An- *arrgh* -chy: The Law and Economics of Pirate Organization. *Journal of Political Economy*, *115*(6), 1049–1094. https://doi.org/10.1086/526403

Pászka, I. Á. (2018). Maritime piracy as an international crime in the 21st century. *Belvedere Meridionale*, *30*(4), 96–107. https://doi.org/10.14232/belv.2018.4.6

Bueger, C., & Edmunds, T. (2020). Blue crime: Conceptualising transnational organised crime at sea. *Marine Policy*, *119*, 104067. https://doi.org/10.1016/j.marpol.2020.104067

Maritime Security: High-level Open Debate. (n.d.). Security Council Report. https://www.securitycouncilreport.org/whatsinblue/2025/08/maritime-security-high-level-open-debate-2.php

The Medellín Cartel

From Local Contraband to the Global Empire of Pablo Escobar

Federico Cristoni

Abstract — **This paper analyses the Medellín Cartel's transition from a localized contraband group to a global narcotics empire. It starts with an analysis of the historical and social context of Colombia to understand how violence and illegality are deeply rooted in the state's foundations. This paper explores the emergence of illicit power which was linked to geographical isolation and the legacy of La Violencia. By examining the "Wheel Network" architecture system, the paper assesses how the cartel achieved unprecedented economic dominance. As a last focus, the research addresses the duality of the "Robin Hood" myth versus the reality of narcoterrorism to analyse the cartel's influence on Colombian society and its enduring legacy.**

I. INTRODUCTION

The Medellín Cartel stands out as a perfect example of a Criminal Non-State Actor (CNSA) that went beyond traditional criminal boundaries to directly challenge the sovereignty of a state.

Emerging in the late 1970s, this organization was not only involved in the trading of illicit goods, but also able to establish a parallel system of governance, economic dependency, and cultural influence.

This paper investigates the evolution of the cartel and how its success was based on an intersection of Colombia's historical instability and sophisticated organizational networking. By analysing the cartel's architecture and its socio-economic impact, we can understand how the Medellín Cartel became a blueprint for modern transnational organized crime and continues to haunt Colombia's collective memory.

II. HISTORICAL AND SOCIAL CONTEXT

A. Structural Foundations

The origins of Colombia's profound relationship with violence, inequality, political instability and the fragility of the State are to be found in several elements, which have shaped a favourable environment for illegal activity.

A primary factor has been the country's topography: Colombia is divided by two rivers and crossed by three major mountain ranges. The population has historically been concentrated in tropical and mountainous regions, leading to sharp cultural, economic and political differences. Furthermore, *La Conquista* (the 16th century Spanish Colonization) established an oligarchic system where land and labour were exploited for mineral wealth, resulting in the decimation of nearly 90% of the native population. In this system, wealth was inherited and for the poorest, excluded from the elite, carrying out illegal activities became one of the few viable means of subsistence. But the instability did not end there: the whole process that led to the independence and unification of Colombia was characterized by repeated waves of violence. During the early 19th century, several local and general civil wars, revolutions, international wars with neighbouring states and coups marked the early birth of the State.

The first part of the following century was dominated by the fight between the two entrenched parties. After 50 years of Conservative governments, the Liberal Party took power in 1930. In the following years, the tension erupted in a bloody conflict, *La Violencia*, which between 1946 and 1960 led to an estimated 200,000 casualties. During this period, the first Colombian criminal organization started to emerge (Ferreira, 2025).

In the succeeding 30 years, the two-party coalition brought social and economic changes. However, inequality was still predominant and the state presence in many remote areas was still negligible, as was the ability to control illegal smuggling and contraband activities, reflecting the weakness of the Colombian administration (Hartlyn, n.d.).

The period of *La Violencia* acted as a "permanent school of historical violence" (Restrepo & Guizado, 2003, p. 255) for the future leaders of the drug trade. It established a culture in which the state was viewed as either an adversary or a phantom, allowing for the rise of oligopolies of coercion—armed groups that provided the security and order that the formal government could not.

B. The Transition to Clandestine Networks

The first Colombian legislation against the marketing and production of certain drugs dates back to 1920, when new trade routes for opiates brought cocaine into Colombia, revealing an underground network already linking Colombia with Europe.

The situation dramatically changed after World War II since trading with Europe had become inaccessible. As a consequence, the clandestine trade shifted towards the US, though now beyond the possibilities of the former consumers due to the increase in prices (Restrepo & Guizado, 2003).

C. The Smuggling Culture

By the 1950s, Latin American states transformed this process into a two-way traffic: the import of contraband (such as alcohol, liquor and cigarettes) and the export of drugs. Strong links were formed between Colombians and Cubans, who were experts in smuggling into the United States. The latter were forced to abandon the island when Fidel Castro came to power, settling and noticing in the US a growing demand for cocaine by the mid-1960s. Colombians became the main suppliers, buying coca paste

© 2026 Federico Cristoni. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

from neighbouring states peasant farmers and transforming it into cocaine in laboratories mainly in Medellín, led by the Herrán Brothers (active since 1948) and producing, by 1965, almost 100% of the cocaine in the Cuban networks.

When a large number of Colombians emigrated to the States, Cubans started to be excluded as Colombians expanded their operations to include the trade as well, ultimately eliminating the old smugglers. The market kept growing, as proven by exports and confiscations that went from a few dozens of kilos to the multi-ton level in less than a decade. The advantage the Colombians had over the local American COGs[1] was especially rooted in the absence of a code of honour, such as for the Italians and Cubans, whereas Colombians, influenced by a permanent school of historical violence, had no problems eliminating relatives and friends of their victims (Restrepo & Guizado, 2003).

In the 1940s and 50s Colombia, land ownership was still deemed as a symbol of high status. A prominent example was the Ochoa Vásquez family, coming from a prestigious background in horse breeding and cattle ranching. The inability of the state to oversee such properties allowed the formation of several groups that competed violently among themselves over property, and established families like the Ochoas, which eventually utilized their resources and rural organization to transition into the narcotics industry. As a result, the rural population was forced to flee to urban centres to avoid violence, where the labour market failed to absorb the new wave of peasants. In an environment that witnessed the surge in food prices, the formation of slums, and scarcity of employment, it is not surprising that the illicit trade in goods and services thrived (Ferreira, 2025).

D. Political Exclusion and Armed Insurgency

The two-party coalition from the late 1950s until 1986 transformed the country socially, economically and demographically, though with few actual political changes. The state's focus was mainly on urban and high-political areas, leaving a weak or even absent presence in several rural regions.

As a response, parallel to those established during *La Violencia* (principally, the FARC[2]), the groups fighting over property evolved, giving rise to several armed guerrilla, like the EPL[3] and the M-19. The conflict shifted from a struggle over property to a full-scale ideology war against the state, that necessitated a robust source of funding. By the 1970s, this financial need led to the first major intersection between armed insurgency and the illicit drug economy. The FARC initially "taxed" marijuana growers in southern Colombia, evolving this relationship into a more complex role where guerrillas provided protection for jungle laboratories and transit routes in exchange for revenue (Rosen, 2025).

However, this parallel growth reached a violent breaking point in early 1982. Following the kidnapping of a member of the Ochoa family by the M-19, the drug traffickers realized they were vulnerable to this kind of extortion. More than the 100 traffickers met and decided to create the MAS[4], marking the first time that drug lords acted as a unified paramilitary force, providing the final element for the birth of the sophisticated, armed and globally scaled Medellín empire (Filippone, 1994).

E. The Marijuana "Bonanza"

The final element to consider is the Marijuana market "boom" that provided the capital and logistical means for the cocaine empire to develop and prosper.

The market explosion did not occur until the late 1970s. Even if Colombia was already supplying almost all the cocaine present on the US market, the Colombian government was more focused on another product. While cocaine originated in other States and its income was controlled by a few people, marijuana was a product of Colombia, whose trade's benefits were more accessible.

The product's high quality allowed Colombia to become the main US supplier, also favoured by strong anti-marijuana campaigns adopted by neighbouring countries. The flourishing market formed a new emerging class: while the traditional upper class reacted strongly against them, the Colombian government's response was quite the opposite. The policies adopted allowed the creation of "left-handed window" (Restrepo & Guizado, 2003, p. 257), a sort of black-market cashier, where the Central Bank could freely exchange dollars for Colombian pesos without questioning the origins of the money, institutionalising money laundering to all intents and purposes.

The marijuana boom was short-lived. By the 1980s, it was cheaper to buy, consumers opted for a more potent variety directly grown in the US and its requirement of large volumes of product to make it profitable compared to other products, led to its significant reduction in the market.

Although it lasted only a decade, the marijuana "bonanza" deeply influenced Colombian society's relation with the drug trade, setting the political debate on the legalization of drugs, but focusing only on marijuana and ignoring the relevance of the cocaine trade.

III. THE MEDELLÍN CARTEL

The main leaders are known as the "Big Three": Pablo Escobar Gavira, Jorge Luis Ochoa Vasquez and Carlos Lehder Rivas (the undisputed kingpin with his financial wizards, contributing immense wealth and logistical expertise).

A. Organizational Architecture

The architectural system of the MC recalls the Wheel Network, or hub network, where a core group (or groups) manages the overall operation and the peripheral nodes assigned with specific tasks. The capabilities are held by the core group together with higher power, influence and status within the network. Usually, these are led by veteran traffickers with experience in several fields (from having capital and contact lists to coordinating shipments). Beneath them, core nodes enjoy a beneficial location in

[1] COG: Criminal Organized Group

[2] FARC: *Fuerzas Armadas Revolucionarias de Colombia* - Revolutionary Armed Forces of Colombia

[3] EPL: *Ejército Popular de Liberación* - The Popular Liberation Army

[4] MAS: *Muerte a Secuestradores* – Death to the Kidnappers

the network: for all intents and purposes, they are to be seen as multitasking enterprises. They organize the supply of money and equipment, provide security, suborn public officials, gather evidence and even solve internal disputes. They serve as the steering mechanism for the wheel network, facilitating communication among the peripheral nodes.

This type of structure provides the core group leaders a kind of buffer mechanism to shield them from law enforcement. By coordinating potentially incriminating transactions through brokers, intimidating their own members in cases of betrayal, and segmenting the same operation into several peripheral nodes largely isolated from the others, the organization prevents the fall of the operation due to the dismantling of one single node (Kenney, 2007b).

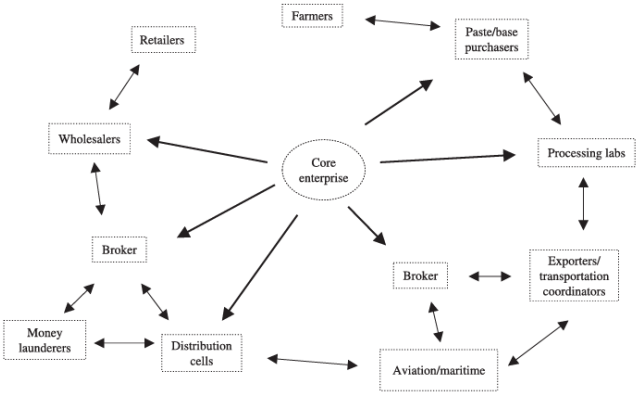

Figure 1 Drug trafficking wheel network. Single-headed arrows suggest relations based on vertical accountability; double-headed arrows indicate horizontal accountability. For each task, core groups often rely on multiple peripheral nodes simultaneously. *Source*: Kenney, *From Pablo to Osama*.

(Kenney, 2007a).

The isolation between cells limits the damage in case of penetration by law enforcers but always allows a certain degree of communication between cells and core leaders.

The cells are small (usually less than a dozen members) with numerous roles within, coordinated by the cell manager and usually dealing with transportation, storage, distribution, pickup, delivery and money laundering.

The internal hierarchy of the whole system is relatively "flat": there are few management layers, usually no more than three, between the leaders and the workers. From the bottom to the top, the classic wheel network includes cell workers, assistant managers, cell managers and core leaders.

The MC was the result of an effective coordination of many different components and sub-organizations, where a wide variety of experts and professionals were required: chemists, engineers, architects, construction personnel and pilots, but also financiers, accountants, investors and legal experts. Transportation was essential: the cartel had an air force of thousands of planes through a network of thousands of clandestine airfields, and a huge fleet of ships at its disposal. The main trans-shipment point of the cartel was Norman's Cay Island in the Bahamas, bought by Carlos Lehder in 1978.

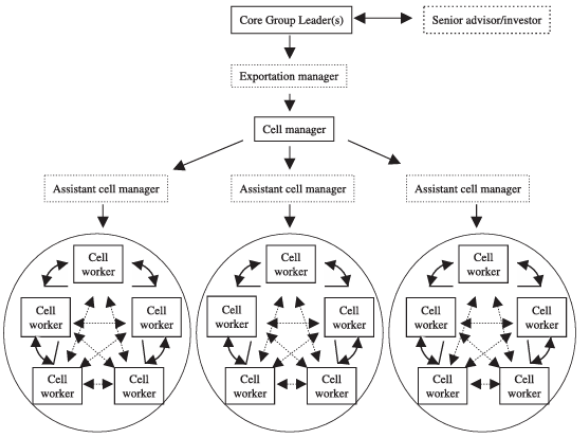

Figure 3 Management levels within Colombian wheel network. Single-headed arrows denote vertical social relations: decisions flow downward, accountability flows upward. Double-headed arrows indicate horizontal accountability and lateral information flows. However, dotted arrows suggest that cell workers may or not communicate with all their working group colleagues, depending on their coordination needs. Roles in dotted boxes do not exist in all trafficking networks. *Source*: *From Pablo to Osama*.

(Kenney, 2007a).

B. The Apex: Economic and Market Dominance

At its peak, the MC could be seen as a multinational corporation: by 1987 it had sold more than $20 billion worth of cocaine between North America and Europe, with annual profits going from $2 to $4 billion. It employed up to 120,000 people, with as many as 2,000 to 3,000 only in the United States.

To be able to manage such a large flow of money, mainly in cash, the cartel established the Consolidated Courier Service, a company that used specialized trucks and uniformed personnel to transport palletized boxes of money through what seemed to be a legitimate logistic channel. Panama especially served as the primary hub for money laundering, facilitated by the local authorities' collaboration in exchange for a commission. The cartel eventually owned more than 50% of the Panama banks at that time. All this money was strategically reinvested to make it look as legitimate, from investments in real estate, radio stations and construction, to having the traffickers purchasing over 2,5 million acres of Colombian farmland.

The consequent economic dominance allowed the cartel to create a "social sovereignty", replacing the state effectively in all the areas abandoned, both urban and rural.

The support of the public was a key element, especially in the internal fight against Colombian authorities. This is why Pablo Escobar invested in a "narco-welfare" program targeting the poorest community and creating a de facto social buffer that protected the cartel's main leader from state intervention and even extradition.

The rush of power led the drug's bosses to seek political power as well, being able to extend their influence even to the highest levels of the Colombian state. In 1982, Escobar was elected as an alternate to the House of Representatives, using this position to fight against extradition legislation, which was considered one of the main obstacles to his operation. The financial power of the cartel allowed it to offer twice to pay off the Colombian national debt, estimated at $10 billion, to gain legal immunity. When this approach failed, the cartel used its *sicarios* and paramilitary arm to enforce its normative

regime, reflecting the famous cartel's philosophy "*plata o plomo*"(Bowley, n.d., p. 4) (literally silver or lead): get paid or accept violence.

C. The Downfall

The MC decline started with the violent campaign against the Colombia-US treaty allowing extradition. As a response, the cartel engaged in "narcoterrorism" actions, including the bombing of a commercial plane in 1989 and the detonation of a massive truck bomb in Bogotá. In 1990, more than 1700 Colombians and 400 police officers were murdered, with 200 bombs exploding in the capital alone.

Escobar, to avoid extradition, in 1992 surrendered to be held in *La Catedral,* a luxury prison he designed and from which he was able to maintain the control of the cartel. After both domestic and international pressure, the Colombian government ordered the transfer to another prison, but Escobar escaped, remaining on the run for a year and a half. After a national manhunt, on December 2, 1993, he was surrounded in his house in Medellín and was killed during a shootout (Bowley, n.d.).

IV. SOCIAL AND ECONOMIC INFLUENCES

The legacy of the MC should not be measured only by the volume of narcotics it trafficked, but also by the deep and lasting transformations it brought into the Colombian social and economic structure. As the cartel consolidated its economic power, it sought to establish "Criminal Governance" over the populations in which it operated, allowing it to function as a parallel state. This was possible due to the "narco-welfare" program undertaken by Pablo Escobar on one hand and the institutional decay on the other.

A. The "Paisa Robin Hood" (Bowley, n.d., p. 3)

One of the most famous outlaws of all time is Robin Hood, the role model of the noble bandit. Social bandits are individuals who, as a form of social protest, engage in illegal behaviour and are glorified as heroes by those who represent them. This is the figure with whom Pablo Escobar has been associated: an outlaw for the state, a benevolent hero for the people. The society he emerged from and his persona met all the conditions to develop such a character: however, it must be remembered that the social construction of the outlaw hero rarely represents an accurate historical image of the real individual.

Through his "narco-welfare" project, Pablo Escobar was able to represent himself as a commoner fighting against an immoral wealthy establishment. His main initiatives included a radio and a civic program that planted trees, the "Medellín without Slums" project, building housing for 500 families in the *Barrio Pablo Escobar*, over 80 illuminated sports arenas, clinics and school. He was even able to secure the blessing of the Catholic Church for these projects (Bowley, n.d.).

B. Idealism vs. Reality

While the myth describes Pablo Escobar as a "friend of the poor", the reality tells us a different story. First, he was mainly motivated by greed rather than the desire to help the population. The cartel even publicly distanced itself from the sale of narcotics within Colombia to preserve its image. The myth created totally ignores the thousands of murders committed, especially after the political career failure to which Escobar responded with assassinations, demonstrating that his patriotism was merely a tool for market protection. This transition from benefactor to terrorist was definitive during the conflict over extradition: the bombing of Avianca Flight 203 and the hundreds of urban bombings in 1990 decimated the very families of the popular class who formed his support base. The Robin Hood idol served just as a shield to protect the Medellín Cartel leader rather than representing a genuine project of social reform.

Today, Pablo Escobar's image is still deeply present in Colombian society also due to global commercialization, despite the State's efforts to reclaim the historical narrative created. Especially in the urban periphery, he is seen as "Saint Pablo"(Bowley, n.d., p. 38), the one who provided the people with homes when the state gave them nothing. Furthermore, the MC structural heritage is still persistent through the "Cockroach effect"(Bagley, 2013, p. 108), the fragmentation of the criminal authority into hundreds of smaller BACRIMs[5] and *cartelitos* that inherited the cartel's model of territorial control.

V. CONCLUSION

The path undertaken by the Medellín Cartel shows what power a CNSA can get when it integrates logistical industrialization with social legitimacy. The Medellín Cartel was far from being an anomaly: it was the logical product of Colombia's historical fragmentation and socio-political exclusion. By using the "Wheel Network" architecture, the organization was able to establish a resilient, decentralized and successful system to shield core leaders while maintaining the economic dominance. This innovative structure allowed the cartel to challenge directly the state sovereignty creating a model for transnational organized crime.

The contrast between Escobar's "Robin Hood" myth built with the "narco-welfare" program and his narco-terrorist reality highlights the danger that arises when a criminal organization fills the void created by state negligence and replacing formal institutions in marginalized urban and rural areas.

While the physical empire of Pablo Escobar was dismantled, its influence remains rooted in the "pulverized" landscape of Colombian crime and the narco-heritage, with the cartel's methods and model for territorial control surviving its creators.

REFERENCES

Bagley, B. (2013). The evolution of drug trafficking and organized crime in Latin America. *Sociologia, Problemas e Práticas*, (71). https://doi.org/10.7458/SPP2013712333

Bowley, J. (n.d.). *Robin Hood or Villain: The Social Constructions of Pablo Escobar*.

Ferreira, M. A. (2025). Pioneering Criminal Non-state Actors in South America: The Rise and Downfall of Colombia Drug Cartels and Their Consequences. In M. A. Ferreira (A c. Di), *Criminal Non-State Actors: Historical Developments and Impacts in South America* (pp. 53–78).

[5] BACRIMs: *Bandas Criminales* – Criminal Bands

Springer Nature Switzerland. https://doi.org/10.1007/978-3-031-92509-2_4

Filippone, R. (1994). The Medellin Cartel: Why We Can't Win the Drug War. *Studies in Conflict & Terrorism*, *17*(4), 323–344. (9412276715). https://doi.org/10.1080/10576109408435960

Hartlyn, J. (n.d.). *Drug Trafficking and Democracy in Colombia in the 1980s*.

Kenney, M. (2007a). *From Pablo to Osama: Trafficking and Terrorist Networks, Government Bureaucracies, and Competitive Adaptation*. Penn State University Press. https://www.jstor.org/stable/10.5325/j.ctv14gnzxw

Kenney, M. (2007b). The Architecture of Drug Trafficking: Network Forms of Organisation in the Colombian Cocaine Trade. *Global Crime*, *8*(3), 233–259. https://doi.org/10.1080/17440570701507794

Restrepo, A. L., & Guizado, Á. C. (2003). From Smugglers to Warlords: Twentieth Century Colombian Drug Traffickers. *Canadian Journal of Latin American and Caribbean Studies / Revue canadienne des études latino-américaines et caraïbes*, *28*(55/56), 249–275.

Rosen, J. D. (2025). Criminal Actors in Colombia. In J. D. Rosen (A c. Di), *Criminal Actors in Latin America* (pp. 37–56). Springer Nature Switzerland. https://doi.org/10.1007/978-3-031-96074-1_3 ima

The Myth of Decapitation

Assessing the Kingpin Strategy through the Fall of "El Chapo

Anna Elena Crivellaro

Abstract — **This paper examines the efficacy of the "Kingpin Strategy", the practice of targeting leaders in order to dismantle criminal organizations, within the context of the Mexican War on Drugs. While intended to weaken Drug Trafficking Organizations (DTOs), evidence suggests, on the contrary, that leadership decapitation often leads to internal fragmentation and increased violence. By using the Sinaloa Cartel as a case study, the paper analyzes how Joaquin "El Chapo" Guzmán's capture and extradition failed to incapacitate the organization, which could count on a decentralized, horizontal structure. Moreover, the paper highlights how the subsequent power vacuum triggered a violent internal conflict between Los Mayos and Los Chapitos factions, eventually resulting in a considerable escalation of civilian fatalities and the evolution of synthetic drug production.**

I. INTRODUCTION

Joaquin Archivaldo Guzmán Loera, infamously known as "El Chapo", leader of the Mexican Sinaloa Cartel, was convicted on all criminal counts and sentenced to life in prison by the District Court for the Eastern District of New York. The arrest of the most elusive Mexican drug lord was possible thanks to a joint United States-Mexican operation, and it constitutes a prime example of the so-called "Kingpin Strategy". The strategy has long been central to the United States and Mexican authorities' fight against drug trafficking. It rests on the widespread belief that the most effective way to provoke the collapse of a drug Cartel is to target its leader. Whether this is actually true has been considerably debated.

According to many academics, leadership decapitation risks provoking fragmentation within the Cartel, with multiple figures willing to succeed the former leader in his role, and an escalation of violence.

This paper has the aim of asserting that the Kingpin Strategy is largely ineffective against resilient, decentralized organizations like the Sinaloa Cartel and of providing evidence of the effects that Guzmán's arrest has had on the Mexican drug trafficking landscape.

The first section provides a brief overview of how Mexico has been responding to the issue of drug trafficking in the last decades, particularly under the Calderón and Peña Nieto administrations, and of how the United States is involved in the War on Drugs. Moreover, it analyzes the concept of Kingpin Strategy, which is the central theme of the paper, and its main consequences.

The second part introduces the Sinaloa Cartel and the figure of "El Chapo" and illustrates how the organization has managed to overcome the event of leadership decapitation and the effects that the latter has had on drug production and distribution.

© 2026 Anna Elena Crivellaro. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

Finaly, the paper addresses the issue of escalation of violence following leadership decapitation, focusing on the internal conflicts that emerged in the Sinaloa Cartel.

II. WAR ON DRUGS: U.S. INVOLVMENT AND KINGPIN STRATEGY

Since the 1950s, Mexican Cartels have been able to operate with limited interference. The country's centralized political system has made it easier for DTOs to set up a strong system of corruption and bribery: high sums of money, power and influence are promised to members of police services and armed forces in exchange for government protection and market access.

The absence of an efficient judicial system has also contributed to the Cartels' gain of legitimacy and undisturbed practice: the reputation and trustworthiness of the Mexican government have been highly compromised by its failure to implement and enforce law in a competent manner (Shirk, 2011).

Despite having proved to be faulty, in the last couple of decades the government has made the War on Drugs (MWD) a priority. A shift of approach in the fight to drug trafficking occurred in 2006, when Felipe Calderón was elected Mexican president. Under the Calderón administration, Mexico implemented a militarized strategy: thousands of troops were deployed to arrest drug dealers, carry out raids, establish checkpoints and impose federal control where police forces were believed to be corrupted (Pritchard, 2024).

The battle to drugs initiated by Calderón involved directly not only Mexico but also the United States. The U.S. is the world's largest drug consumer: according to the Centers for Disease Control and Prevention (CDC)'s 2026 report on "Drug Overdose Deaths in the United States", in 2024, 79.384 drug overdose deaths occurred, with most deaths being caused by synthetic opioids, such as fentanyl (Garnett & Miniño, 2026). While Mexico is not the sole dealer of drugs in the United States, a large quantity of opioids produced elsewhere reaches American cities only through the U.S.-Mexican border (Pritchard, 2024). In addition, its permissive gun laws make the U.S. a fundamental weapon-supplier for Mexican Cartels, contributing to the violent character of the War on Drugs (Shirk, 2011).

A first, significant step taken by the Mexican and the U.S. government in order to tackle the issue of organized crime was the Mérida Initiative partnership. Signed in 2007, the Initiative not only had the aim of directly dismantling criminal organizations, but also of strengthening the criminal justice system, modernizing policies and procedures and training law enforcement agencies (*The Mérida Initiative*, 2021).

Moreover, in 2010, Mexican President Calderón and U.S. President Obama reaffirmed the necessity of

cooperation between their countries with Obama stating, with reference to the battle to DTOs, that *"the battle President Calderón is fighting inside of Mexico is not just his battle; it's also ours. We have to take responsibility just as he is taking responsibility"* (Shirk, 2011).

Among the practices introduced by Mexican and U.S. authorities, a notable one is the so-called "Kingpin Strategy", also known as "Leadership Decapitation", which aims to dismantle non-state organizations by targeting their leaders. The strategy was implemented by DEA in the early 1990s in order to *"weaken, destroy, and dismantle"* major drug trafficking organizations (Bonner, 2020).

The rationale behind the Kingpin Strategy is that, because power is highly concentrated in the hands of a single leader, removing that leader will weaken the organization and potentially incapacitate it from performing its activities. Exactly for these purposes, the leadership decapitation strategy was pursued by President Calderón and, after him, President Peña Nieto in their War on Drugs.

Eliminating the leader, however, exposes DTOs to the threats of fragmentation, with rival factions emerging within the cartel, and of an escalation of violence caused by internal conflicts. Moreover, the power vacuum left by the kingpin jeopardizes internal hierarchies and risks attracting members of rival cartels or factions eager to reach leadership positions and willing to purge all opponents in order to secure them.

In 2010, a wave of divisions reshaped the landscape of DTOs, proving the detrimental consequences of the kingpin strategy. In the state of Michoacan, the leader of La Familia Michoacana, Nazario Moreno Gonzales, was killed in a gunfire with federal agents; the fact led to the emergence of a new faction, Los Caballeros Templarios, a "self-defense" organization driven by the ambition to dominate Michoacan (Contreras Velasco, 2023).

The same year, the Cartel Jalisco Nueva Generacion (CJNG) emerged from the Sinaloa cartel after the death of drug lord Ignacio "El Nacho" Coronel (Contreras Velasco, 2023).

According to an analysis conducted by the International Crisis Group, between 2010 and 2020 the number of criminal groups in Mexico has grown from 76 to 205, despite the implementation of the kingpin strategy. Nine of these groups have been acknowledged by the U.S. Drug Enforcement Agency (DEA) as major drug-trafficking organizations (*Crime in Pieces: The Effects of Mexico's "War on Drugs", Explained*, n.d.).

III. THE RESILIENCE OF THE SINALOA CARTEL DESPITE EL CHAPO'S FALL

Among the nine major drug-trafficking organizations operating in Mexico, the most enduring one is the Sinaloa Cartel (Beittel, 2022). The cartel owes much of its fame to a defining leader, Joaquin Archivaldo Guzmán Loera, known as "El Chapo". The cartel emerged from a fragmentation of the Guadalajara Cartel, of which Guzmán was a member, following the arrest of the leader Félix Gallardo in 1985.

According to the U.S. Congressional Research Service 2022 report, the large majority of drugs that enter the U.S. are trafficked by the Sinaloa Cartel, which, by 2012, controlled 40%-60% of Mexico's drug trade (Beittel, 2022). El Chapo's innovative technologies enabled the Sinaloa cartel to consolidate its dominant position in the trafficking of synthetic drugs: he developed a sophisticated network of cross-border tunnels that allowed dealers to smuggle drugs into the U.S. rapidly and undisturbed.

Guzman's first arrest came in June 1993 in Guatemala; he was then extradited to Mexico and sentenced to 20 years in the Jalisco maximum-security facility. However, in January 2001, he managed to escape.

He was apprehended for the second time in 2014 by Mexican authorities. Nevertheless, after slightly over a year, he fled again. (*Joaquín Guzmán Loera, Alias 'El Chapo,'* 2019).

Following two failed attempts at leadership decapitation by the Peña Nieto administration, Guzmán was captured for a third, and presumably final, time in January 2016. The arrest was followed by the decision to extradite him to the U.S., where he was convicted of all ten counts, the most serious being leading a continuing criminal enterprise, and sentenced to life in prison by the United States District Court for the Eastern District of New York (*Joaquin "El Chapo" Guzman Found Guilty on All Charges in US Court*, 2019). He is currently detained at the Administrative Maximum Facility (ADX) in Florence, Colorado.

The fall of one of the most emblematic kingpins was immediately perceived as a milestone in the fight against DTOs. However, while the elimination of the leader would have inevitably destabilized the organization, the Sinaloa Cartel was still expected to survive. The main argument sustaining this expectation was the federal structure of the organization and the lack of a rigid hierarchy (*Leadership Decapitation in the Sinaloa Cartel: Examining the Effects on the Organisation and the Consequences on Violence*, 2025). In this regard, public policy expert Eduardo Guerrero affirmed: *"This is a huge corporative cartel with national and international presence and a collective leadership that did not depend entirely on El Chapo."* (Navarro, 2014). For a long time, the cartel relied not only on El Chapo but also on the leadership of Ismael "El Mayo" Zambada García, then arrested in Texas in 2024, and Juan José "El Azul" Esparragoza Moreno, who allegedly died in 2014 (*Sinaloa Cartel*, 2025).

In addition, over the years, the leaders of the cartel have assigned so-called "plazas", which can be translated into "territories", to mid-level lieutenants entrusted with responsibilities and endowed with power. The practice has strengthened the cartel's decentralized structure, thereby guaranteeing stability and resilience despite leadership decapitation (*Leadership Decapitation in the Sinaloa Cartel: Examining the Effects on the Organisation and the Consequences on Violence*, 2025). Given the horizontal structure of the organization, El Chapo's arrest has not impaired the production and distribution of drugs. Due to the fact that the cartel does not depend on a single leader, it retains the ability to continue to operate even after the loss of some of its fundamental members (Argomedo et al., 2024).

In the 2020 National Drug Threat Assessment (NDTA), DEA described the cartel of Sinaloa as the leading trafficker of fentanyl, which it produces in clandestine

laboratories, to the United States (Beittel, 2022). The production of drugs has therefore not only displayed resilience despite events of leadership decapitation, but it has also evolved from plant-based narcotics, like marijuana and poppy, into synthetics, such as fentanyl and methamphetamine (Travère & Giraudat, 2020).

IV. ESCALATION OF VIOLENCE FOLLOWING LEADERSHIP DECAPITATION

As previously mentioned, the most immediate consequence of leadership decapitation is the fragmentation of the cartel into internal, rival factions. Since El Chapo Guzmán was arrested in 2016, three main factions have emerged: Los Mayos, originally led by El Mayo Zambada, Los Chapitos, led by El Chapo's four sons, and one developed by El Chapo's brother, Aurelio "El Guano" Guzmán Loera. Considering himself his brother's legitimate successor, El Guano has long been in a competitive position with Los Chapitos. (*Leadership Decapitation in the Sinaloa Cartel: Examining the Effects on the Organisation and the Consequences on Violence*, 2025).

On October 17, 2019, another attempt at leadership decapitation was foiled. The event, known as Battle of Culiacán, saw Ovidio Guzmán, son of El Chapo and member of the new generation of leaders of the Sinaloa Cartel, being captured through a military operation. A prompt and violent reaction came from the cartel: armed members mobilized and obtained Guzman's release. President Obrador claimed that his intention was the prevention of violence and not the arrest of a kingpin. However, his decision was perceived as a failure and as a sign of weakness, underscoring that the cartel has such an extensive power that it rules even over the legitimate authority of the state (Johnson, 2019). The Battle of Culiacán was another evidence of the fact that the arrest of El Chapo was not sufficient to neutralize the cartel.

A successful mission to the detriment of Ovidio Guzmán was carried out in January 2023, when the leader was rearrested in Culiacán. The operation, however, was an example of the escalation of violence that leadership decapitation causes: twenty-nine people died and thirty-five were injured in the act (Argomedo et al., n.d.).
Nonetheless, the most relevant dispute broke out within the cartel, between Los Chapitos and Los Mayos.

The two factions have been at war since July 2024, when El Mayo and Joaquín Guzmán López, El Chapo's son, were arrested in El Paso, Texas. El Mayo claimed that he had been betrayed and kidnapped by Los Chapitos and was not willingly flying to the United States (Argomedo et al., 2024).

As a consequence of El Chapo's arrest, the relationship between the Mayiza and the Chapiza factions was always tense. Both factions aimed at becoming the exclusive leaders of the cartel and Los Chapitos were more aggressive in their attempts to strengthen their authority. The alleged betrayal suffered by El Mayo worsened the situation and inevitably led to a dispute (*Leadership Decapitation in the Sinaloa Cartel: Examining the Effects on the Organisation and the Consequences on Violence*, 2025). By the end of 2024, the Mayiza-Chapiza conflict had already caused the death of more than 600 people, as reported by the Uppsala Conflict Data Program (UCDP) (*Uppsala Conflict Data Program*, n.d.).

The levels of violence directed towards civilians have also increased following the beginning of the Sinaloa Cartel internal conflict: this seems to be due to Los Mayos seeking to extend their control to rural areas and cities along the coast, mainly controlled by Los Chapitos. In the period July 2024-March 2025, the targeting of civilians nearly quadrupled compared to the period November 2023-July 2024 (Arocha & Pellegrini, 2025).

V. CONCLUSIONS

As demonstrated by the resilience of the Sinaloa Cartel, the horizontal and decentralized structure of a drug organization prevents the removal of a symbolic leader like El Chapo Guzmán from irreversibly damaging the flow of narcotics. Instead of dismantling the organization, the strategy facilitated the emergence of more DTOs and provoked a brutal war for succession. The escalation of violence that followed the arrest of El Chapo, precisely the conflict between Los Mayos and Los Chapitos, proves that decapitation creates a power vacuum that is often filled by more aggressive, younger factions yearning for leading positions.

Mexico remains the greatest supplier of drugs to the United States, with the Sinaloa Cartel representing the main threat. Cartels have been able to elude restrictions and regulations imposed by the U.S. and Mexico and to adapt production and trafficking to the changes that the Kingpin Strategy has caused to their internal framework (National Drug Threat Assessment, 2018).

President Claudia Sheinbaum, who took office in October 2024, has adopted a strategy aligned with that of her predecessor, Andrés Manuel López Obrador (2018-2024): the so-called "Hugs, not Bullets" strategy, which focuses on social programs and crime prevention. However, already in the first six months of her mandate, there was a peak in the level of murderers, disappearances and clashes between non-state organizations and security forces, especially in Sinaloa. The actions taken by the government reveal a tendency towards the reenactment of the Kingpin Strategy, despite the tragic consequences that it has had in the past decades (Arocha & Pellegrini, 2025).

Leadership decapitation can only have short-term effects unless it is followed by practices targeting the wider criminal network. This includes removing mid-level and lower-level individuals, responsible for support activities such as money laundering, distribution and smuggling (Hale, 2016). However, this might not be enough either: mid-level leaders, or lieutenants, are often entrusted with fundamental positions and their removal might as well cause fragmentation and an escalation of violence (*Leadership Decapitation in the Sinaloa Cartel: Examining the Effects on the Organisation and the Consequences on Violence*, 2025).

For this reason, as already provided for by the Mérida Initiative, it is necessary to change approach and to reform directly the Mexican judicial branch by introducing new legislations and procedures, revising already existing ones, retraining judges, lawyers and police and addressing the problem of institutional corruption. This would not only lead to more positive results in the fight against DTOs but

it would also challenge the belief that the current system is more favorable to criminals rather than to victims (Shirk, 2011).

REFERENCES

Argomedo, D., Jones, N. P., & Sullivan, J. P. (n.d.). Virtual Urban Siege: Modern Urban Siege and Swarming in Culiacán 2019 & 2023: Pt. 3. Urban Security. *Journal of Strategic Security*, *16*.

Argomedo, D., Sullivan, J. P., & Bunker, R. J. (2024). *Mexico Cartel Strategic Note No. 36: Ismael Zambada García and Joaquín Guzmán López Arrested in Texas*. Small Wars Journal. https://smallwarsjournal.com/2024/07/27/mexico-cartel-strategic-note-no-36-ismael-zambada-garcia-and-joaquin-guzman-lopez-arrested/

Arocha, M. F., & Pellegrini, S. (2025). *How the Sinaloa Cartel rift is redrawing Mexico's criminal map*. Armed Conflict Location and Event Data Project (ACLED). https://acleddata.com/report/how-sinaloa-cartel-rift-redrawing-mexicos-criminal-map

Beittel, J. S. (2022). *Mexico: Organized Crime and Drug Trafficking Organizations* (No. R41576). Congressional Research Service. https://www.congress.gov/crs-product/R41576

Bonner, R. C. (2020). *Disrupt, Dismantle, and Destroy: The Kingpin Strategy*. DEA Museum (.Gov). https://museum.dea.gov/video-archive/disrupt-kingpin-strategy#:~:text=Bonner%20will%20speak%20about%20leading,production%2C%20distribution%2C%20and%20assets.

Contreras Velasco, O. (2023). Unintended consequences of state action: How the kingpin strategy transformed the structure of violence in Mexico's organized crime. *Trends in Organized Crime*, *28*, 334–358.

Crime in Pieces: The Effects of Mexico's "War on Drugs", Explained. (n.d.). International Crisis Group. Retrieved https://www.crisisgroup.org/visual-explainers/crime-pieces-effects-mexicos-war-drugs-explained

Garnett, M. F., & Miniño, A. M. (2026). *Drug Overdose Deaths in the United States, 2023–2024* (No. 549) [Dataset]. https://stacks.cdc.gov/view/cdc/174639

Hale, G. J. (2016). *El Chapo Recaptured: The Kingpin Strategy*. Baker Institute. https://www.bakerinstitute.org/research/el-chapo-recaptured-kingpin-strategy

Joaquin "El Chapo" Guzman found guilty on all charges in US Court. (2019). ICE | U.S. Immigration and Customs Enforcement (.Gov). https://www.ice.gov/news/releases/joaquin-el-chapo-guzman-found-guilty-all-charges-us-court

Joaquín Guzmán Loera, alias 'El Chapo.' (2019). InSight Crime. https://insightcrime.org/mexico-organized-crime-news/joaquin-guzman-loera-el-chapo/

Johnson, P. L. (2019). *Revisiting the Battle of Culiacán*. North American Congress on Latin America (NACLA). https://nacla.org/2019-11-22-culiacan-chapo-mexico-drug-violence/

Leadership Decapitation in the Sinaloa Cartel: Examining the Effects on the Organisation and the Consequences on Violence. (2025). [University of Glasgow]. https://dspace.cuni.cz/bitstream/handle/20.500.11956/207251/120516266.pdf?sequence=1

National Drug Threat Assessment. (2018). U.S. Department of Justice - DEA. https://www.dea.gov/sites/default/files/2018-11/DIR-032-18%202018%20NDTA%20final%20low%20resolution.pdf

Navarro, C. (2014). *Sinaloa Cartel Expected to Survive Arrest of Top Leader Joaquin Chapo Guzman*. University of New Mexico. https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=7050&context=sourcemex

Pritchard, J. (2024). *Drug war in Mexico*. https://www.ebsco.com/research-starters/law/drug-war-mexico

Shirk, D. A. (2011). *The Drug War in Mexico Confronting a Shared Threat* (Council Special Report No. 60). Council on Foreign Relations. https://www.jstor.org/stable/resrep05747.1?seq=1

Sinaloa Cartel. (2025). InSight Crime. https://insightcrime.org/mexico-organized-crime-news/sinaloa-cartel-profile/

The Mérida Initiative. (2021). U.S. Embassy & Consulates in Mexico. https://mx.usembassy.gov/the-merida-initiative/

Travère, A., & Giraudat, J. (2020). Revealed: How Mexico's Sinaloa cartel has created a global network to rule the fentanyl trade. *The Guardian*. https://www.theguardian.com/world/2020/dec/08/mexico-cartel-project-synthetic-opioid-fentanyl-drugs

Uppsala Conflict Data Program. (n.d.). [Dataset]. Retrieved https://ucdp.uu.se/country/70

ETA a transnational organization between France and Spain

Amélina Croizet Bessière

Abstract — **The dissolution of the ETA (Euskadi Ta Askatasuna meaning Basque country and freedom) in 2018 marked the end of a decades-long conflict between the Basque separatist group and the Spanish state, raising critical questions about the legal and ethical boundaries of counterterrorism. This paper examines how Spain's transnational cooperation with France through legal reforms, extradition agreements, and joint policing shaped its fight against ETA, and the tensions this created with fundamental rights. By analyzing legal instruments, case law, and political negotiations, it argues that while such coordinated action proved effective in dismantling ETA, it also tested the limits of democratic safeguards, particularly with regard to the presumption of innocence, children's rights, right to rehabilitation and reintegration, and broader concerns surrounding the unresolved question of Basque political identity.**

I. INTRODUCTION

On May 3, 2018, ETA's dissolution letter marked the end of Europe's last armed separatist group, a victory for Spanish counterterrorism, but also a testament to the complexities of transnational justice. As a Basque armed organization, ETA sought to establish an independent Basque country, situated on both sides of the western border between France and Spain. Neither France nor Spain wanted to lose part of their sovereignty in this territory in order to create the Basque Country.

The Montevideo Convention, December 26, 1993 established three criteria for a state. A state must have a population, territory, and government. According to Article 3 of the convention, the political existence of a state is independent of recognition by other states. In order to be considered a state, one only needs to declare it. However, recognition is important for effectiveness. Without recognition, your internal position is undermined. State sovereignty is the exclusive authority of a state to govern its territory, population, and internal affairs without external interference. It is a foundational principle of international law that ensures all states are legally recognized as equals with full autonomy to make laws, control resources, and manage foreign relations. The question of state sovereignty is central to ETA's purpose. Allowing ETA to create the Basque country would cause France and Spain to lose state sovereignty over part of their territory.

Under international law, ETA meets the criteria of an organized criminal group as defined by Article 2(a) of the UN Convention against Transnational Organized Crime (UNTOC), September 29, 2003, notably due to its structured hierarchy, prolonged existence, and use of violence for political and financial gains. The Convention defines an organized criminal group as a structured group of at least three people that exists for a period of time and acts in concert with the aim of committing at least one serious crime to obtain, directly or indirectly, a financial or other material benefit. ETA is a structured group composed of a small central command and decentralized field operatives. It was originally created to fight the Franco dictatorship. Spain became a democracy in the late 1970s. ETA's goal was to secede from France and Spain to form their own country. ETA used violence to achieve this goal and is responsible for more than 800 deaths. ETA stopped its activities in 2011 and was officially dissolved in 2018.

This paper deals with two principles. The first is the right of people to self-determination, and the second is the territorial integrity of states. Both principles are legitimate. It is interesting to analyze the behavior of ETA and the states of France and Spain in pursuit of their interests.

How did transnational cooperation help dismantle ETA, and at what cost to fundamental rights?

First, we will analyze ETA during Franco's rule (I). Second, we will examine how ETA changed after Franco's rule (II). Finally, we will analyze its current state (III).

II. ETA DURING FRANCO'S RULING

A. ETA as a Movement Against Franco

ETA was founded by five university students in 1959 in response to the dictatorial Franco regime. Their goal was to achieve independence for the Basque Country. Their most notable action occurred in 1973 when they assassinated Luis Carrero Blanco, Franco's first minister, as he exited a church. He was seen as Franco's successor. This action gave ETA a certain legitimacy because they appeared to be the most important force against the dictatorship. ETA's actions also included *kale borroka*, a Basque term meaning "crazy street," which is a form of low-intensity urban terrorism carried out by young people. It consists of destroying public and private property, harassing law enforcement officers who oppose independence, and recruiting others to join ETA. To finance their activities, they used a system called the *impuesto revolucionario*. Basque entrepreneurs and businessmen received letters "inviting" them to contribute to the cause of national liberation under threat of reprisals. If a target refused to pay, ETA would kidnap them to demand massive ransoms or exert political pressure.

Historically, political criminals have fought for liberty against an oppressive system. Today, a criminal is defined by the methods he uses, not his ideas. This distinction makes a criminal less legitimate because it separates their actions from their ideas. Nowadays, one is a criminal because of their actions, which are taken out of context. (Asua Batarrita & Álvarez Vizcaya, 2009).

© 2026 Amélina Croizet Bessière. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

Although some of ETA's actions were violent, it's important to remember that ETA was originally created to fight against Franco. Franco was a Spanish dictator from 1939 to 1975 and was closely aligned with Hitler. For example, in 1937, Franco allowed Hitler to bomb Guernica, a town in the Basque Country, so that Hitler could test his weapons. Franco knew Guernica was one of the most historically significant towns for the Basque people. The Nazis insisted that the bombing take place on a Monday, market day, to kill the greatest number of people possible. Although ETA can be considered a criminal organization, it is therefore understandable that many Basques feel intense anger toward Franco's regime.

B. France as a Haven for Political Asylum

During Franco's regime, France largely turned a blind eye to ETA's activities and its members who settled in France, as long as they did not commit violent acts in France. This policy was rooted in the longstanding tradition of granting asylum to Spanish political refugees dating back to the Spanish Civil War when hundreds of thousands of Spanish Republicans fled to France to escape repression and potential execution. In this context, French authorities often granted political asylum to Basque refugees and relied on domestic legal principles, such as the 1927 law limiting extradition, to reject Franco's requests (France, Loi du 10 mars 1927 concerning the extradition of foreign nationals, JORF, 12 March 1927, Art. 5). They considered ETA's actions to be "political offenses" rather than ordinary crimes.

Consequently, France became a refuge and logistical base for ETA. Members of its executive committee often lived in border areas such as Hendaye, and the southwest of France served as a staging ground for operations in Spain. As long as they maintained a low profile, activists linked to the Basque independence movement were able to organize, publish, and disseminate materials relatively safely. This protective environment was reinforced by French public opinion, the press, and intellectual circles, who largely viewed ETA members as anti-Franco resistance fighters rather than as terrorists. (Alvarez, 2018).

III. ETA AFTER FRANCO

A. ETA After the Democratic Transition in Spain

In an effort to dismantle ETA, the Spanish government amended its criminal code to implement a series of repressive and preventive measures, some of which criminalize behaviors, such as indoctrination or the possession of dangerous substances, even before a violent act is committed. Simply being part of a political group, even if it does not directly use violence, is punishable. For instance, Article 577 of the Spanish Criminal Code criminalizes acts of urban violence that are not directly connected to a group, but are intended to disrupt the constitutional order (Spain, Organic Law 10/1995, of November 23, on the Criminal Code, BOE-A-1995-25444, Art. 577). To compensate insufficient proof, authorities introduced the concept of 'presumptive evidence,' a legal tool used against ETA that allows for the suggestion of an infraction and a suspect's participation based on indicators that may not directly prove a specific crime. Furthermore, the establishment of the Audiencia Nacional, a special tribunal dedicated to counterterrorism, meant that even minors were removed from local court jurisdictions and placed under a framework that some legal experts believe compromises standard procedural safeguards. Treating these young people as terrorists could facilitate their permanent integration into organized armed groups, where discipline makes it much harder to leave (Asua Batarrita and Álvarez Vizcaya, 2009; Benavente, Mariángeles, & Manso Porto, 2013).

In Spain, there have always been divisions between the conservative People's Party and the Socialist Party regarding making peace with ETA. The People's Party has always been highly critical of any attempt to negotiate with the terrorist group. On March 11, 2004, Islamic terrorists attacked Madrid. The People's Party insisted that ETA and the jihadists were linked, even though this was not true. The government knew this was not true, yet the opposition tried to manipulate public opinion regarding the peace process. Following the election of the Socialist Zapatero in 2004, the government entered into peace negotiations with ETA; however, these efforts were abruptly halted in 2006 when the organization resumed its violence with the bombing of Barajas Airport. ETA refused to stop attacking the Spanish government. The attacks also increased political divisions between the government and the opposition, the People's Party. (Alonso, Rogelio & Reinares, Fernando, 2008).

Article 25.2 of the Spanish Constitution states that sentences should aim to rehabilitate and reintegrate offenders into society (Spain, Spanish Constitution of 1978, Official State Gazette (BOE), December 27, 1978, Art. 25(2)). In reality, the system prioritizes control and security. The 2006 Parot jurisprudence is very important in this regard because it is the exact opposite of social integration; sentences of years in prison accumulate. One can receive a sentence of 200 years. The goal was not to release ETA members. Even in the face of terrorism, the state must respect the inviolability of fundamental rights to avoid sliding toward authoritarianism. The Spanish authorities have been criticized for potentially violating freedoms. In conclusion, some authors argue that Spanish laws pose a threat to fundamental rights, such as the right to liberty protected by article 5 of the European Convention on Human rights November 4, 1950. (Cano Paños, Miguel Ángel & Barquin Sanz, Jesús, 2012). Unlike the Good Friday Agreement, a deal made in 1998 to fight against the Irish Republican Army in Northern Ireland, which combined disarmament with political integration, Spain's approach prioritized military and legal repression, raising questions about the sustainability of peace without political reconciliation (United Kingdom & Ireland, Agreement Reached in the Multi-Party Negotiations, 10 April 1998, Strands One–Three and related annexes).

B. France Policy Shift from Protection to Repression

In the mid-1980s, the French government finally acknowledged the existence of an underground armed organization operating within their borders, marking a significant shift in policy toward ETA. This change resulted in the first extraditions of ETA members to Spain in September 1984, symbolizing a new phase of cooperation between the two states against the organization. Between 1986 and 1987, the French position hardened further following the rise to power of right-wing governments.

During this period, the authorities implemented emergency expulsion procedures, which allowed suspected militants to be handed over directly to the Spanish police without lengthy judicial processes. (Álvarez, 2018). It is the case of the Castellana Agreements, (Spain & France, Castellana Agreements, concluded by José Barrionuevo and Pierre Joxe, 1984). Following this agreement, the French government agreed to extradite three ETA members in September of that year. While these bilateral agreements marked a decisive first step, the legal framework underpinning Franco-Spanish cooperation was further solidified at the European level in the early 2000s.

Council Framework Decision 2002/475/JHA, adopted following the 11 September attacks, required all EU member states to harmonize their anti-terrorism legislation and introduce minimum penalties for terrorist offences (European Union, Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism, OJ L 164/3, 22 June 2002, Arts. 1–5). This included criminalizing incitement, recruitment and training for terrorism. For France and Spain, this represented a decisive turning point, compelling Paris to adopt a definition of terrorism aligned with Madrid's, which definitively closed the legal loopholes that had long afforded ETA members relative protection in France. With both countries now bound by the same European legal framework, police and judicial cooperation became more systematic, facilitating joint arrests and extraditions. By eliminating these legislative grey areas, the Framework Decision further isolated ETA and undermined its operational capacity in France, accelerating the organization's decline throughout the 2000s. Yet this tightening cooperation did not go unchallenged, as French legal institutions continued to complicate the full suppression of ETA's presence on French soil.

France took action against ETA, but this was limited by the French Office for the Protection of Refugees and Stateless Persons (OFPRA) and the Refugee Appeals Commission (CRR), who annulled the measures on the grounds that they violated the right to asylum. Following Franco's death, the OFPRA claimed that Spain had become a democracy according to the Geneva Convention, August 12, 1949, and that the grounds for fearing persecution had "ceased to exist". Right-wing Spanish paramilitary groups emerged in 1975: the Spanish Basque Battalion (BVE) and the Antiterrorist Liberation Group (GAL). These groups assassinated ETA militants on French soil. They engaged in violent forms of "counterterrorism", including assassinations, shootings and bombings, in response to ETA's actions. To obtain or maintain refugee status under the Geneva Convention, an applicant must prove that they have a 'personal and well-founded fear' of persecution in their country. However, as Spain transitioned to democracy, the BVE and GAL's attacks provided ETA militants with concrete proof that they were still in mortal danger, justifying the invocation of their refugee status (Álvarez Pérez, 2024). Taken together, these overlapping legal, diplomatic, and security pressures gradually dismantled the foundations upon which ETA had built its cross-border operational model

The progressive closure of the French sanctuary was decisive in ETA's downfall. Through a combination of bilateral agreements, European legal harmonization, and tightened extradition procedures, France transformed from a safe haven into an active partner against the organization. Stripped of its logistical base across the border and no longer protected by asylum laws, ETA lost the operational freedom it had relied upon for decades, directly contributing to its ceasefire in 2011 and final dissolution in 2018.

IV. WHAT ETA HAS BECOME

A. The Dismantling of ETA

The dismantling of ETA occurred gradually between 2011 and 2018, bringing to an end one of Europe's longest-running armed conflicts. After decades of violence, the organization officially announced the definitive cessation of its armed struggle in October 2011. A crucial step followed in April 2017 when ETA revealed the locations of several hidden weapons and explosives in Pyrénées-Atlantiques, effectively disarming the group. The process culminated on May 2, 2018, when the group formally declared its dissolution following an internal consultation in which the majority of its members supported the decision. This staged process reflected both internal consensus and external pressure, bringing a definitive end to the organization's activities.

This outcome was the result of multiple converging factors. Politically, ETA became increasingly isolated from Basque society, losing much of the support it had once enjoyed. Legally, the banning of its political wing, Batasuna, significantly weakened its influence. Militarily, sustained cooperation between France and Spain led to the repeated arrest of key leaders, progressively dismantling ETA's operational capacity. Throughout its existence, ETA was responsible for 829 deaths, the last of which occurred in 2010. ETA no longer exists today (Alvarez, 2018).

B. ETA's Legacy, the Survival of a Basque Identity

Even though ETA was dismantled in 2018, its legacy continues to shape Basque identity in profound ways. ETA's decades-long armed campaign was not only a fight for political independence but also a vehicle for the affirmation of Basque culture and language elements that the organization placed at the heart of its nationalist project. Today, while the violence has ended, the cultural and linguistic aspirations that partly fueled ETA's movement live on through peaceful activism. Language, in particular, remains a powerful force binding Basque people together. This is especially visible in the French Basque Country, where Euskara speakers face the constraints of a highly centralized state: according to Article 2 of the French Constitution, "The language of the Republic shall be French," leaving little room for regional languages in official life (France, Constitution of October 4, 1958, Art. 2, JORF, October 4, 1958).

In 2021, the Constitutional Council issued decision (France, Constitutional Council, Decision No. 2021-818 DC of May 21, 2021, Law on the Preservation and Promotion of Regional Languages), which was widely perceived as a setback by defenders of regional languages. Far from extinguishing the flame, however, this ruling galvanized Basque communities. On 11 April 2025, over a thousand protesters took to the streets of Bayonne to defend the Basque language, showing that the identity struggle once

associated with ETA's political agenda has found a new, democratic voice. Activists describe the decision as discriminatory and are calling for the French Constitution to be reformed. Some are demanding the right to express themselves in Basque in French courts a demand that carries deep symbolic weight. Gorka Torre, a supporter of Basque independence, previously refused to attend his trial because he was not allowed to speak Basque in court (Paul Nicolaï Lorem, 2025). For many, this episode encapsulates a broader sense of cultural injustice, inherited in part from the era of ETA, and the feeling that Basque identity must be defended against institutional indifference or outright exclusion.

V. CONCLUSION

The fight against the ETA exemplifies the fundamental challenge any democratic state faces when confronted with political violence: ensuring public security without compromising the values that define its democracy. To combat ETA, Spain relied on special tribunals, presumptive evidence, and forms of preventive criminalization, measures that ultimately proved effective, as the organization was dismantled in 2011. However, these methods were not entirely consistent with the protection of fundamental rights, even though they were never formally sanctioned by the Spanish Constitutional Court. In order to be effective, France and Spain needed to collaborate. ETA itself illustrates the complexity of a criminal organization driven by political objectives: while its actions were undeniably illegal and violent, it originally emerged in opposition to dictatorship and in pursuit of independence. More broadly, the case highlights that transnational efforts to combat organized crime require not only strong legal and operational coordination but also a careful balance between security and fundamental rights, a challenge that remains highly relevant in contemporary contexts, from jihadist networks to cybercrime.

REFERENCES

Alonso, Rogelio et Reinares, Fernando. « L'Espagne face aux terrorismes ». Pouvoirs, n° 124, Le Seuil, 2008, pp. 107-121.

Álvarez Pérez, Sara. « Un instrument au service de l'organisation terroriste basque Euskadi Ta Askatasuna (1962-1982) ? ». pp. 165-180, in Mariam Amar, Aline Angoustures, Dzovinar Kévonian, Anouche Kunth [dir.], *Entre décolonisation et guerre froide. Administrer l'asile (1960-1990)*, Presses Universitaires de Rennes, 2024.

Alvarez, Lucas. La France entre Espagne et ETA. La mise en œuvre d'une coopération antiterroriste (1980-1990). Mémoire de Master 2 Recherche en Histoire des Sociétés occidentales contemporaines, sous la direction d'Olivier Wieviorka, ENS Paris Saclay - Université Paris 1 Panthéon Sorbonne, juin 2018, 286 p.

Articles of the Ici Pays-Basque newspaper of the 22 May 2021 "Loi sur les langues régionales : les parlementaires du Pays Basque demandent une réforme de la Constitution" of Bixente Vrignon: https://www.ici.fr/infos/politique/loi-sur-les-langues-les-parlementaires-du-pays-basque-demandent-une-reforme-de-la-constitution-1621635209

Articles of the Ici Pays-Basque newspaper of the 6 April 2025 "Plus d'un millier de manifestants dans les rues de Bayonne pour la défense de la langue basque "of Paul Nicolaï.Lorem: https://www.ici.fr/infos/faits-divers-justice/plus-d-un-millier-de-manifestants-dans-les-rues-de-bayonne-pour-la-defense-de-la-langue-basque-5317444

Asua Batarrita, Adela et Alvarez Vizcaya, Maïté. « La répression du terrorisme en Espagne ». Archives de politique criminelle, n° 27, Éditions Pedone, 2009, pp. 215-236.

Cano Paños, Miguel Ángel et Barquin Sanz, Jesús. « Le régime pénitentiaire pour les terroristes en Espagne : La prison, une arme pour combattre l'ETA ! ». Revue Internationale de Droit Pénal, vol. 83, Érès, 2012, pp. 413-458.

Catalina Benavente, Mariángeles et Manso Porto, Teresa. « Combating the terrorism of ETA with the penal model ». Crime, Law and Social Change, Springer Science+Business Media, publié en ligne le 8 octobre 2013.

European Convention on Human rights November 4, 1950:

European Union, Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism, OJ L 164/3, 22 June 2002, Arts. 1–5: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002F0475

France, Constitution of October 4, 1958 (French Constitution of 1958), Art. 2, JORF, October 4, 1958: https://www.conseil-constitutionnel.fr/sites/default/files/2024-08/en_constitution_20240813_1.pdf

France, Constitutional Council, Decision No. 2021-818 DC of May 21, 2021, Law on the Preservation and Promotion of Regional Languages: https://www.conseil-constitutionnel.fr/decision/2021/2021818DC.htm

France, Loi du 10 mars 1927 concerning the extradition of foreign nationals, JORF, 12 March 1927, Art. 5: https://www.legifrance.gouv.fr/jorf/id/JORFTEXT00000 0339876

Geneva Convention August 12,1949:
https://elearning.icrc.org/healthcareindanger-legal-framework/en/media/attachements/chapter-1/gva-conv.pdf

https://www.boe.es/buscar/pdf/1978/BOE-A-1978-40001-consolidado.pdf

https://www.echr.coe.int/documents/d/echr/convention_E NG

https://www.ilsa.org/Jessup/Jessup15/Montevideo%20Co nvention.pdf

Montevideo convention December 16,1993:

Spain & France, Castellana Agreements, concluded by José Barrionuevo and Pierre Joxe, 1984. The agreement itself isn't published in a standard legal database like BOE or Legifrance however it is cited in ALVAREZ, Lucas thesis:https://dumas.ccsd.cnrs.fr/dumas-01915535v1/file/2018%20-%20ALVAREZ%20His.pdf

Spain, Organic Law 10/1995, of November 23, on the Criminal Code, BOE-A-1995-25444, Art. 577: https://www.wipo.int/wipolex/en/legislation/details/1876 0

Spain, Spanish Constitution of 1978, Official State Gazette (BOE), December 27,1978, Art. 25(2):

TRANSNATIONAL_ORGANIZED_CRIME_AND_T HE_PROTOCOLS_THERETO.pdf

UN Convention against Transnational Organized Crime (UNTOC) September 29,2003: https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST

United Kingdom & Ireland, Agreement Reached in the Multi-Party Negotiations (Good Friday Agreement), 10 April 1998, Strands One–Three and related annexes: https://assets.ireland.ie/documents/good-friday-agreement.pdf

Child Laundering in International Adoptions

Manipulation of Identities & Actor Networks

Anna Dal Cin

Abstract — **This paper examines child laundering as a form of organized crime within the intercountry adoption system. While adoption is formally supposed to protect children, structural inequalities, weak institutions and crisis situations create the conditions for illicit practices to flourish. Drawing on documented cases from Sierra Leone, Haiti, Ecuador and others, the study reconstructs the modus operandi through which trafficked children are transformed into "legally adoptable" ones. The study identifies three interconnected phases (acquisition, identity laundering and international placement) and shows how each phase relies on the cooperation of intermediaries, orphanage staff, legal professionals, adoption agencies and civil registry officials. These networks operate by producing legality: falsified documents and manipulated procedures allow illicitly obtained children to enter legitimate adoption channels undetected. By mapping the mechanisms and the actors collaboration, the paper reveals the criminogenic potential of the intercountry adoption system itself.**

I. INTRODUCTION – KEY CONCEPTS EXPLAINED

The phenomenon of intercountry adoption has long been presented as a humanitarian act aimed at providing children without parents with care and stability. This practice emerged in the second half of the twentieth century as a measure to evacuate children from war-torn countries (Loibl & Mackenzie, 2023), like in the cases of the Second World War and later during the Vietnam and Korean wars. It is often portrayed like a bridge between children in need and families willing to support them, yet, behind this benevolent narrative lies a far more complex reality: intercountry adoption can become a very lucrative business (Loibl & Mackenzie, 2023) and since the 1980s numerous scandals have exposed how that the (international) adoption system can be strategically exploited for profit-driven reasons.

Within this context, "child laundering" has emerged as a concept. As legal scholar David M. Smolin explains, "child laundering" is the process through which illicitly obtained children are transformed into legally adoptable ones through a combination of coercion, document manipulation and cooperation among different actors (Smolin, 2006).

Child laundering differs from more conventional forms of human trafficking in a way that makes it particularly difficult to detect. While other forms of trafficking involve inherently illegal ends, such as sexual exploitation or forced labour, adoption itself is legal on the demand side (Loibl, 2020) and the criminality lies in the means by which a child was obtained. As a result, the illicit origins of children need to be disguised through a laundering process (Loibl, 2020). Once children are obtained either through coercion, deception or purchase, orphanages, officials and legal professionals generate the documentation (such as birth records, abandonment declaration, court orders, etc.) needed to construct new identities and render those children "legally adoptable". Precisely for this reason, illegal adoption activities often remain invisible since they are embedded in a legitimate system, as they use the same legal channels as children that are placed lawful for intercountry adoption (Loibl, 2020). These features allow organised networks to exploit the demand for adoptable infants and to hide illicit acquisition behind the appearance of legality.

This paper aims at reconstructing the modus operandi of child laundering and at analysing how different actors cooperate to convert trafficked or otherwise illicitly obtained children into individuals deemed legally eligible for adoption. The study, after an analysis of the pre-conditions allowing such practices to emerge, specifically highlights the mechanisms of this conversion, how children are removed from their original environments, how their new legal identities are fabricated and how these manufactured identities are then inserted into international adoption networks.

II. CONDITIONS ENABLING ILLICIT ADOPTION

Illicit adoption does not occur in isolation, but it emerges from a mix of structural, legal and socio-economic conditions. These differ across countries, but all share common elements, especially poverty, weak institutions, legal ambiguities and global imbalances.

A. Criminological Asymmetries

To begin with, the international adoption market is based on economic and demographic asymmetries between the countries that send children for adoption and those that receive them (Loibl & Mackenzie, 2023). Wealthier countries, like the United States, Canada or European countries, have experienced a growing demand for adoptable children; meanwhile, the number of children available for domestic adoption has declined due to reasons such as access to contraception, abortion policies and social acceptance of single parenthood. In contrast, many lower-income countries from the Global South or post-communist regions experience higher birth-rates and widespread poverty, resulting in a larger population of children in vulnerable conditions. This dynamic produces what can be defined as a transnational adoption market (Loibl & Mackenzie, 2023), characterized by an increasing demand for children from economically disadvantaged countries among prospective parents in wealthier states. These asymmetries are inherently criminogenic (Loibl & Mackenzie, 2023), since they create financial incentives

© 2026 Anna Dal Cin. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

for intermediaries, adoption agencies and even state actors to illicitly secure children in order to meet the demand.

B. Poverty & Marginalisation

While the demand creates incentives, poverty and social marginalization in sending countries create the conditions that make children adoptable. Countries in which a large portion of the population lives in or near extreme poverty (Smolin, 2006) are more likely to experience child laundering and related illicit practices. Poverty not only increases the likelihood that children are relinquished or abandoned, but it also makes parents more susceptible to deception and coercion. Moreover, it severely limits their ability to seek redress: families frequently lack the financial resources, legal knowledge and institutional access needed to challenge unlawful adoption, especially when these involve cross-border procedures and foreign legal systems.

In such contexts, organisations may exploit parents' aspirations for a better future for their children, aspirations often shaped by economic hardship. For instance, in Sierra Leone, during the civil war (1991-2002), the organisation Help a Needy Child International (HANCI) approached impoverished families and offered to house, feed and educate their children up to university level (Garcia, 2023). For families already struggling to meet basic needs, such promises represented opportunities they could not otherwise provide; therefore parents, acting in good faith and believing that they would see their children again, entrusted their children to the organization. However, the majority of these children were placed for adoption abroad without parental consent (Garcia, 2023) and only years later families discovered that their children had been permanently removed. Importantly, most affected families lacked the means to pursue a legal action: the few attempts to challenge HANCI's activities ultimately failed, until only ten years after the adoptions, Sierra Leone's government set up a commission of inquiry to re-examine the case.

C. Natural Disasters, Wars, Humanitarian Crisis

Situations of natural disasters or other humanitarian crises, significantly increase the risk of illicit adoption by disrupting social structures and weakening state control. In these situations, children are often separated from their families and can be (mistakenly or deliberately) classified as orphans.

The 2010 Haiti earthquake illustrates how easily such vulnerabilities can be exploited. In the aftermath of the disaster, children were divided from their parents and state capacity to regulate adoption processes was diminished. A group of American missionaries went to Haiti on a "rescue mission" to bring thirty-three children to an orphanage in the Dominican Republic (Garcia, 2023). Since they did not have proper documentation, they were stopped at the Dominican border and an investigation revealed that the children were not orphans: although the transfers appeared consensual as some of the parents voluntarily released their children, they were made under conditions of extreme vulnerability and disinformation, plus, the missionaries' actions were nonetheless illegal because they did not obtain official adoption papers (Garcia, 2023). In this regard, a press release by the Hague Conference on Private International Law emphasised that "evacuation should not be confused with intercountry adoption which is a more radical measure changing the parenthood of a child" and stressed the importance of family reunification (Haiti Earthquake and Intercountry Adoption of Children, 2010).

This pattern, already evident in the above-mentioned Sierra Leone case, recurs also in other crisis settings where institutional collapse allows organisations like HANCI to operate with minimal oversight. A similar dynamic emerged after the 1994 Rwandan genocide, where children were "evacuated" without consent and adopted in Italy without due procedure being followed. Later investigations revealed that all the children had surviving families members willing and able to care for them (Cantwell, 2017).

These are only few examples among many that showcase the extent to which emergency contexts can facilitate the misclassification of children as orphans and their unlawful removal.

D. Weak Civil Registration Systems

A further enabling condition is the total absence or fragility of birth registration and civil registry systems, which facilitate identity manipulation and document fraud. In many countries, particularly in Africa, record keeping is weak and sometimes non-existent (Mezmur & Benyam, 2010), making it difficult to verify a child's identity or origins.

The absence or incompleteness of official birth records enables practices such as the production of false documentation or "simulated birth" (Mezmur & Benyam, 2010), whereby a child is fictitiously registered as the biological child of non-biological parents. This clearly facilitates illicit adoptions.

Even in contexts in which birth registration rates are relatively high, legal loopholes can still be exploited. For instance, in Guatemala, despite a birth registration rate of around 97% (Cantwell, 2017), legislation made it easier the process of "relinquishment" (i.e. formally giving up parental rights over a child) rather than to prove mere abandonment (Cantwell, 2017). This resulted in relinquishment frequently being used as a primary channel for illegal adoption, demonstrating that a functioning registration system alone is not enough to prevent exploitation. Differently, in Nepal, where birth registration rates are significantly lower than in Guatemala, illicit practices have been linked to false declaration of abandonment, equally leaving children exposed to unauthorised adoption practices.

E. Legal Pluralism

Finally, illicit adoption is also fostered by legal pluralism and ambiguities. In countries characterised by multiple legal systems coexisting or where governance is inconsistent, adoption procedures may become unclear and open to manipulation. In Indonesia, for example, the coexistence of customary law ("adat"), Islamic law and national law (Riski Angga Putra, 2026) creates overlapping jurisdictions and inconstancies in adoption practices that undermine legal certainty and create opportunities for illicit practices.

III. THE CRIMINAL MODUS OPERANDI

Child laundering in international adoption is a structured, multi-phase process that transforms illicitly obtained children into adoptable individuals. Despite variations in methods, the procedure generally follows three main stages: acquisition of the child, identity laundering and placement through international adoption channels.

A. Acquisition of the Child

The first stage consists of securing the physical custody of children through illegal or deceptive means. In general terms, this phase relies on intermediaries who operate within local communities and serve as scouts or recruiters (Smolin, 2006) for larger trafficking networks. They typically target poor, rural or otherwise vulnerable families who may lack access to education, legal protection or economic stability .

A common method involves the use of deception or inducement in obtaining parental consent, in such a way that parents are misled about the nature and consequence of adoption. As seen in previous examples (Sierra Leone, Haiti), families may be told that their children will receive temporary care, education or opportunities abroad, while maintaining contacts with them. In reality, such assurances are false and consequently consent is neither fully informed nor legally valid. In other cases, it could happen that mothers are falsely informed that their newborn stillborn or has died after birth (Cantwell, 2017), allowing intermediaries to directly place the baby into the adoption system.

More coercive ways also exist, which encompass abduction, intra-family kidnapping and even situations in which children are given up as repayment for debts. Numerous reports document cases in which infants are kidnapped from hospital, public places or schools, or where family members remove children to avoid the economic burden of care (Smolin, 2006).

Moreover, in many low-income countries children are placed in orphanages temporarily for care or education, without an intent of relinquishment. Yet, such institutions may later classify these children as “abandoned” and make them available for adoption, therefore feeding the system.

Evidence shows the extensive use of these practices. For example, the Quito adoption scandal (Ecuador, 1989) uncovered a network of lawyers, orphanage staff and other intermediaries that obtained through combination of deception, coercion and actual kidnapping of children from public places. Investigations also exposed the use of threats or manipulation towards birth families, showing how consent was compromised if not totally absent.

B. Identity Laundering

Once a child is illicitly obtained, the second step involves erasing their original identity and constructing a new legal status, therefore enabling their integration into the formal adoption system. This phase is essential to the overall process, as intercountry adoption requires formal legal documentation that presents the child as legitimately adoptable.

The transformation, also called “formalisation” (Leifsen, 2008), is achieved through the alternation or fabrication of key documents including birth certificates, declaration of abandonment, parental consent forms and medical or psychological reports. In this way, children are reclassified as orphans or abandoned minors even when it is not the case.

There are two ways to “launder” a child (Loibl, 2020). In some cases, children are directly registered as the biological offspring of adoptive parents through falsified birth records, therefore bypassing the formal adoption procedure. However, more commonly, children go through official adoption systems using fraudulent documentation which allow adoption agencies, social services and courts to process the case as fully lawful, despite the underlying illegality.

The success of this phase depends on the cooperation among professionals, including orphanage administrators, lawyers, civil registry officials and, in some cases, even judges or government officials. When this coordination exists, the distinction between legal and illegal adoption becomes blurred, as fraudulent cases acquire all attributes of legality.

The centrality of identity manipulation is again evident in the Quito scandal. Inquiries revealed the systematic efforts to alter the children’s identities, including the use of women who falsely registered as biological mother only to subsequently consent to the child adoption. Officials in Child Tribunals, ministries and civil registries were involved in facilitating this mechanism. Similarly, another Ecuadorian case involved adoption lawyer Alfredo Barragan (Leifsen, 2008), whose dual role as an orphanage owner and representative of a US adoption agencies allowed him to manipulate procedural steps that determine a child’s legal status. By collaborating with judicial authorities to accelerate the process, Barragan ensured that children were channelled through the system with identities and adoptability statuses shaped to meet the needs of international placement.

C. Placement through Intercountry Adoption

The final phase corresponds to the placement of the child through international adoption, thereby completing the laundering process. With a new legal identity, the child is presented to authorities and prospective parents as legally adoptable.

Because adoption procedures rely on the documents submitted to assess whether a child is eligible for adoption, when such paperwork is manipulated or falsified the competent authorities in receiving states, which may have no knowledge that the child was acquired illicitly, can hardly detect the fraud. Once the adoption is legally finalised and the child is transferred to the adoptive family abroad, it becomes difficult to trace the child’s original identity and hold anyone accountable.

Taken together, these three stages demonstrate how child laundering is a continuous process in which a child’s origins are gradually concealed, resulting in an adoption that appears entirely legal. Illegality is embedded in multiple interconnected steps, rather than in a single act.

IV. ACTOR COOPERATION: THE CRIMINAL NETWORK BEHIND CHILD LAUNDERING

Child laundering clearly relies on "extensive networks" (Cantwell, 2017) of actors spanning from public institutions to private organisations. These include professionals such as medical staff that can issue falsified birth certificates (Loibl, 2020), lawyers, judges, and, in some instances, workers formally responsible for safeguarding the adoption system, such as orphanage staff, social workers or court-appointed officials. What enables the system to function is not simply their involvement, but their coordination across the stages of the process.

These networks operate through a division of labour. Intermediaries identify and secure children, orphanages manage their classification as adoptable, legal professionals produce or validate documentation and adoption agencies connect children with prospective parents. The Barragan case contributed to the development of a model of the irregular in international adoptions (Leifsen, 2008), which identifies the adoption agency or lawyer as the central actor orchestrating the process. The activities of "secondary actors", which include orphanages, tribunal staff, intermediaries, stem from the decisions of the main actor rather than being independent (Leifsen, 2008).

A key feature of this cooperation is the ability to avoid detection. Rather than operating outside the law, these networks strategically exploit legal frameworks by relying on formally valid documentation, therefore embedding illegality within legitimate procedures. Two elements are particularly important. First, fragmentation across multiple actors and jurisdictions limits oversight and reduces the likelihood that any single participant has full knowledge of the process. Second, reliance on documentation creates opportunities for manipulation: once falsified paperwork is introduced, it tends to be accepted without further verification.

Actors in receiving countries (adoption agencies, governmental officials, families) could be unaware of the illicit origins of a child. In certain cases they maintain a "wilful ignorance" (Loibl & Mackenzie, 2023) and if irregularities appear, they employ techniques of neutralisation (Loibl & Mackenzie, 2023) to justify inaction, for instance by appealing to higher loyalties or transferring responsibility to the sending country.

However, this system is not without risks. Exposures can occur when inconsistencies emerge or when external scrutiny reveals irregularities, like in the Quito scandal or the HANCI case. Still, accountability is often uneven: lower-level actors are more likely to be sanctioned, while central coordinators may escape responsibility, especially in transnational contexts. Even when exposed, illicit adoptions are rarely reversed, allowing the system to persist and adapt rather than being dismantled.

To sum up, child laundering happens through a web of actors who, knowingly or unknowingly, make illegal adoptions appear legal by hiding children's true origins and allowing illicit adoptions to continue.

V. CONCLUSION

Child laundering in intercountry adoption is not the product of isolated criminal acts, but a systemic practice embedded within the very mechanisms meant to regulate adoption. From the acquisition of children to the fabrication of legal identities, to the placement in international adoption channels, each phase contributes to transforming illegality into an appearance of legitimacy. It becomes clear that pre-existing structural conditions, such as poverty or institutional weaknesses, create a fertile ground that both enables and incentivises these practices. Crucially, the involvement of multiple actors further blurs the boundaries between legality and illegality, making accountability difficult and therefore allowing child laundering to persist.

Finally, these findings suggest that child laundering should not be understood as an exception to an otherwise well-functioning system, but rather as a distortion arising from the system itself. Child laundering persists because it is embedded in structures that present both opportunities and incentives. Addressing it therefore requires not only stronger regulation, but a recognition and understanding of the deeper conditions and procedures that give rise to it, in order to tackle the issue at its very root.

REFERENCES

Cantwell, N. (2017). *The sale of children and illegal adoption*. Terre des Hommes Netherlands.

Garcia, C. (2023). *Intercountry adoption fraud: How poorly implemented legislation effects countries, children, and parents.*

Haiti earthquake and intercountry adoption of children. (2010). [Press release]. Hague Conference on Private International Law.

Leifsen, E. (2008). Child Trafficking and Formalisation: The Case of International Adoption from Ecuador. *Children & Society*, *22*(3), 212–222. https://doi.org/10.1111/j.1099-0860.2008.00152.x

Loibl, E. (2020). Child Trafficking for Adoption Purposes: A Criminological Analysis of the Illegal Adoption Market. In J. Winterdyk & J. Jones (Eds), *The Palgrave International Handbook of Human Trafficking* (pp. 401–417). Springer International Publishing. https://doi.org/10.1007/978-3-319-63058-8_97

Loibl, E., & Mackenzie, S. (2023). Organisation of Crime in the Transnational Adoption Market. In *Organized Crime in the 21st Century*.

Mezmur, & Benyam. (2010). *The sins of the 'saviours'": Child Trafficking in the Context of Intercountry Adoption in Africa.*

Riski Angga Putra. (2026). Child Adoption Practices in Yogyakarta: Legal Challenges and the Role of Social Workers. *Journal of Social Welfare Research and Practice*.

Smolin, D. M. (2006). Child Laundering: How the Intercountry Adoption System Legitimizes and Incentivizes the Practices of Buying, Trafficking, Kidnaping, and Stealing Children. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.5777264

Post-Yugoslav Arms Trafficking in the Western Balkans

Causes, Networks, and Policy Limits

Virginia De Rosa

***Abstract* — This paper examines post-Yugoslav arms trafficking in the Western Balkans, analyzing its historical causes, network architecture, and the structural reasons why decades of international intervention have consistently failed to resolve it. Drawing on six institutional and primary sources, this paper argues that arms trafficking in the region is not a legacy problem gradually diminishing with institutional reform, but a structurally reproduced phenomenon rooted in Yugoslavia's exceptional militarization, the 1997 Albanian cascade, and the conversion of conflict-era networks into durable criminal enterprises. Policy has consistently targeted symptoms while leaving intact the governance failures that sustain the trafficking schemes: fragmented legislation, judicial passivity, and intelligence non-interoperability. The result is a trafficking economy which has not declined but professionalized, and a region that remains concurrently an EU accession candidate and a primary source of illegal firearms circulating across Europe.**

I. INTRODUCTION

The Western Balkans occupies an enigmatic position in European security. Its six states (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia) are formally engaged in EU accession processes, bound by harmonization obligations and subject to international assistance in their security sectors. Yet, the same region remains one of the primary sources of illegal firearms which circulate within the Union, supplying criminal networks involved in drug trafficking and terrorism.

It is commonly assumed that post-Yugoslav arms trafficking is a declining phenomenon, but the evidence contradicts this assumption. Europol's threat assessments in both 2017 and 2021 confirm that conflict-era weapon stocks remain an active supply source for illegal firearm within the Union, and that the criminal networks smuggling them have developed their organizational structures over time.

This paper argues that arms trafficking in the region is not a legacy problem but a structurally reproduced phenomenon sustained by governance failures that policy has consistently failed to address. Section II examines the historical roots of the surplus; Section III analyses the network architecture; Section IV evaluates the structural limits of policy intervention; and finally, Section V concludes with a synthesis of the findings.

© 2026 Virginia De Rosa. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. HISTORICAL ROOTS

A. Yugoslav Militarization Doctrine

The foundation of the post-Yugoslav arms trafficking lies in a deliberate strategy implemented by President Tito, which led to the production of one of the most heavily armed societies during the Cold War period. Since Yugoslavia required large forces of its own, in order to establish its independent position as a non-aligned Marxist state, Tito's strategy was devoted to the guerrilla warfare, with the ultimate aim of systematically stockpiling as many weapons as possible throughout the civilian territory. This was a strategy of decentralized territorial defence, which relied on a rapid mobilization on the assumptions that Yugoslavia might have to fight a prolonged war alone. The Yugoslav People's Army and the Territorial Defence Army maintained a total of 2,330,000 rifles for 705,000 mobilized troops, a correspondence weapon-to-soldier which far exceeds NATO's standards, placing Yugoslavia at "the most extreme end of the small arms spectrum" (Small Arms Survey, 2001, p. 75). As Arsovska and Kostakos (2008) note, the Yugoslav policy based on the Total Defence Doctrine was designed to engage the entire population in armed resistance, armament production and civil defence, making the decentralized stockpiling of weapons not an anomaly, but a deliberate strategic choice embedded in the state foundational security architecture.

B. Wars of Succession and Production Continuity

The dissolution of the state of Yugoslavia ruptured Tito's military-industrial system across multiple states, which were simultaneously destabilized by the long-running civil wars that erupted following the 1991 declarations of independence. Bosnia and Herzegovina saw employment in its arms industry collapse from 30,000 to 6,000 by 1998; Croatia's state-owned RH Alan Company fell from 50,000 to 12,000 employees over the same period; and Serbia's Zastava survived NATO airstrikes and continued producing AK-series variants (Small Arms Survey, 2001). Arsovska and Kostakos (2008) further document that around 60% of Yugoslav military production was concentrated in Serbia, with the remainder largely in Bosnia-Herzegovina: the dissolution of the state fragmented productive capacity across multiple successor jurisdictions, each inheriting both the infrastructure and the personnel to continue manufacturing. The region was concurrently a storage zone, a production zone, and a conflict zone; a combination which made post-war surplus management structurally impossible.

C. Albania 1997 as the Critical Turning Point

The turning point were not the wars of succession themselves, but the collapse of the Albanian state in 1997.

When the pyramidal financial schemes of President Sali Berisha were uncovered, which robbed thousands of the citizens' life savings, Albanian citizens looted military depots that had been built across every city and rural area under the Enver Hoxha dictatorship's defence strategy, which was based on militia-partisan warfare and had placed weapons within reach of the entire civilian population.

The scale of such flood of arms reached extraordinary numbers: over 600,000 small arms were taken from state arsenals, including 1.5 billion rounds of ammunition, 3.5 million hand grenades and 1.4 million anti-personnel mines (Small Arms Survey, 2001). One million assault rifles entered the black market at prices as low as $15 a piece and more than 50% of the seized arms were transported out of Albania, flowing directly into the KLA insurgency in Kosovo. Albanian smugglers were selling arms at the most convenient price to each buyer: for Kosovo, the price was up to $150 for each Kalashnikov, but for Macedonia the price was as little as $25 for the same weapon (Small Arms Survey, 2001).

Arsovska and Kostakos (2008) further note that in the period between 1997 and 2002 alone, around 150,000 small arms and light weapons were illegally transferred from Albania mainly to Kosovo and Macedonia, confirming that the 1997 cascade did not produce a single supply shock, but a sustained and directional outflow that directly armed the insurgent formations operating across the region in the years that followed, and that transformed a regional surplus into a price-competitive supply whose structural legacy persists to this day (Small Arms Survey, 2001).

D. Structural Consequences

The combination of these three factors: Yugoslavia's stockpiling structure, the continuation of small arms production after the state collapse and during the civil wars, and the 1997 Albanian cascade, produced an environment fertile to illegal arms supply throughout Europe. This is due to the fact that in the Western Balkans, unlike most post-conflict regions, the structure of the manufacturing and trade was multifaceted, as there were inherited military stockpiles and also an active manufacturing capacity in multiple States, creating a supply of weapons at prices accessible to any criminal or insurgent actor.

As the UNODC's Global Study on Firearms Trafficking of 2020 notes, price data from across Europe identify the Western Balkans as a potential illicit source of firearms, particularly assault rifles, which were significantly cheaper than anywhere else on the continent. Such price differential is evidence of a persistent surplus supply which is still rooted in the regional economy, even after two decades from the conflicts (UNODC, 2020).

This is further confirmed by Figure 1 of the same study, which shows that the Western Balkans accounted for 10% of incoming illicit flows into Southern Europe in 2016 and 2017, demonstrating that the historical supply chain, established during the conflicts in the 1990s, remained active more than twenty years later.

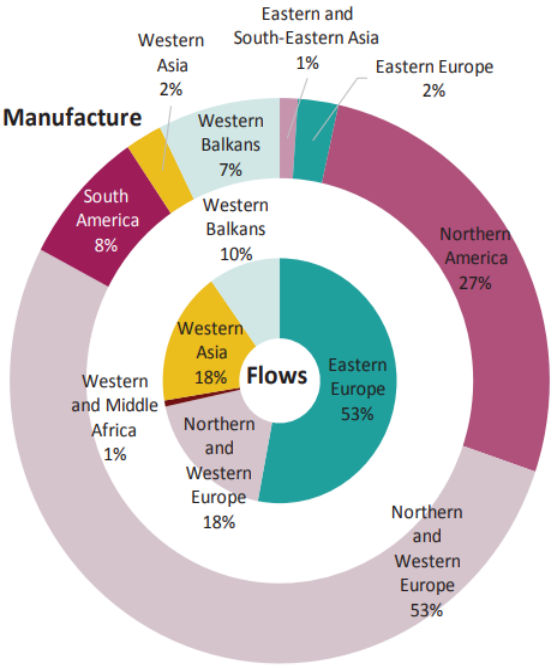

Figure 1. Distribution of subregions identifies as departure of incoming illicit flows and manufacture of seizures made in Southern Europe, 2016-17.
Source: UNODC (2020), p. 57.

III. NETWORK ARCHITECTURE

A. From Conflict Networks to Criminal Enterprise

The illicit arms networks previously established during the Kosovo conflict did not dissolve when the hostilities ended. Instead, they evolved into criminal enterprises with commercial activities across the Western Balkans. The Kosovo Liberation Army had obtained weapons from looted Albanian military depots, from diaspora communities in Switzerland, Germany and Austria, and concealing their transport in humanitarian vehicles (Small Arms Survey, 2001).

The clearest evidence of the networks' evolution into criminal enterprises is the seizure documented in Croatia in 2000, in which portable rocket launchers, assault rifles, ammunition and explosives were confiscated and traced back to Bosnia and Herzegovina, with Croatian authorities concluding that the weapons were destined for the Real IRA (RIRA), in Northern Ireland (Small Arms Survey, 2001).

Arsovska and Kostakos (2008) confirm this pattern of post-conflict network reorientation, documenting that following the end of regional hostilities criminal groups from the Balkans gradually reversed the flow of weapons, shifting from importation during the conflict years to exportation toward Western Europe and other conflict-stricken areas; such structural transformation was not driven by new actors, but by the same networks repurposing their established logistics for commercial gain.

B. The Grey Market Layer and State Complicity

Grey market transfers play a pivotal role in the system of the Western Balkans arms trafficking facilitating transactions between states or state-controlled entities

which exploit legal loopholes or deliberately circumvent international law. Unlike black market transfers, the grey layer involves state actors either directly or with their implicit knowledge (Small Arms Survey, 2001).

Arsovska and Kostakos (2008) document multiple cases of explicit state involvement: Serbian arms deliveries to Iraq worth $236 million coordinated through officially sanctioned procurement agencies; Croatian government links to weapons trafficking to Palestinian groups; and Macedonian army officials convicted for selling NATO-supplied weapons to Bulgaria at a fraction of their value.

The transnational character of these operations is documented in various cases: arms manufactured in Bulgaria were seized in Albania; falsified end-user certificates were used to divert Hungarian pistols across Moldova towards Yugoslavia, implicating at least four different jurisdictions in a single transaction; and a $2.8 million shipment of Bulgarian arms, financed through Switzerland, was seized in Albania, thus illustrating how a single trafficking operation can involve multiple jurisdictions at the same time (Small Arms Survey, 2001).

C. Network Structure and the Drug-Arms Nexus

Arsovska and Kostakos (2008) identify multi-criminality as a defining characteristic of Balkan organized crime networks, noting that, unlike criminal enterprises in other regions which tend to specialize in a single commodity, the Balkan networks continuously expand their activities through pre-existing social and logistical ties, making specialized law enforcement responses insufficient to address the full scope of their operations.

Europol's 2021 assessment confirmed that the trafficking landscape had further evolved, revealing a deep structural convergence between firearms and drug trafficking: the two criminal markets share the same routes, the same actors, and the same financial infrastructure, with drugs occasionally used as payment for weapons. The result is a set of hybrid criminal groups largely opaque to law enforcement authorities, given their ability to diversify across multiple illicit markets simultaneously (Europol, 2021).

D. Adaptation: Conversion and Reactivation

Europol's 2021 Threat Assessment documents a significant shift: large-scale smuggling of weapons stockpiles has become increasingly rare, replaced by criminal networks legally acquiring alarm or deactivated firearms in less regulated countries and converting or reactivating them into lethal weapons after crossing border. This shift reduces border exposure, since shipments now consist of smaller and legally acquired items that only become illicit after entering destination markets. The overall picture is one of a trafficking network that has reorganized itself by exploiting the vulnerabilities of the legal supply chain, making it significantly more resistant to traditional border interdiction measures (Europol, 2021).

E. Ant Trade and Diaspora Financing

Another dimension of the Western Balkans trafficking infrastructure is the so-called “ant trade”, which is a pattern of small-scale and cumulative cross-border smuggling in which individuals legally acquire weapons in countries with looser regulations and traffic them into countries in which controls are stricter (Small Arms Survey, 2001). In the context of the Balkans, this phenomenon was aggravated by the role played by diaspora communities, particularly composed of groups of individuals coming from the Kosovo region, resident in Switzerland, Germany and Austria. Those groups played a pivotal role in the logistical support for weapons transfers into the region during and after the Kosovo conflict (Small Arms Survey, 2001).

A documented case highlights the mechanism of the ant-trade: the Italian police confiscated 40 Austrian-made rifles at the port of Trieste, which were sold by a Swiss arms dealer to four Yugoslav nationals resident in Switzerland. This chain of trafficking shows how diaspora networks functioned as active nodes within the EU (Small Arms Survey, 2001).

The resilience of this scheme derived from quantities too small to attract significant law enforcement attention, while their aggregate impact maintained a continuous flow of weapons across borders.

IV. POLICY LIMITS

A. Legislative Fragmentation

The persistence of arms trafficking in the Western Balkans cannot be understood without examining the structural failures of the policy frameworks which were designed to address it.

The 2018 Regional Roadmap, adopted at the EU-Western Balkans Summit in London, represents the most comprehensive regional attempt to address this problem in a systematic manner. However, a closer examination of its baseline assessments reveals the depth of the governance failures it was attempting to remedy. At the time of adoption, the weapons were categorized differently across the multiple jurisdictions of the region, creating regulatory discrepancies and legal loopholes that trafficking networks exploited by moving arms across borders into whichever state offered the most permissive legal framework (Regional Cooperation Council & SEESAC, 2018).

Bylaws on deactivated weapons were not implemented in the majority of beneficiary states, meaning that weapons could be rendered apparently inactive and subsequently reactivated without any standardized legislation to detect and prosecute such practice (Regional Cooperation Council & SEESAC, 2018).

The Roadmap’s Goal 1, which was full harmonization of arms control via legislation with the EU regulatory framework by 2023, faced a near-total non-compliance from Western Balkan States, which led to a structural fragmentation of the legal frameworks which sustained trafficking by ensuring that weapons, legally acquired in one jurisdiction, could not be easily traced or prosecuted in the destination state (Regional Cooperation Council & SEESAC, 2018).

B. Judicial Passivity and Deterrence Vacuum

Legislative fragmentation alone does not fully account for the persistence of arms trafficking in the Western Balkans. In reality, even where the legislative frameworks were in place, the failure of the judicial institutions to prosecute and sentence firearms offences undermined the practical enforceability of laws and bylaws. The Roadmap's

baseline assessment documents this pattern of judicial passivity, which led to a neutralization of the deterrent effect that legislation was supposed to have against smugglers: courts classified trafficking offences as illegal possessions (Regional Cooperation Council & SEESAC, 2018).

Arsovska and Kostakos (2008) argue that formal deterrence has consistently failed in the Balkan context precisely because arms trafficking is not perceived as a menace to society on either a public or political level: judicial passivity reflects not only a capacity deficit, but a deeper political and social normalization of the phenomenon, confirmed at EU level by the UNODC's 2020 Global Studies on Firearms Trafficking, which highlights that illicit possession was the most frequent legal justification, with only around half of the weapons seized in a trafficking context actually classified as such (UNODC, 2020).

In addition, when convictions did occur, judicial penalties were consistently applied below the minimum legislative threshold prescribed by law and the overall number of cases which reached court was disproportionately low compared to the actual number of police reports on seizures of firearms (Regional Cooperation Council & SEESAC, 2018).

C. Intelligence Non-Interoperability

A third structural failure which reinforces the ineffectiveness of arms control policy in the region is the absence of a shared and functional intelligence mechanism across all states of the Western Balkan region. The Roadmap's baseline assessment, under Goal 2, reveals that in 2018 there was no agreed dataset for the exchange of intelligence; when exchange occurred, it was sporadic and unstandardized, resulting in parallel investigations without any coordination between law enforcement authorities (Regional Cooperation Council & SEESAC, 2018). Only one forensic laboratory in the entire region had achieved ISO 17025 accreditation (issued by the International Organization for Standardization) for ballistic investigation, and only one jurisdiction was producing a Gun Crime Analysis Report (Regional Cooperation Council & SEESAC, 2018).

Europol's secure information exchange network (SIENA) was underutilized, and the consequences of such institutional inertia meant that trafficking networks appeared to all states' authorities only as fragments, never as a whole (Regional Cooperation Council & SEESAC, 2018).

D. Structural Dependence on External Actors

The fourth structural limit of arms control policy in the Western Balkans comes from the nature of the Roadmap itself, used as an instrument of governance. The document is explicitly described as a guideline political framework based on consensus between states, meaning that it does not have binding force and contains no sanctioning mechanism in case of non-compliance (Regional Cooperation Council & SEESAC, 2018).

Its implementation depends on SEESAC's technical coordination and donor funding by Germany, the EU, France, and the United Kingdom, and the progress is monitored through 14 Key Performance Indicators, not through binding and enforceable obligations (Regional Cooperation Council & SEESAC, 2018).

The gap between the ambitious goals of the Roadmap and the near-total non-compliance by beneficiary states is evidence that the intervention model, which is consensual, non-binding and donor-dependent, is incapable of producing the transformations that it targets (Regional Cooperation Council & SEESAC, 2018).

E. Demand-Side Neglect

A final dimension of policy failure concerns the demand side of the illicit arms economy: Goal 4 of the Roadmap takes into account the deeply rooted social and cultural conditions that endorse civilian demand for illegal weapons. Arsovska and Kostakos (2008) provide the theoretical foundation for this argument, demonstrating that cultural factors, including traditions linking male honour to firearms possession and widespread distrust of state institutions, sustain civilian demand in ways that border interdiction and legislative harmonization are structurally incapable of addressing.

The Roadmap explicitly acknowledges a lack of comprehensive approach in the planning of awareness measures (Regional Cooperation Council & SEESAC, 2018). The consequence is that, as long as the demand for illegal firearms remains culturally embedded, supply reduction measures alone are not sufficient to take apart the illicit arms economy.

V. CONCLUSION

The persistence of arms trafficking in the Western Balkans is the product of a precise historical sequence: Yugoslavia's exceptional militarization produced the initial surplus; state collapse and the 1997 Albanian cascade activated it; conflict-era networks converted it into durable criminal infrastructure. Structural failures in legislation, prosecution, and intelligence cooperation allowed that infrastructure to persist across three decades of sustained international intervention (Regional Cooperation Council & SEESAC, 2018; Europol, 2017; Europol, 2021).

Europol's assessments from 2017 to 2021 reveal not stasis but evolution: standalone firearms trafficking has integrated into drug trafficking economies and conversion has replaced direct smuggling. Arsovska and Kostakos (2008) observed this resilience as early as 2008, a finding confirmed fifteen years later (Europol, 2017; Europol, 2021). The Roadmap frames arms control as a technical harmonization problem. The evidence suggests it is fundamentally a governance failure. Until these structural obstacles are overcome, the Western Balkans will remain both an EU accession candidate and a primary source of illegal firearms circulating across Europe.

REFERENCES

Arsovska, J., & Kostakos, P. (2008). *Illicit arms trafficking and the limits of rational choice theory: The case of the Balkans*. *Trends in Organized Crime*, *11*(4), 352–378. https://doi.org/10.1007/s12117-008-9052-y

Europol. (2017). *European Union serious and organised crime threat assessment 2017: Crime in the age of technology*. Europol.

Europol. (2021). *European Union serious and organised crime threat assessment 2021*. Europol.

Regional Cooperation Council & SEESAC. (2018). *Regional roadmap for a sustainable solution to the illegal possession, misuse and trafficking of small arms and light weapons (SALW) and their ammunition in the Western Balkans by 2024*. SEESAC/UNDP.

Small Arms Survey. (2001). *Small arms survey 2001: Profiling the problem*. Graduate Institute of International Studies.

UNODC. (2020). *Global study on firearms trafficking 2020*. United Nations Office on Drugs and Crime.

China's Structural Role in the U.S. Fentanyl Crisis

Jonah Di Nunno

Abstract — **This paper examines China's structural role in the U.S. fentanyl crisis, analyzing the industrial, criminal, and diplomatic mechanisms through which Chinese actors have contributed to the deadliest drug epidemic in U.S. history. Drawing on official government reports, academic literature, and policy analyses, it traces the supply chain linking Chinese precursor chemical manufacturers to Mexican transnational criminal organizations and, ultimately, to U.S. consumers. It also examines the history of U.S.-China counternarcotics cooperation and its recurring subordination to broader geopolitical tensions. The paper concludes that China's role is at the same time structural, selective, and ambiguous, thus being an unresolved combination of governance incapacity, strategic unwillingness, and state-adjacent complicity rather than reflecting a single explanatory logic.**

I. INTRODUCTION

Drug overdose is the leading cause of death among Americans aged 15 to 44, exceeding heart disease, cancer, suicide, vehicular accidents and COVID-19, with a total of overdoses being 105,007 in 2023. Opioids alone caused 79,358 of them (Garnett & Miniño, 2026). The increase in opioid mortality marked what scholars have defined as the 'third wave' of opioid overdose crisis, which began in 2013 following the introduction of synthetic opioids—and of illicitly manufactured fentanyl (IMF) in particular—into the U.S. illicit drug market (Pergolizzi et al., 2021).

The rise of synthetic opioids is not incidental. They represent the optimal choice for criminal organizations, as production costs are minimal, profit margins are extraordinary, and their potency allows large quantities of doses to be concealed in small packages, significantly reducing interdiction risks.[1] These advantages are paired with demand-side vulnerabilities deeply embedded in the U.S. healthcare system: decades of aggressive opioid prescription practices have created a predisposition to addiction in a large portion of the population, which is then highly receptive to illicit synthetic substitutes once legal supply is reduced (Zha, 2025).

In particular, illicit fentanyl, which accounts for roughly 69% of overdose deaths, is mainly produced abroad. The Drug Enforcement Administration (DEA) believes it is often smuggled into the U.S. across the Southwest border or sent directly from China to consumers. Although there is believed to be a growing diversification of illicit fentanyl production, the main route remains that of China manufacturing chemical precursors and exporting them to Mexican criminal organizations—mainly the Sinaloa Cartel and CJNG—which process, wholesale, and traffic the final product across the U.S. border (DEA, 2025; Moore et al., 2023).

© 2026 Jonah Di Nunno. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

[1] E.g., 1 kilogram of fentanyl contains nearly 500,000 lethal doses.

This paper aims to examine in particular the role of China in fueling the U.S. fentanyl crisis, thus analysing its scope, mechanisms, and the extent to which it reflects deliberate regulatory failure, state complicity, or the limits of governance over a decentralized industry.

II. FENTANYL AND ITS ROLE IN U.S. SOCIETY

Fentanyl, a potent synthetic opioid, was first synthesized by Dr. Paul Janssen and his company in 1960. The drug was first used as an intravenous analgesic clinically in Europe in 1963 and in the U.S. (as a component of Innovar) in 1968 and since then has become one of the world's most important and frequently used opioid analgesics. It is 50 to 100 times more potent than morphine (C. Meyer, 2025).

Once ingested, fentanyl is rapidly absorbed by highly perfused tissues (i.e., tissues with a rich blood supply) like the brain before being stored in muscle and fat and attaching to human plasma proteins. As for every other opioid, fentanyl interacts primarily with the Mu (μ) opioid peptide receptors, which are mainly distributed in the central nervous system; this interaction produces the therapeutic and adverse effects. For example, activation of the Mu1 receptor in the brain causes analgesia, while activation of Mu2 causes potentially adverse effects, such as respiratory depression and sedation. Not only is fentanyl more fat-soluble than other opioids, making it easier to cross the fat-based cell membranes; it is also the most compatible with Mu receptors among all opioids. These properties contribute to its susceptibility to abuse (Tsang & Masys, 2018).

Fentanyl was originally formulated as an intravenous injection for anesthetic purposes. The need for less-invasive, safer and convenient options led to the development of non-intravenous formulations (Tsang & Masys, 2018).

While fentanyl's pharmacological properties made it a valuable clinical tool, they also rendered it exceptionally dangerous outside controlled settings. However, its emergence as the dominant substance in the U.S. illicit drug market is the natural consequence of the structure of the U.S. healthcare system.

Beginning in the 1990s, aggressive pharmaceutical marketing—starting with Purdue Pharma's promotion of OxyContin—started to normalize the mass prescription of opioid analgesics for chronic pain, obscuring their addictive potential. This generated a population of dependent patients within a healthcare system which intrinsically favors prescription volume over actual treatment, therefore being ill-equipped to address addiction.

Dependency spread rapidly—especially within the low-income working class—and a parallel black market for diverted prescription opioids flourished, supplying those unable or unwilling to access the formal healthcare

system. When federal and state regulators finally started to restrict opioid prescribing in the early 2010s, this population migrated toward heroin, cheaper and increasingly accessible, which became the substitute of choice. Alongside it, a market of fentanyl analogues—acetyl fentanyl, carfentanil (up to 10,000 times more potent than morphine), and related compounds—began circulating. Fentanyl was cheaper and easier to produce than other opioids, and had the potential to generate enormous profits. It started to be mixed into heroin and other drugs to increase their volume and sell more doses; but its enormous potency meant that dosage inconsistency almost always resulted in a fatal dose, and people consuming what they thought was heroin or oxycodone were dying of fentanyl overdoses without even knowing they had taken it.

What had begun as a demand-side crisis therefore escalated into something U.S. authorities had no control over. Mexican cartels recognized in IMF an even superior commodity than heroin, as it was cheaper to produce, easier to conceal, and exponentially more potent, so they began shifting production. Such shift was not incidental, and it was made possible, above all, by the availability of chemical precursors synthesized in China at low cost and exported with minimal oversight. It is this upstream dependency—of the entire illicit fentanyl market on Chinese chemistry—that places China at the structural origin of the crisis.

III. CHINA'S ROLE IN THE FENTANYL SUPPLY CHAIN

The fentanyl supply chain linking China, Mexico, and the U.S. is a textbook example of a transnational criminal network: a cross-border division of criminal labour in which distinct actors, operating across multiple jurisdictions, each perform specialized functions within an integrated system (UNODC, 2010). China supplies the chemistry, while Mexico supplies the manufacturing infrastructure and the trafficking routes. Retail is handled by U.S. distribution networks. Each node is, in principle, removable, but the system as a whole is extraordinarily resilient, precisely because no single enforcement action in any one jurisdiction can disrupt it in its entirety.

China's role in this network is the result of its position as the dominant global supplier of the precursor chemicals required to synthesize IMF. From the 1980s onwards, China developed a large chemical manufacturing sector—one of the largest in the world. However, this expansion was not followed by proper regulation, making illicit supply easier to develop. As early as the 1990s, drug traffickers were already exploiting chemical factories to process illicit substances under the guise of legitimate commerce (Zha, 2025). By the time fentanyl precursors became commercially significant in the 2010s, Chinese manufacturers had the technical capacity, the logistical infrastructure, and the competitive pricing to supply them at scale.

The Chinese actors involved in this trade do not, however, conform to the archetype of the large hierarchical criminal organization. The fentanyl precursor market is composed of small, often family-based networks and individual opportunistic brokers rather than by established criminal groups (Felbab-Brown, 2025). The structure reflects the economics of precursor trade, where profit margins at the supply end are modest, and where operational scale is achieved through volume and diffusion rather than hierarchical control. It is also what makes enforcement so difficult, as there is no single organization to dismantle.

The flow of Chinese fentanyl to the U.S. has operated through two distinct channels. In the first phase, beginning around 2012, Chinese suppliers shipped fentanyl directly to U.S. drug retailers via mail, bypassing Mexican cartels entirely. This model threatened to displace the cartels from the illicit opioid market altoghether. Rather than being cut out, the cartels adapted and integrated, and began to purchase both finished fentanyl and its precursor chemicals from Chinese suppliers. By the mid-2010s, they were synthesizing fentanyl in clandestine labs in Mexico before trafficking the final product across the U.S. border (DEA, 2025; Felbab-Brown, 2025). Chinese criminal networks also became the main money laundering operators for the cartels' fentanyl business, using various schemes to move drug profits from the U.S. back to Mexico (Kennedy & Southern, 2025).

When China scheduled all fentanyl-related substances in 2019, the network adapted. The scale and fragmentation of China's chemical export sector, processing thousands of transactions daily, makes regulation unable to keep up with the emergence of functional substitutes to known precursors. Chinese manufacturers therefore simply shifted to supplying non-scheduled precursor analogues and diverting shipment through third countries. Mexican cartels ramped up their domestic production system accordingly (Felbab-Brown, 2025; M. Meyer et al., 2023). This capacity of reconstituting supply chains by substituting chemicals, routes, and intermediaries is precisely what TOC literature identifies as the defining feature of resilient criminal networks operating across jurisdictions (UNODC, 2010).

Fentanyl smuggling via legal trade flows is estimated to account for between 14,000 and 20,000 additional overdose deaths per year in the U.S.—a figure that reflects not only the scale of the problem but the degree to which the boundary between licit commerce and criminal supply has become structurally blurred (Moore et al., 2023).

IV. DIPLOMACY AND POLITICAL ACTIONS

The supply chain dynamics described above did not go unnoticed by U.S. policymakers. As the Chinese origin of fentanyl precursors became well-documented, the issue migrated from the domain of law enforcement to that of high-level diplomacy, thus transforming from 'low politics' in interactions among functional agencies to 'high politics' in the economic and political relations between the two countries (Zha, 2025).

Fentanyl first entered bilateral dialogue in 2017, when President Trump raised it during his visit to China. Diplomatic pressure over the following two years eventually led to a significant concession: in May 2019, China scheduled the entire class of fentanyl-related substances as controlled narcotics, effectively ending authorized sales of fentanyl and its known precursors to the U.S. (Felbab-Brown, 2025; Zha, 2025). The measure was regarded as a diplomatic achievement. Its actual

impact, however, was limited—as described in the previous section, the supply chain adapted rather than collapsed.

Cooperation deteriorated significantly between 2021 and 2023. China suspended counternarcotics engagement in response to broader geopolitical tensions, and especially following U.S. House Speaker Nancy Pelosi's visit to Taiwan in August 2022 (Zha, 2025). Faced with Chinese non-cooperation, the U.S. adopted a more coercive posture. In 2023, the Department of Justice issued criminal indictments against Chinese networks knowingly supplying non-scheduled precursors to Mexican cartels. At the same time, the Department of the Treasury's Office of Foreign Assets Control (OFAC) sanctioned multiple Chinese companies and individuals under Executive Order 14059, blocking the U.S. assets of entities that had contributed to the flow of fentanyl precursors into the U.S. (Kennedy & Southern, 2025). The U.S. also denied visas to Chinese officials and business executives linked to the precursor trade, and Congress held a series of high-profile hearings on China's role in the crisis.

The diplomatic breakthrough came at the Biden-Xi summit of November 2023, held in San Francisco. There, fentanyl cooperation was placed at the top of the agenda. A joint U.S.-China Counternarcotics Working Group was established with a mandate covering law enforcement coordination, technical information sharing, and anti-money laundering cooperation. The U.S. then agreed to lift specific OFAC sanctions on China. In the months that followed, China notified domestic pharmaceutical companies of tightened precursor export controls, took enforcement action against over three hundred Chinese citizens, and banned the export of 55 precursor chemicals and synthetic drugs (Zha, 2025).

However, with the return of the Trump administration in early 2025, the U.S. imposed fentanyl-linked tariffs on Chinese imports and framed them as economic leverage to compel further action (Felbab-Brown, 2025; Zha, 2025). China responded with counter-tariffs and published a paper titled "Controlling Fentanyl-related Substances: China's Contribution," in which it presented its domestic enforcement record and framed the U.S. approach as a politicization of a public health issue (Zha, 2025). According to scholars, imposing large tariffs on China will likely dismantle the cooperation built under Biden, at the expense of any meaningful reduction in precursor flows (Felbab-Brown, 2025). The relations between the U.S. and China thus remain dangerously unstable.

V. CHINA: UNWILLING OR UNABLE?

The preceding sections have documented China's position at the structural origin of the U.S. fentanyl crisis. The question that remains is whether China's role reflects a regulatory failure, state complicity, or the genuine limits of governance over a decentralized industry.

The case for governance incapacity is plausible. China's chemical manufacturing sector is vast, fragmented, and has many ties to international markets. Fentanyl precursors are, in most cases, dual-use substances with legitimate industrial applications, which means that scheduling them requires China to impose controls on chemicals it also needs for its own pharmaceutical and manufacturing industries (Noland et al., 2025). Chinese representatives have consistently argued that they cannot take enforcement actions against the sale of non-scheduled chemicals, and that controls on precursors would be detrimental to the legitimate industry. Even China's bureaucracy would struggle to trace and interdict chemicals that are, by definition, chemically indistinct from legal products.

The case for unwillingness, however, is at least equally well-supported. China's cooperation has historically been "highly selective, self-serving, limited, and subordinated to its geopolitical interests" (Kennedy & Southern, 2025). The suspension of counternarcotics cooperation following Pelosi's Taiwan visit is an example of the fact that Beijing treats drug enforcement as a strategic lever rather than a public health obligation. Moreover, the 2023 DOJ indictments revealed that Chinese suppliers were not passively failing to prevent diversion, but actively facilitating it, providing Mexican cartels with chemical formulas and processing instructions (Kennedy & Southern, 2025). Moreover, China's resistance to adopting Know Your Customer regulations because it is "too costly", and its limited implementation of anti-money laundering cooperation, reinforce the picture of a government that has consistently chosen not to prioritize enforcement when enforcement would impose costs (Kennedy & Southern, 2025).

The most troubling dimension of the debate concerns the question of state complicity. A 2024 investigative report by the U.S. House Select Committee on Strategic Competition found that the Chinese government directly subsidizes the export of illicit fentanyl materials through tax rebates, monetary grants, and official site visits to companies openly trafficking in precursor chemicals (U.S. House Select Committee, 2024). The report further found that a government-owned prison operated a chemical company—Yafeng—that served as a hub for Chinese firms selling fentanyl products to American consumers (U.S. Department of State, 2025). China has denied these findings, but independent verification remains difficult. The report "Controlling Fentanyl-related Substances: China's Contribution" frames continued flows as the product of inherent difficulties in regulating dual-use chemistry rather than of bad faith.

VI. CONCLUSIONS

China's role in the U.S. fentanyl crisis resists clean categorization. It is structural in the sense that, without its contribution, the IMF market as it is today could not have been constructed; and it is also ambiguous in a peculiar way. China is neither a passive victim of its own regulatory limitations nor, on the available evidence, an actor pursuing a state-level strategy to weaponize fentanyl. Its role is more accurately that of a state which has consistently allowed structural deficits—a vast and loosely regulated chemical sector, a subordination of drug enforcement to geopolitical calculation, a resistance to economically costly controls—to persist. Whether this constitutes an unwillingness, inability, or complicity is ultimately less important than knowing that the three are not mutually exclusive. China's role in the fentanyl crisis appears to be all three at once, and it is this ambiguity that

has made it so resistant to resolution through either diplomacy or enforcement.

However, the central focus of this analysis should not rest on the assignment of fault, nor on the geopolitical competition between two states that have, as scholars have noted, increasingly used the fentanyl issue as leverage in a broader economic and strategic rivalry that extends beyond the drug crisis itself (Felbab-Brown, 2025; Zha, 2025). The focus should instead stay on those who are suffering—a socioeconomic group that was already structurally vulnerable before the crisis began, and whose vulnerability has been exacerbated by both the failures of the U.S. healthcare system and the regulatory deficits of the Chinese chemical industry. If the fentanyl crisis is to be addressed in any meaningful way, both states must start to confront those structural issues not as a diplomatic bargaining chip, but as the public health emergency that it is.

REFERENCES

2025 National Drug Threat Assessment. (2025). *Drug Enforcement Administration (DEA)*. https://www.dea.gov/sites/default/files/2025-07/2025NationalDrugThreatAssessment.pdf

Felbab-Brown, V. (2025). *The fentanyl crisis: From naloxone to tariffs*.

Garnett, M., & Miniño, A. (2026). *Drug Overdose Deaths in the United States, 2023–2024*. National Center for Health Statistics (U.S.). https://doi.org/10.15620/cdc/174639

Kennedy, L., & Southern, N. P. (2025). *FENTANYL: From the labs to the streets*. ROUTLEDGE. https://doi.org/10.4324/9781003631873

Meyer, C. (2025). *Framing Fentanyl: Exploring the Narratives Around the Fentanyl Crisis in the United States*.

Meyer, M., Westenberg, J. N., Jang, K. L., Choi, F., Schreiter, S., Mathew, N., King, C., Lang, U. E., Vogel, M., & Krausz, R. M. (2023). Shifting drug markets in North America—A global crisis in the making? *International Journal of Mental Health Systems*, *17*(1), 36. https://doi.org/10.1186/s13033-023-00601-x

Moore, T., Olney, W., & Hansen, B. (2023). *Importing the Opioid Crisis? International Trade and Fentanyl Overdoses* (No. W31885; p. w31885). National Bureau of Economic Research. https://doi.org/10.3386/w31885

Noland, M., Contreras, J., & Rengifo-Keller, L. (2025). Stopping the Flow: The Effects of US-China Cooperation on Fentanyl Markets and Overdose Deaths. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.5255805

Pergolizzi, J., Magnusson, P., LeQuang, J. A. K., & Breve, F. (2021). Illicitly Manufactured Fentanyl Entering the United States. *Cureus*. https://doi.org/10.7759/cureus.17496

Tsang, C., & Masys, A. J. (2018). Fentanyl Crisis: A National Security Matter. In A. J. Masys (Ed.), *Security by Design* (pp. 253–272). Springer International Publishing. https://doi.org/10.1007/978-3-319-78021-4_12

United Nations Office on Drugs and Crime, U. N. (2010). *The Globalization of Crime: A Transnational Organized Crime Threat Assessment* (1st ed). United Nations Research Institute for Social Development.

Zha, D. (2025). Synthetic opioids management in Sino–American relations: Focus on fentanyl. *China International Strategy Review*, *7*(1), 70–83. https://doi.org/10.1007/s42533-025-00185-w

Beyond a Domestic Crisis

Ireland's Cocaine Market Within Transnational Organised Crime Networks

Shannon Dowd

Abstract — **Ireland's cocaine market has transformed dramatically over the past two decades, shifting from a marginal domestic trade to a structurally embedded component of transnational organised crime networks. This paper examines the extent to which Ireland's cocaine market is shaped by transnational organised crime networks, arguing that domestic patterns of consumption, distribution, and criminal activity cannot be understood in isolation from the international supply chains. Drawing on European drug market data, criminological literature, and law-enforcement assessments, the analysis highlights Ireland's involvement into the Latin America, Europe cocaine corridor, the role of major trafficking hubs such as Antwerp and Rotterdam, and the international operations of Irish organised crime groups, particularly the Kinahan network. Overall, the paper argues that Ireland's cocaine market is fundamentally transnational in nature and that effective responses must prioritise coordinated international strategies targeting supply chains, financial flows, and cross-border criminal cooperation.**

I. INTRODUCTION

Since the early 2000's, Ireland's illicit drug landscape has undergone profound change. National data show that cocaine use has increased across all social groups, presenting a broader European trend in availability, purity, and demand (Mongan et al. 2025). This expansion in consumption has coincided with the rise of internationally connected organised crime groups, whose operations link Irish markets to Latin American production zones and major European trafficking hubs such as Antwerp and Rotterdam (EMCDDA, 2024; EUDA, 2025).

Despite this, public and political discourse in Ireland has often framed cocaine as a primarily domestic policing or public health issue. Such framing obscures the extent to which transnational organised crime networks shape the Irish market. Groups such as the Kinahan Organised Crime Group operating across Europe, the Middle East, and South America demonstrate how Irish criminal actors function as embedded nodes within wider trafficking ecosystems rather than isolated domestic gangs (BBC One, 2025; Europol, 2024).

This paper, therefore, examines the extent to which transnational organised crime networks shape Ireland's cocaine market. Drawing on criminological literature, European drug market assessments, and law enforcement reports, it argues that Ireland's position within the global cocaine supply chain is central to understanding both the structure of its domestic market and the limitations of national level responses. Recognising these transnational dynamics is essential for developing effective strategies that address the supply chains, financial flows and the cross-border criminal cooperation.

© 2026 Shannon Dowd. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. GLOBAL DRUG MARKET TRANSFORMATIONS

Ireland's evolving cocaine market reflects broader structural changes in the global drug economy. In the past decade, the international cocaine trade has expanded in scale, efficiency, and complexity, driven by increased production in Colombia, Peru, and Bolivia (UNODC, 2023) and by the diversification of trafficking routes into Europe. Scholars argue that contemporary cocaine markets are no longer dominated by rigid, hierarchical cartels but instead operate through decentralised, competitive, and highly adaptive networks (Kumah,2024). These flexible structures enhance the resilience of trafficking systems and allow criminal actors to exploit globalised logistics, container shipping, and digital communication technologies.

The European cocaine market has emerged as the second largest cocaine market, with record levels of purity and availability. Trafficking hubs such as Antwerp and Rotterdam have become a central entry point for South American cocaine, attracting organised crime groups due to their scale, efficiency, and integration into global trade flows (EUDA, 2025). These hubs facilitate the movement of cocaine across the continent through the "rip on, rip off" concealment method, corruption of port workers, and sophisticated supply chain infiltration (EUDA, 2024).

Recent law-enforcement operations, including the dismantling of encrypted communication platforms such as EncroChat and Sky ECC, have revealed the extent to which European ports have been compromised by criminal networks (Europol, 2021, 2022). These investigations exposed detailed logistical planning, corruption networks, and cross-border alliances that underpin Europe's cocaine supply chain.

Ireland's growing consumption and the internationalisation of its criminal networks must therefore be understood within this wider European context. As Van Duyne and colleagues argue that European organised crime increasingly operates through cross- border alliances rather than rigid hierarchies, with criminal entrepreneurs exploiting the opportunities created by open borders, integrated logistics and digital communication technologies (Van Duyne et al., 2024).

III. TRANSNATIONAL ORGANISED CRIME AND THE MAFIA DRUG MARKET

Transnational organised crime has evolved into a fluid, network- based system in which criminal actors collaborate across borders to maximise profit and minimise risk. Rather than operating through rigid, vertically integrated hierarchies, contemporary drug trafficking networks rely on flexible, decentralised structures that allow groups to

specialise in specific functions such as production, transportation, wholesale distribution, or money laundering (Chief Inspector Garda Síochána Inspectorate, 2024; Europol, 2024). This functional specialisation enables criminal groups to collaborate across jurisdictions while reducing exposure to law-enforcement pressure.

Consumer states such as Ireland play a crucial role within these systems. Domestic demand sustains transnational supply chains, while local criminal groups facilitate wholesale distribution, retail sales, and financial flows. As such, Ireland's cocaine market cannot be analysed separately from the international criminal networks that underpin it (Ocindex, 2025).

The shift toward networked criminality has also been accelerated by technological change. Encrypted communication platforms, digital payment systems, and online marketplaces have enabled criminal groups to coordinate across borders with unprecedented speed and anonymity. These technologies have reduced the need for physical proximity, allowing Irish organised crime gangs to collaborate with Dutch, Spanish, and South American partners while remaining geographically dispersed.

Scholars emphasise that contemporary drug markets resemble "criminal ecosystems" rather than mafia-style pyramids, with actors forming temporary, transactional alliances based on opportunity and mutual benefit (Daszkiewicz et al., n.d.). This model allows groups to scale operations, diversify risk, and rapidly adapt to enforcement interventions.

IV. THE GLOBAL COCAINE SUPPLY CHAIN AND IRELAND'S POSITION

Cocaine production remains focused in Colombia, Peru, and Bolivia, with Colombia accounting for the majority of global output. Over the past decade, Europe has become the world's second largest cocaine market after North America, with record levels of purity and availability (EMCDDA, 2024; EUDA, 2025). Ireland's consumption patterns mirror this trend.

The European cocaine market relies heavily on maritime trafficking through commercial container shipping. Major ports in Belgium and the Netherlands, particularly Antwerp and Rotterdam, serve as critical entry points (Europol, 2024). Despite record seizures, European authorities emphasise that interdictions represent only a fraction of the total volume entering the market, highlighting the scale of transnational trafficking operations (EUDA, 2025).

Ireland functions primarily as a consumer endpoint within this system. Cocaine directed for Ireland is typically imported after entering Europe through continental ports and redistributed through secondary trafficking routes. Ireland's high consumption levels ensure its continued integration into these transnational supply chains.

In recent years, Ireland has also experienced several high-profile maritime seizures involving "mother ships" carrying multi-tonne consignments of cocaine. The largest occurred in 2023, when Gardaí intercepted 2.2 tonnes of cocaine off the Cork coast (Garda Síochána, 2023). This demonstrates Ireland's strategic significance for traffickers seeking to bypass heavily monitored continental ports.

V. EVOLUTION OF IRISH ORGANISED CRIME

Organised crime in Ireland has evolved from locally-based gangs into increasingly transnationally connected criminal networks. According to official assessments, approximately 169 organised crime groups operate in Ireland, with the majority involved in drug trafficking (Inspectorate, 2024). These groups vary in size and sophistication but are increasingly embedded in international criminal partnerships (Europol, 2024).

Rather than controlling entire drug supply chains, Irish organised crime groups typically specialise in specific roles such as wholesale importation, domestic distribution, or enforcement. This mirrors broader European trends toward networked and cooperative criminal structures (Ocindex, 2025).

Irish organised crime gangs have also adopted more sophisticated financial strategies, including trade-based money laundering, the use of shell companies, and cryptocurrency transactions (Criminal Assets Bureau, 2024). These methods allow groups to obscure the origins of drug profits and integrate them into the legitimate economy. The Criminal Assets Bureau has repeatedly highlighted the growing complexity of these financial flows, noting that Irish groups increasingly rely on international accountants, lawyers, and financial intermediaries to manage their assets.

VI. THE KINAHAN ORGANISED CRIME GROUP

The Kinahan Organised Crime Group represents the most prominent example of Ireland's integration into transnational cocaine trafficking networks. Founded by Christy Kinahan Sr. in the 1990s and later managed by his sons, the group expanded from a Dublin-based gang into an international criminal enterprise (BBC One, 2025; Europol, 2024).

A major recent development further illustrates the Kinahan Organised Crime Gang's transitional nature. In April 2026, Daniel Kinahan was arrested in Dubai following an Irish High Court warrant for serious organised crime offences (BBC News, 2026; MacNamee, 2026). His arrest marked the culmination of years of coordinated intelligence sharing between Irish, European, EU, U.S, and UAE agencies, reflecting the scale of the Kinahan network and the international effort required to disrupt it. Kinahan had lived in Dubai for nearly a decade, allegedly overseeing large scale cocaine trafficking, money laundering and violent enforcement operations across Europe (BBC News, 2026).

Daniel Kinahan has since pleaded guilty to directing the activities of a criminal organisation. This represents the most significant breakthrough in Ireland's decades-long effort to dismantle the cartel's leadership structure and strengthens the Criminal Assets Bureau's ability to pursue international asset seizures linked to the group's global financial network.

Despite this unprecedented development, evidence suggests that the Kinahan cartel remains active, though significantly weakened. International assessments indicate that elements of the wider "super cartel" associated with the Kinahan's continue to operate within Europe's cocaine

supply chain, historically controlling up to one-third of the continent's cocaine market (Insight Crime, 2021).

The Kinahan case also illustrates the strategic use of "criminal mobility," whereby leadership figures relocate to jurisdictions with weak extradition treaties or limited law-enforcement oversight. Much of its leadership has operated outside Ireland, particularly in Spain and later Dubai, allowing the group to coordinate trafficking while reducing exposure to domestic law-enforcement interventions (BBC One, 2025). Despite sustained international pressure, the group has demonstrated resilience through geographic mobility and networked cooperation.

VII. OTHER ACTORS AND NETWORKED CRIME

As enforcement measures weakened the Kinahan group's domestic operations, other Irish organised crime groups expanded their influence. The "Family" or Grendon gang has emerged as a major cocaine and heroin importer, utilising global connections to fill gaps left by the Kinahan organisation.

Irish groups frequently collaborate with foreign partners, including Dutch-based criminal networks that provide access to continental distribution channels (EMCDDA & Europol, 2025). Irish authorities have also identified links between Irish traffickers and international actors connected to major maritime cocaine seizures, further illustrating the global reach of these networks (Insight Crime, 2021).

In addition, smaller Irish gangs have increasingly adopted a franchise-style model, purchasing wholesale cocaine from larger networks and distributing it through localised retail markets. This decentralisation has made the Irish cocaine market more resilient, as the disruption of one group does not significantly affect overall supply.

VIII. DISTRIBUTION STRUCTURES IN IRELAND

Ireland's cocaine distribution system has evolved into a multilayer and highly adaptive network that mirrors broader European drug market transformations. Wholesale importation is controlled by transnationally connected groups, while retail distribution is carried out by local gangs and crime families across both urban and rural areas (Inspectorate, 2024).

A key development has been the "Uberisation" of drug dealing. Cocaine is increasingly ordered through encrypted messaging platforms and delivered directly to consumers (EMCDDA, 2023). This model reduces visible street-level dealing, increases accessibility, and contributes to the geographical spread of cocaine use across the country.

Encrypted platforms such as WhatsApp, Telegram, and Signal have become central to Ireland's retail cocaine market. Dealers use broadcast lists, digital menus, and GPS-based delivery systems to coordinate sales, mimicking legitimate delivery services. This technological shift has made enforcement more difficult, as transactions leave minimal physical evidence and can be coordinated remotely.

IX. PATTERNS OF USE AND DEMOGRAPHICS

Cocaine use in Ireland has increased sharply since the early 2000s. National data show that last year, cocaine use among adults more than doubled over this period (Mongan et al., 2025). Usage is most prevalent among young adults aged 15–34, with males particularly represented, although female cocaine use has increased substantially in recent years.

A defining feature of Ireland's cocaine market is the normalisation of use. Cocaine is often framed as a recreational or social drug and, by some users, as a perceived alternative to alcohol. This cultural shift has reduced stigma and increased demand, reinforcing Ireland's role as a stable consumer market (HRB, 2024). Sociological research suggests that cocaine has become embedded in Ireland's nightlife economy, with use particularly prevalent in pubs, clubs, and private parties. The drug's association with sociability, confidence, and stamina has contributed to its widespread acceptance among young adults. Moreover, the increasing availability of high-purity cocaine at relatively low prices has made it more accessible to middle-income users, further expanding the consumer base (HRB, 2024).

X. HEALTH AND SOCIAL HARMS

Despite its normalisation, cocaine is associated with significant health risks. Cocaine has a high potential for dependence and is linked to cardiovascular complications, psychiatric disorders, and increased mortality (Mongan et al., 2025). Empirical data show sharp increases in cocaine-related hospital discharges, psychiatric admissions, treatment demand, and deaths in Ireland since 2000.

Cocaine markets also generate broader social harm. Communities experience intimidation, recruitment of young people into drug dealing, and violence linked to the enforcement of drug debts. These harms demonstrate how transnational supply chains manifest in localised social damage (HRB, 2024).

In addition, the rise of crack cocaine in certain urban areas has intensified public-health challenges. Crack use is associated with higher levels of addiction, homelessness, and community disruption. Irish service providers have reported increasing demand for emergency accommodation, addiction treatment, and mental-health support linked to crack cocaine use. These developments highlight the intersection between drug markets and broader social inequalities.

XI. POLICING, GOVERNANCE, AND TRANSNATIONAL CHALLENGES

Ireland's response to organised crime increasingly emphasises transnational cooperation and asset-focused policing. The Garda Inspectorate highlights that while substantial progress has been made in targeting organised crime groups, significant challenges remain (Europol, 2024; Inspectorate, 2024). Transnational organised crime groups exploit international mobility, jurisdictional fragmentation, and financial secrecy to evade prosecution.

Encrypted communication platforms and cryptocurrency have created new obstacles for law enforcement (EMCDDA, 2023). The Criminal Assets Bureau plays a central role in countering these dynamics by targeting the proceeds of crime through civil forfeiture (Criminal Assets Bureau, 2024). However, the internationalisation of money

laundering and the use of offshore jurisdictions complicate enforcement efforts.

Crucially, official assessments emphasise that the organised crime threat facing Ireland cannot be addressed through national policing alone. Effective responses require sustained international cooperation, intelligence sharing, and coordinated governance across jurisdictions (Chief Inspector Garda Síochána Inspectorate, 2024).

At the EU level, initiatives such as EMPACT (European Multidisciplinary Platform Against Criminal Threats), Europol's Analysis Projects, and the EU Drugs Strategy provide frameworks for cross-border collaboration. Ireland participates actively in these initiatives, contributing intelligence and benefiting from shared operational resources. However, the complexity of global cocaine trafficking means that even EU-wide efforts face significant limitations, particularly in relation to port corruption and financial crime.

XII. CONCLUSION

This paper has demonstrated that Ireland's cocaine market cannot be understood as a purely domestic phenomenon; instead, it is embedded within transnational organised crime networks that link South American production zones to European trafficking hubs and Irish consumer markets. Irish organised crime groups, particularly the Kinahan Organised Crime Group, operate as embedded actors within these systems rather than independent controllers.

Recognising the transnational nature of Ireland's cocaine market has important implications for policy and enforcement. Domestic public health and policing interventions are essential but insufficient in isolation. Addressing cocaine trafficking requires coordinated international strategies that target supply chains, financial flows, and networked criminal cooperation.

Ultimately, Ireland's cocaine market reflects the broader dynamics of globalisation, where illicit flows mirror legitimate economic processes. Effective responses must therefore combine local community-based interventions with robust international cooperation, enhanced port security, and sophisticated financial-crime enforcement. Only by addressing the full spectrum of transnational dynamics can Ireland hope to reduce the harms associated with cocaine trafficking and consumption.

REFERENCES

BBC News. (2026, April 27). *Kinahan gang: Encrypted texts key evidence against "senior lieutenant."* https://www.bbc.com/news/articles/c9d4dzdx7jjo

BBC One (Director). (2025). BBC One - Kinahan: The True Story of Ireland's Mafia [Broadcast]. In *BBC*. https://www.bbc.co.uk/programmes/m0027wyq

Chief Inspector Garda Síochána Inspectorate. (2024). *Transnational organised crime. A review of the structures, strategies and processes in the Garda Síochána.* [Report]. Garda Síochána Inspectorate. https://www.drugsandalcohol.ie/42205/

Criminal Assets Bureau. (2024). *Criminal Assets Bureau Annual Report 2024*.

Daszkiewicz, K., Savsin, S., & Widell, L. (n.d.). *Violence in Illicit Drug Markets*.

EMCDDA. (2023). *European drug report 2023*. Publications Office. https://data.europa.eu/doi/10.2810/161905

EMCDDA. (2024). *European drug report 2024*. Publications Office. https://data.europa.eu/doi/10.2810/91693

EMCDDA & Europol. (2025). *EU Drug Market: Cocaine*.

EUDA. (2024). *Cocaine – the current situation in Europe (European Drug Report 2024) | The European Union Drugs Agency (EUDA)*. https://www.euda.europa.eu/publications/european-drug-report/2024/cocaine_en

EUDA. (2025). *Cocaine – the current situation in Europe (European Drug Report 2025) | The European Union Drugs Agency (EUDA)*. https://www.euda.europa.eu/publications/european-drug-report/2025/cocaine_en

Europol. (2021). New major interventions to block encrypted communications of criminal networks. *Europol*. https://www.europol.europa.eu/media- press/newsroom/news/new-major-interventions-to-block- encrypted-communications-of-criminal-networks

Europol. (2022). Heat is rising as European super cartel is taken down in six countries. *Europol*. https://www.europol.europa.eu/media-press/newsroom/news/heat-rising-european-super-cartel- taken-down-in-six-countries

Europol. (2024). *First report on encryption by the EU Innovation Hub for Internal Security.* https://doi.org/10.2813/437117

Garda Síochána. (2023). *An-garda-siochana-annual-report-2023*. HRB. (2024). *HRB Evidence Review*.

Insight Crime. (2021). *Ireland Seizures Highlight Growing Role in Cocaine Trade*. https://insightcrime.org/news/ireland- seizures-highlight-growing-role-cocaine-trade/

Inspectorate, G. (2024). *Transnational Organised Crime*. Kumah, D. M. (2024). *Email: Divinekuma@gmail.com*. *12*(12).

MacNamee, G. (2026, April 28). *Daniel Kinahan to face judge in Dubai this week over his extradition*. https://extra.ie/2026/04/28/news/daniel-kinahan-to-face- judge-in-dubai

Mongan, D., Millar, S. R., Carew, A. M., Kelleher, C., Daly, A., Lyons, S., Galvin, B., & Smyth, B. P. (2025). Trends in cocaine use and cocaine-related harms in Ireland: A retrospective, multi-source database study. *BMC Public Health*, *25*(1), 2285. https://doi.org/10.1186/s12889-025- 23224-y

Ocindex. (2025). *The Organized Crime Index*. https://ocindex.net/

UNODC. (2023). *World Drug Report 2023*. United Nations : Office on Drugs and Crime. //www.unodc.org/unodc/en/data- and-analysis/world-drug-report-2023.html

Van Duyne, P. C., Banach-Gutierrez, J., A. Antonopoulos, G., Von Lampe, K., Larsson, P., & Harvey, J. (2024). *Green and Transnational Crime in Europe and Beyond: Synergies and Challenges* (1st ed.). Routledge. https://doi.org/10.4324/ 9781003530824

The Role of Cryptocurrencies in Transnational Organized Crimes

An Analysis of Hydra Market

Sara Duka

Abstract — **This paper examines the role of cryptocurrencies in enabling transnational organized crimes, with a particular focus on the Hydra Market as a case study. It addresses the central research question: "to what extent and in what ways do cryptocurrencies facilitate the operations, expansion and resilience of transnational organized criminal groups and networks"? This paper adopts a qualitative analytical approach, combining a review of existing academic literature on the matter with a case-based analysis. Firstly, it provides a conceptual and technical overview of cryptocurrencies, outlining their development and key features, assessing their criminogenic potential and focusing on the related regulatory challenges and current developments. Subsequently, the analysis focuses on the Hydra Market, one of the most prominent darknet marketplaces in history prior to its shutdown, focusing on analyzing how cryptocurrencies were integrated into Hydra's operational model.**

I. INTRODUCTION

In recent years, the rapid development of cryptocurrencies has transformed not only the global financial landscape, by offering new opportunities for innovation and decentralization, but it has also deeply influenced criminal markets. In fact, some of the common principal features shared by all types of cryptocurrencies (such as the high degree of anonymity, borderless transactions and the current limited regulatory oversight) have become rather appealing for big criminal networks and represent a fertile ground for the exploitation of transnational organized crimes.

Among the most prominent examples of this phenomenon is the Hydra Market, a darknet marketplace that originally operated primarily in Russian-speaking regions, only to later become one of the largest platforms for illegal trade globally. A vital role for the success of this platform was undoubtedly played by the sophisticated integration of cryptocurrencies payments in its operational model, illustrating once again how digital technologies enhanced the resiliency of these criminal enterprises.

This paper examines how cryptocurrencies facilitate transnational organized crime, focusing specifically on the Hydra Market as a case study. The analysis first outlines the main characteristics and regulatory challenges of cryptocurrencies, before examining their role in organized crime and the operational structure of Hydra. Finally, the paper considers current legal responses and future challenges related to crypto-enabled criminal activities.

II. CRYPTOCURRENCIES

Although the phenomenon of cryptocurrencies might appear very recent, with the most well-known variant (Bitcoin) being introduced in 2008, the concept of digital assets dates back to decades. A first general idea of cryptocurrencies emerged thanks to the American computer scientist David Lee Chaum when he tried to develop an early form of digital money in 1989 (Telcoin, 2015). The features designed by the latter for his cryptocurrency model, mainly techniques to secure and verify the transactions, later became the key core elements of present modern cryptocurrencies.

Cryptocurrencies can be defined as a digital means of financial exchange which does not rely on banks to verify transactions. In fact, they were originally created with the scope to overcome and bypass limitations of existing currencies and financial restrictions, while simultaneously providing high security and safety standards.

For this purpose, these types of currencies exist purely as digital entities to an online database, rather than being physical money that would need to be carried around the world in order to be exchanged. To date, more than 2,000 variants of cryptocurrencies exist (with Bitcoin, Ethereum, Litecoin and Ripple being the main ones).

A. Regulatory Challenges

Cryptocurrencies have long been at the centre of the international debate due to the numerous challenges that they pose not only to the financial realm, but the legal and regulatory ones as well. Several states regard them with skepticism and believe that they can have a negative impact on their economy, other States either do not express their stance on the matter or allow free movement. On one hand some Western powers, primarily the United States and the United Kingdom, have shown a generally positive attitude towards new technologies that enable virtual coins since the very beginning; on the other hand, some countries of the Eastern part of the world such as Russia, China and South Korea had initially substantially prohibited them, only to subsequently change their approach in more recent times, at least partially (Russia is an example).

However, as public interests increase, new uses for cryptos develop almost every day and as new uses of cryptocurrencies emerge, so do their potential legal liabilities. Among the various problems of cryptocurrencies, the main ones are related to contractual issues, jurisdictional issues, privacy concerns, money laundering, intellectual property, data thefts and financial fraud. As to this last point, the blockchain's promise of anonymity, and its apparent freedom from regulations, can entice many users who are involved in illegal activities to rely on cryptocurrencies for their financial transactions.

In this regard, in 2017, a researcher at Cornell University identified a serious security flaw in the Ethereum blockchain that put $250 million at risk of theft (Freeman, 2020). Similarly, crypto wallet maker Ledger happened to compromise 1 million email addresses in a data security breach and the access to the personal information (such as

© 2026 Sara Duka. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

full names, postal addresses and phone numbers) of more than 9,500 customers was stolen (Freeman, 2020).

Furthermore, cryptocurrencies create a legal characterization obstacle: in fact, in some countries they are expressly excluded from certain legal definitions. In France, for example, the position of the Bank of France is that VCs (Virtual Currency Schemes) cannot be considered as real currency or instruments of payment under current French laws. Similarly, the European Central Bank indicated in its 2015 report that in the EU, virtual currencies are not currencies and are not currently regulated (European Central Bank, 2015).

In the same vein, the ECB executive Board member Yves Mersch argued that VCs are yet not even considerable as foreseeable future money because they lack official recognition in the first place, but they also poorly function as medium of exchange; thus, they cannot be considered a valid unit of account or store of value, which are the main characteristics of money in order to be considered a valid method of payment (European Central Bank, 2018). His thesis was strengthened on the basis of the consideration of the fact that cryptocurrencies entail several dangers, namely: lack of transparency, leverage risks, speculative bubbles and, as already mentioned, traceability issues.

It is particularly this last aspect that is of great importance in relation to the criminal potential. That is because due to the decentralized nature of cryptocurrencies, regulators cannot directly target a central body that administers the system and provides for redress. Moreover, their pseudo-anonymity makes it difficult to determine the identity of a user, or that individual's specific and accurate use of the cryptocurrency within the system.

Taken together, these examples collectively call into question the adequacy of current legal regimes in addressing the issues arising from the proliferation of cryptocurrencies.

B. Developing Legal Framework

In light of these issues, the need to find a legal framework addressing cryptos in general arose; however, given that many states regard cryptocurrencies differently, we still do not have a harmonious legal regime on the matter.

To bring an example, the European Union has repeatedly raised the alarm and recognized the importance of developing new laws and rules in this field. In fact, the European Commission set up the Blockchain Observatory and Forum, with the aim of monitoring the most interesting blockchain developments and projects on the European territory, while also making funding available to encourage governments, industries and European citizens to take advantage of the opportunities provided by this new technology.

The regulation (EU) 2023/1114 on Markets in Crypto-Assets (MiCA) brings crypto-assets, crypto-asset issuers and crypto-asset service providers under one harmonised regulatory framework for the very first time. The new rules introduce requirements for crypto-asset issuers and service providers concerning: supervision and authorisation of transactions, disclosure of the environmental impact of crypto-assets and transparency. Moreover, under this regulation, crypto-asset service providers need an authorisation to operate in the EU and, in order to do so, they must respect strong requirements of consumer protection and shall be held liable if they lose investors' crypto-assets.

More focused on criminal risk control is Directive (EU) 2018/843, 5th Anti-Money Laundering Directive (AMLD5). Here Art. 1(2)(d) extends AML rules to crypto exchanges and wallet providers, while Art. 13 and Art. 14 clear out the vital requirements of customer due diligence (KYC) and of identity verification. It is relevant to note that this was the first time EU law explicitly drew a link between cryptos and criminal risks (in this example focusing on money laundering).

Moving to a rather international perspective, the FATF (Financial Action Task Force) Recommendation 15 on Virtual Assets, which is an international standard also influencing EU law, can be considered the global benchmark for money laundering, proliferation financing and, especially, terrorism financing via cryptocurrencies. FATF's key rules require that crypto providers must identify users, monitor transactions and, most importantly, report suspicious activities.

In conclusion, although the regulatory developments outlined above represent a significant step toward the establishment of a coherent legal framework for crypto-assets and currencies, they do not yet amount to a fully mature global system. In this sense, the path toward a truly comprehensive and effective legal regime remains a long and ongoing process.

C. The role in Transnational Organized Crimes

It is easily understandable how the characterizing elements and current legal and regulatory framework addressing cryptocurrencies picture the perfect environment for criminal organisations to expand beyond borders and for transnational ones to grow even further.

In this regard, Europol conducted an investigation as to the relation between cryptocurrencies and crime and published an overview on the matter in January 2022. According to the study cryptocurrencies are indeed being increasingly used in criminal activities such as money laundering, online trade of illicit goods and services and tax and investment fraud. Furthermore, worrying data registered a rise of the use of cryptocurrencies particularly in the trade of child sex abuse materials (CSAM) in many darknet platforms with a global open access. However, despite the increasingly use of cryptocurrencies, the study proves that criminals still seem to prefer traditional methods of payment (prevalently cash and other types of transactions) due to the rather high degree of volatility and instability of these types of currencies; characteristics which make them non reliable store of values for such actions.

More recent reviews have highlighted the sheer difficulty of estimating the real scale of involvement of cryptocurrencies in transnational organized crimes. Results are still quite inaccurate and hardly assessable, due to the complex nature of the cryptocurrencies world per se and the rapidly changing market, thus they are considered rather unreliable as an official source. Further confirmation can be found in the words of the former policy analyst at the European Commission and HM Treasury Jack Schickler, who affirmed that estimates of the

proportion of transactions related to crime varied significantly from 0.15% to 46% (Schickler, 2022).

In consideration of these general trends and uncertainties, a closer examination of a concrete example is essential in order to better understand how such dynamics unfold in practice. The following case study therefore aims to illustrate these issues within a specific operational context.

III. THE HYDRA MARKET

Hydra was launched in 2015, it was the most prominent Russian darknet market and one of the least of its dimensions left in the world. Darknets are Internet-based networks which require individuals to use special software in order to access the network in a manner designed to obscure their identity and their associated internet activity. Marketplaces that reside on the darknet almost exclusively accept virtual currency as payment for a large range of illegal services and goods, including ransomware-as-a-service (RaaS). Hydra's offerings have included ransomware-as-a-service, hacking services and software, stolen personal information, counterfeited currency, stolen virtual currency and illicit drugs.

According to the indictment, sellers on Hydra could create accounts on the site to advertise their illegal products and buyers could create accounts to view and purchase those goods; these products were prevalently a variety of illicit drugs for sale, including cocaine, methamphetamine, LSD, heroin and other opioids. The sellers openly advertised their drugs on Hydra, typically including photographs and a description of the substance being offered, and buyers rated the sellers and their products on a five-star rating system, then the vendors' ratings and reviews were prominently displayed on the Hydra site for every user to see.

Hydra also featured numerous vendors selling false identification documents. Users could search for vendors selling their desired type of identification document, for example U.S. passports or drivers' licenses (here comes the connection with the U.S Administration and its involvement and essential role in the shutdown of this darknet); moreover, many vendors of false identification documents offered to customize the documents based on photographs or other personal information provided by the buyers in first place.

Subsequently, Hydra's vendors distributed the illicit goods by dropping them anonymously in physical locations, sometimes buried or hidden in an inconspicuous location, the buyers then received the information on the location after the purchase (which would take place through the use of virtual currency) and retrieved the illicit goods.

Being allowed to exist for 7 years, Hydra was able to grow and reach an unprecedented size of operations. Its scale meant that it had a substantial impact on the overall global cryptocurrency market, with transactions by consumers using Hydra constituting a significant share of the revenue for some cryptocurrency exchanges (United States District Court, 2023; Reuters, 2022).

A. Operational model

Virtual currency is often the payment method of choice on darknet marketplaces because illicit actors who transact on the darknet are brought to believe that virtual currencies are completely anonymous and untraceable means of exchange. Ransomware payments are also often demanded in virtual currency for similar reasons.

In the context of this specific case, the Garantex cryptocurrency, a virtual currency exchange founded in late 2019 and originally registered in Estonia, was the predominant means of payment. Garantex allows customers to buy and sell virtual currencies using fiat currencies with the majority of Garantex's operations being carried out in Moscow (including at Federation Tower) and St. Petersburg, Russia, where other sanctioned virtual currency exchanges have also operated. Analysis of known Garantex transactions shows that over $100 million in transactions are associated with illicit actors and darknet markets, including approximately $2.6 million from Hydra.

However, in February 2022, Garantex lost its license to provide virtual currency services after a supervision by Estonia's Financial Intelligence Unit which revealed critical AML/CFT deficiencies (Anti-Money Laundering and Countering the Finance of Terrorism) and found connections between Garantex and wallets used for criminal activities. This proves how virtual currencies can be used for illicit activities, such as sanctions evasion through darknet markets, peer-to-peer exchangers, including the facilitation of ransomware schemes and other numerous cybercrimes.

According to blockchain researchers, approximately 86% of the illicit Bitcoin received directly by Russian virtual currency exchanges in 2019 came directly from Hydra. In fact, prior to its shutdown, Hydra's revenue had risen dramatically from under $10 million in 2016, to over $1.3 billion in 2020 and this growth in profit was furthermore enabled by Hydra's association with Russian illicit finance.

B. Law enforcement intervention

The intervention targeting Hydra was a collaborative initiative joined by the U.S. Department of Justice, Federal Bureau of Investigations, Drug Enforcement Administration, Internal Revenue Service Criminal Investigation and Homeland Security Investigations. The Justice Department announced the seizure of Hydra, also relying on data according to which by 2021, the darknet accounted for an estimated 80% of all darknet market-related cryptocurrency transactions and, since its creation in 2015, the marketplace had received approximately $5.2 billion in cryptocurrency. This action was enhanced by international cooperation with the German Federal Criminal Police (the Bundeskriminalamt), who shut down Hydra servers in Germany and seized $25 million worth of Bitcoin.

In conjunction with the shutdown of Hydra, the department also announced the imposition of criminal charges against Dmitry Olegovich Pavlov, male 30 years old, a resident of Russia, for conspiracy to distribute narcotics and conspiracy to commit money laundering, in connection with his operation and administration of the servers used to run Hydra. Pavlov allegedly conspired with the other operators of Hydra to foster the site's success by

providing the critical complex infrastructure that allowed Hydra to operate and thrive in such a competitive darknet market environment. In doing so, Pavlov was alleged to have facilitated Hydra's activities and allowed Hydra to gather commissions worth millions of dollars generated from the illicit sales conducted through the site.

It is worth noting that the dismantling of the Hydra market highlights the increasing effectiveness of coordinated international law enforcement efforts in addressing cyber-enabled crime. The joint action between U.S. and European authorities in this case illustrates that, despite the decentralized and obscure nature of darknet environments, such platforms remain vulnerable to strategic intervention when intelligence sharing, regulatory oversight and technical capabilities are skilfully combined.

IV. CONCLUSION

In conclusion, this paper has examined the complex relationship between cryptocurrencies and transnational organized crime, focusing on the regulatory challenges and their use in darknet marketplaces like Hydra. We retrieve that cryptocurrencies are not inherently criminal, but they offer key advantages that can be misused by illegal actors worldwide. Moreover, the analysis revealed that despite ongoing regulatory efforts at both European and international levels, there are still significant gaps in the laws surrounding crypto-assets and the lack of a fully unified global system limits their effectiveness, especially in tackling cross-border crime. The case study of the Hydra Market illustrates how these weaknesses can be exploited. As seen, Hydra evolved into a highly advanced criminal network and it did so by combining cryptocurrencies, digital platforms and physical distribution methods into a single strong model.

In light of future developments, emerging technologies such as artificial intelligence will undoubtedly play an increasingly significant role on both sides of this dynamic. On the one hand, AI-driven tools can enhance law enforcement capabilities by improving blockchain analysis and detecting suspicious transaction patterns; on the other hand however, the same technologies may be leveraged by criminal actors to automate illicit operations and obscure digital traces.

Ultimately, the growing intersection between cryptocurrencies and transnational organized crime highlights the need for continuous regulatory development and assessment, enhanced cross-border collaboration and greater investment in technological expertise. As digital financial systems continue to expand everyday, striking a balance between fostering innovation and preventing criminal exploitation will remain a central challenge for policymakers in all legal systems across the globe.

REFERENCES

Kaspersky. (2022). What Is Cryptocurrency and How Does It work? Kaspersky. https://www.kaspersky.com/resource-center/definitions/what-is-cryptocurrency

Maurushat, A., & Halpin, D. (2022). Investigation of Cryptocurrency Enabled and Dependent Crimes. Financial Technology and the Law, 235–267. https://doi.org/10.1007/978-3-030-88036-1_10

Aziz, A. (n.d.). CRYPTOCURRENCY: EVOLUTION & LEGAL DIMENSION. International Journal of Business, Economics and Law, 18. https://ijbel.com/wp-content/uploads/2019/05/KLIBEL-18_27.pdf

History of Cryptocurrency - Cryptocurrency Basics. (2015). Telcoin. https://www.telco.in/en/support-center/cryptocurrency-basics/history-of-cryptocurrency

Europol. (2022, January 26). Cryptocurrencies: Tracing the Evolution of Criminal Finances. Europol. https://www.europol.europa.eu/publications-events/publications/cryptocurrencies-tracing-evolution-of-criminal-finances

Second 12-Month Review of Revised FATF Standards - Virtual Assets and VASPs. (2023). Fatf-Gafi.org. https://www.fatf-gafi.org/en/publications/fatfrecommendations/documents/second-12-month-review-virtual-assets-vasps.html

Freeman, J. B. (2020, November 15). Common Cryptocurrency Legal Issues. Freeman Law. https://freemanlaw.com/legal-issues-surrounding-cryptocurrency/

Europol. (2021). Cryptocurrencies: Tracing the Evolution of Criminal Finances. https://www.europol.europa.eu/cms/sites/default/files/documents/Europol%20Spotlight%20-%20Cryptocurrencies%20-%20Tracing%20the%20evolution%20of%20criminal%20finances.pdf

Koester, G., Gonçalves, E., Gomez-Salvador, R., Doleschel, J., Andersson, M., Pardo, B. G., & Lebastard, L. (2023). Inflation developments in the euro area and the United States. European Central Bank, 1(7). https://www.ecb.europa.eu/pub/economic-bulletin/focus/2023/html/ecb.ebbox202208_01%7Ec11d09d5fd.en.html#:~:text=Published%20as%20part%20of%20the

Bank, E. C. (2018, February 8). Virtual or virtueless? The evolution of money in the digital age. European Central Bank. https://www.ecb.europa.eu/press/key/date/2018/html/ecb.sp180208.en.html

European Central Bank. (2019). Money and private currencies: reflections on Libra. European Central Bank. https://www.ecb.europa.eu/press/key/date/2019/html/ecb.sp190902~aeded9219.en.html

Crypto-assets: how the EU is regulating markets. (2023). Consilium. https://www.consilium.europa.eu/en/policies/crypto-assets-how-the-eu-is-regulating-markets/#regulation

Medina, B. (2025, November 17). From trading bans to total embrace, a global guide to crypto regulation. International Consortium of Investigative Journalists. https://www.icij.org/investigations/coin-laundry/cryptocurrency-regulations-global-explainer/

Financial Action Task Force. (2019). Www.dnb.nl. https://www.dnb.nl/en/sector-information/open-book-supervision/open-book-supervision-themes/supervision-of-financial-crime-prevention-integrity-supervision/financial-action-task-force-on-money-laundering/

Stovall, J. (2024, October 31). Darknet | Definition, History, & Facts. Encyclopedia Britannica. https://www.britannica.com/technology/darknet-Internet

Justice Department Investigation Leads to Shutdown of Largest Online Darknet Marketplace. (2022, April 5). Justice.gov. https://www.justice.gov/archives/opa/pr/justice-department-investigation-leads-shutdown-largest-online-darknet-marketplace

Germany shuts down darknet platform used for drugs sales. (2022, April 5). Euronews; euronews.com. https://www.euronews.com/2022/04/05/hydra-market-germany-shuts-down-darknet-platform-used-for-drugs-sales

Priyanka Goonetilleke, Knorre, A., & Artem Kuriksha. (2023). Hydra: Lessons from the world's largest darknet market. Criminology & Public Policy, 22(4), 735–777. https://doi.org/10.1111/1745-9133.12647

Treasury Sanctions Russia-Based Hydra, World's Largest Darknet Market, and Ransomware-Enabling Virtual Currency Exchange Garantex. (n.d.). U.S. Department of the Treasury. https://home.treasury.gov/news/press-releases/jy0701

European Parliament and Council of the European Union. (2023). Regulation (EU) 2023/1114 on markets in crypto-assets (MiCA). Official Journal of the European Union. https://eur-lex.europa.eu/eli/reg/2023/1114/oj

European Parliament and Council of the European Union. (2018). Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing. Official Journal of the European Union. https://eur-lex.europa.eu/eli/dir/2018/843/oj

Dr Arda Akartuna. (2025). Illicit use of AI in crypto. Elliptic.co. https://www.elliptic.co/blog/the-two-faces-of-ai

The Dark Side of Sport

Money Laundering, Match-Fixing, and Criminal Influence in the Global Sporting Business

Emily Dunne

Abstract — **This paper analyses the role of transnational organized crime within the global sporting industry, contending that sport has become vulnerable sphere for cross-border criminal networks. As a multi-billion-dollar sector with fragmented governance, it provides opportunities for match-fixing, illegal betting, money laundering and trafficking. The paper examines; how organized crime exploits weaknesses through decentralized, business-like structures resembling legitimate enterprises. Drawing on cases such as corruption within FIFA and international match-fixing, it discusses how criminal actors embed themselves in both economic and institutional frameworks of sport. It addresses the prominent question: to what extent do criminals exploit structural weaknesses in global sport to conduct illicit activities?**

I. INTRODUCTION

The global sporting business is an increasing and notable market across all continents. In 2025, the global sporting market was estimated to be worth an astronomical 700 billion US dollars annually, totaling circa 1% of the GDP globally (Lyall, 2025). In addition, sport provides benefits to other domains. Across states by promoting job creation and infrastructure investment, businesses generating opportunities for brand engagement and advertising. For the individual, it provides benefits for both physical and mental health. Respectively, these factors have led to the sports market flourishing globally. However, this has also made the market vastly appealing to criminals and organized crime groups. From the global popularity of football associations such as Fédération Internationale de Football Association (FIFA), and the rapid growth of basketball due to tournaments like the NBA, to the exponential development in global online gambling, it has been rather straightforward for criminals to infiltrate the community, in which its integrity now stands vulnerable.

This paper will explore and analyse – what is it about sport that appeals to criminals? It will also discuss the methods which criminals use to carry out their omissions and the responses from international institutions in hopes to protect the overall integrity of the global sports market.

II. BACKGROUND OF SPORTS CORRUPTION

A. The Beginning of Crime in Sport

Crime in sport goes back many years. It is believed that corruption in sport began in the time of Ancient Greece, in which the phrase, 'athletai diaphtheirantes' originated, literally meaning – 'athletes who corrupt the games'. However, recorded modern crime in sport began in around the 18th Century, in which sport evolved from amateurism to professionalism. In 1919, the prominent 'match-fixing' case known as the 'Black Box Scandal', involving the Chicago White Sox, came to light. Eight members of the Chicago White Sox admitted to having accepted a bribe, in which they received an estimated 70,000 to 100,000 dollars to lose five to three of their games in the 1919 World Series against their opponents, the Cincinnati Reds. For the time, this was the perfect form of crime in sport. Bribing vulnerable, lower-paid players in order to mechanically 'fix' the outcome of a game, and therefore, in turn, benefiting financially after having placed a bet on the winning team, was a profitable strategy pursued by criminals in the sporting world.

B. Why the Appeal?

There are numerous reasons as to why the global sporting business appeals greatly to both criminals and organized crime groups, both nationally and across borders. The sports market is not only one of the most attractive, but the perfect environment for profit influence and low-risk manipulation. One of the major factors such as the paradigm shift from in person to global online betting, to large fast-moving money flows, etc., make the global sporting business not only an easier target but also a more attractive venture for criminals and organized crime groups, allowing for money laundering, manipulation, match fixing and financial gain.

Money Laundering Opportunities

Sport is linked to large legal and illegal gambling markets, some of which are worth billions. A single match alone can generate copious and guaranteed returns. Particularly online, criminals can place a bet in one country on a match that's taking place across borders, in hopes to launder money to cover their tracks in other endeavors, which can therefore allow them to disguise their activities across jurisdictions. It is important to note, in relation to global online betting – the legality and regulation of offshore sportsbooks differ significantly across jurisdictions, in hand, making the endeavor even more appealing to said criminals. Match fixing is also a concern here too, which will be discussed later. There are innumerable alternative opportunities available to criminals to exploit and 'clean' illegal money in the sporting business including sponsorship deals, inflated fees on player transfers, ownership of clubs and even simply ticketing and merchandising. Buying or investing in sports clubs can make illegal funds look surprisingly legitimate.

Transnational Opportunities

Due to the expansion and popularity of the global sporting market in recent years, accessibility has become easier for

© 2026 Emily Dunne. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

not only individuals but also criminals and organizations to infiltrate. Nowadays, modern sport is inherently international, from players, clubs and competitions that span over multiple countries. Each of these factors give criminals and criminal organizations the opportunity to exploit not only the games themselves, but additionally, the difference between laws, enforcement strength and regulation of the sporting business from state to state.

High Profit, Lower Risk

Taking into consideration the unpredictable nature of sport, it is relatively easy for criminals and organizations to manipulate the outcome of matches. Particularly in smaller competitions, criminals typically target lower paid players, referees or coaches by leveraging their knowledge and preying on the vulnerabilities of the parties and threatening them, or simply by bribing the lower paid stakeholders. Miniscule events can control betting outcomes, such as a referee decision, a goalkeeper's mistake or even a single 'no-ball' in cricket. In each of these incidents, there are only a small number of individuals involved, therefore making the detection of foul play unlikely. Simple 'omissions' can result in high profit for criminals and organizations.

III. STRUCTURE & METHODS

Criminals and organizations, as previously mentioned, identify many notable openings into the global sports market. Whether it is through infiltrating the global betting markets, or simply through popular sports leagues. Match-fixing is one of the most popular methods used by criminals. There are many different definitions of what match-fixing truly means, however, regarding this paper, match-fixing is, "(in sport) the act of deciding in a way that is not honest what the result of a particular game will be before it is played." (Oxford Dictionary, 2025) Consequently, criminals use this method frequently, customarily allowing them to place bets using illegal funds to therefore launder those said funds and manufacture legitimate income. In sport corruption, match-fixing, manipulation and the global betting market, predominantly come hand in hand. The targeting of players, referees and officials, with the use of bribes, threats or incentives to obtain collaboration is a standard practice used by criminals and organizations to invade the business.

A. Criminal Business Models

"Business models" are typically formed based off the consideration or risk versus profit, meaning, opting for low-risk leagues in popular sports, where manipulation is least detectable to the naked eye, however this is not always the case. Unlike the stereotypical organised crime groups, when it comes to infiltrating the global sports market, criminals typically recruit members that are already engaged in the business. Players, officials, referees and intermediaries are often targeted, as mentioned earlier. Networks are always assembled with clear roles in mind, i.e. fixers, financiers, recruiters and bettors. Betting accounts and platforms are consistently prepared, often across multiple jurisdictions, all prepared in advance to avoid suspicion and detection, usually distributing earnings between different accounts.

B. The Operation of Organized Crime in Sport

The initiation of the manipulation is simple. Regarding match-fixing, agreements are made to influence certain aspects of the game and its outcome, whether it simply be determining the final score, penalties or the overall performance during the game. Due to this, betting platforms both physical and online, are therefore fixed to profit from the organised outcome, in turn, for criminals, the perfect opportunity to launder illicit funds to create legitimate income. In certain circumstances, doping can additionally be used to determine a certain outcome or to refine performance.

During the event, players or officials deliberately underperform or manufacture bigoted decisions, hence match outcomes or key moments are manipulated as previously agreed upon and bets are placed beforehand or live to ensure maximum guaranteed profit.

After the initial corruption has taken place, criminals collect their earnings from the unlawful bets, and in turn, the remaining participants receive payments or compensation for their involvement. Profits are almost always reinvested into future match-fixing or corruption schemes, although occasionally the corruption spreads into other areas and other countries, turning it to a self-sustaining model.

IV. IMPACT & VICTIMS

As a result of this corruption, there are many repercussions for individuals who may not have even been involved in its execution. As previously mentioned, players can be directly victimised through coercion or threats, while others can face bans, career loss or even criminal charges. Even individuals who were not involved can face reduced trust in their legitimate achievements. Fans can also be affected by the consequences of corruption and by being misled by the outcomes of unfair competition, resulting in the undermining of enjoyment, emotional investment and trust in the integrity of sports. Sporting organisations and bodies can also be affected and can suffer from reputational loss, financial loss and reduced sponsorship from former and future organisations. Not to mention the wider society and economy, illegal betting profits and increased criminal activity, leading to the defeat of the overall purpose of sports bringing society together and acting as a positive social institution.

V. MAJOR CASE STUDIES

Throughout the years, there have been ample illustrations of corruption and crime in the global sporting business, such as the alleged corruption in relation to the Corinthians and MSI Affairs in 2007. Some of the most renowned include:

A. FIFA Corruption Scandal 2015

In 2015, the corruption of the FIFA organization took the whole world by storm, a significant case involving transnational corruption, manipulation and the laundering of illegitimate funds. A once respected organization's

integrity was doubted after the public revelation of insider money laundering, racketeering and wire fraud. The exposition came to light after years of allegations involving bribery linked to the World Cup. The investigation divulged a systematic corruption network which had taken course over a period of 24 years. It was issued that there was involvement of bribery for media rights, marketing deals and World Cup votes. The reason as to why the scandal took so long to uncover, was due to the complex process under which the corruption operated. The system functioned by companies covertly paying officials through disguised financial circuits, in exchange for guaranteed profitable contracts and authority over decisions. This led to several arrests by Swiss authorities and indictments by the US Department of Justice, and a collapse of leadership for the FIFA organisation.

B. Calciopoli

The Calciopoli scandal demonstrated how organized crime in sport can be exercised not only through direct transactional bribery, but also through institutional systems. Regarding Calciopoli, senior football executives were accused of employing informal relationships with refereeing officials to direct the nomination of match referees in Italy's top divisions, Serie A. As opposed to the typical method, the reliance on overt match-fixing on the pitch, the alleged arrangement operated as a collaborative structure of favoured status, where particular clubs were believed to have privileged communication that could manipulate competitive circumstances ahead of matches. High valued figures such as, Luciano Moggi and clubs like Juventus underlined how corruption can infiltrate through governance hierarchies, blurring the lines between legitimate administrative authority and unlawful competitive manipulation. Although this malpractice did not entail traditional organized crime methods, it must be mentioned when discussing corruption in sport. As it highlights the importance of decision-making and governing bodies, and how they can be utilised to create systematic advantages resulting in the undermining of integrity in sports. It also proves that not all corruption in sport must be performed by solitary acts, but can be perpetrated by the cooperation of organizations, both inside and outside of the business.

Additionally, the Kinahan Organised Crime Group (KOCG), led by crime lord – Daniel Kinahan demonstrates how organised crime can potentially infiltrate the sporting business. Majorly in the boxing business, by exploiting the commercial structure of the sport itself. Profession boxing typically involves large and layered networks of numerous different promoters, managers, sponsorship deals (similar to other sports discussed previously), which can fabricate opportunities for criminals and organizations to influence fight arrangements, manage athletes and transfer money discreetly through the sport. However, this risk can be greatly reduced by the introduction of stronger regulation, transparency and productive governance within the sport.

VI. INTERNATIONAL RESPONSES

International responses to corruption in sport involve collaborative attempts amongst law enforcement, global organisations and official sporting bodies. For example:

A. Law Enforcement Cooperation

INTERPOL assists intelligence sharing and global operations to tackle match-fixing and illegal betting (Interpol, 2017), whilst EUROPOL supports cross-border inquiries across Europe, targeting organised crime networks (Europol, 2013).

B. Global Governance & Policy

The United Nations disserts corruption in sport through international conventions. The UN Convention Against Corruption (UNCAC - United Nations Convention against Corruption, n.d.) provides a sanctioned legal framework for tackling bribery, fraud and money laundering, which in turn, promotes the cooperation between states to strengthen anti-corruption laws.

C. Sport-Specific Organizations

The International Olympic Committee promotes integrity in global sport by implementing rules, monitoring systems and sanction for corruption and doping (International Partnership against Corruption in Sport, 2017). FIFA has additionally introduced integrity units and monitoring systems in regard to betting which works alongside law enforcement to acknowledge match-fixing in football.

Each of these organizations will work together to detect, prevent and punish corruption. However, although an inordinate development regarding the safeguarding of sport and protection from corruption, challenged still remain due to the global nature of crime as a whole, differences in national laws across borders and jurisdictions and the secrecy of criminal networks globally.

VII. CONCLUSION

Corruption in sport operates through a well-thought-out and organized, profit-driven system that exploits many from athletes, officials and global betting markets that cause harm to not only to organizations and individuals, but also to the integrity of sport itself. Although international responses carried out by the previously mentioned organizations such as INTERPOL, EUROPOL and the UN have improved global cooperation, detection and regulation, they are not entirely effective in eliminating every problem the global sporting business faces. This is primarily due to the undetectable and advanced methods used by criminals and organizations involved in the market. Conclusively, whilst the undertaking of tackling corruption in sport has been introduced, vigorous measures must be instituted. States must remain consistent and stay educated to protect both the future and integrity of sport, in which the world needs.

REFERENCES

Abrahamyan, L. (2023). Major International Competition Funding and Money Laundering Risks. European Journal of Sport Sciences, 2(5), 20–25. https://doi.org/10.24018/ejsport.2023.2.5.86

Angela. (2024, June 2). The European Business Review. The European Business Review. https://www.europeanbusinessreview.com/the-global-game-how-sports-are-shaping-international-business/

Bragagnolo, W. (2026). Onside integrity? Match-fixing, corruption and organized crime risks in Canadian soccer ahead of the 2026 FIFA World Cup. The International Sports Law Journal. https://doi.org/10.1007/s40318-025-00330-y

Carrillo, L. (2021). UN: Corruption in Sport Worth $1.7 Trillion Annually. OCCRP. https://www.occrp.org/en/news/un-corruption-in-sport-worth-17-trillion-annually

Crime and Corruption in Sport and Gaming | Federal Bureau of Investigation. (2021). Federal Bureau of Investigation. https://www.fbi.gov/investigate/transnational-organized-crime/integrity-in-sports-and-gaming?

Dolley, C. (2025, September 11). From Dubai to SA – The Kinahan cartel's impact on boxing. Daily Maverick. https://www.dailymaverick.co.za/article/2025-09-11-from-dubai-to-sa-the-kinahan-cartels-impact-on-boxing/

Europol. (2013). Sports Corruption | Europol. Europol; Europol. https://www.europol.europa.eu/crime-areas/corruption/sports-corruption

Financial Crime Spotlight: Money laundering controls in the gambling sector. (2024). Nortonrosefulbright.com. https://www.nortonrosefulbright.com/en-gb/knowledge/publications/ca684c78/financial-crime-spotlight-money-laundering-controls-in-the-gambling-sector

Haberfeld, M. R., & Sheehan, D. (2014). Match-fixing in international sports: existing processes, law enforcement, and prevention strategies. Springer.

Integrity. (n.d.). Inside.fifa.com. https://inside.fifa.com/legal/integrity

Interpol. (2017). Corruption in sport. Interpol.int. https://www.interpol.int/en/Crimes/Corruption/Corruption-in-sport

International Partnership against Corruption in Sport. (2017). Olympics.com. https://www.olympics.com/ioc/integrity/international-partnership-against-corruption-in-sport

Kihl, L. A., & Kihl, L. A. (2017). Corruption in Sport Causes, Consequences, and Reform. Routledge.

Lyall, A. (2025, October 17). How Sport Builds Economies and Inspires Global Investment. Worldsportsadvertising.com; World Sport Advertising. https://www.worldsportsadvertising.com/news/impact-of-sport-on-global-economy

Masters, A. (2015). Corruption in sport: From the playing field to the field of policy. Policy and Society, 34(2), 111–123. https://doi.org/10.1016/j.polsoc.2015.04.002

Mitchell, K. (2010). Jacobs Beach. Simon and Schuster.

Oxford Dictionary. (2025). Oxford Learner's Dictionaries. Oxfordlearnersdictionaries.com; Oxford University Press. https://www.oxfordlearnersdictionaries.com/

Safeguarding Sport: Sport-related corruption. (2021). United Nations: Office on Drugs and Crime. https://www.unodc.org/corruption/en/safeguarding-sport/sport-related-corruption.html

Summers, J. (2025). Corporate Crime In Sport: How The Economic Crime & Corporate Transparency Act Impacts Sports Organisations - LawInSport. Lawinsport.com.

Tak, M., Jackson, S. J., & Sam, M. P. (2023). Traces of (dis)organised crime in sports gambling: a case study of the 2011 K-League match-fixing scandal. Trends in Organized Crime, 1–19. https://doi.org/10.1007/s12117-023-09518-w

https://www.lawinsport.com/topics/item/corporate-crime-in-sport-how-the-economic-crime-corporate-transparency-act-impacts-sports-organisations

The suspected gangster at the heart of world boxing. (n.d.). BBC News. https://www.bbc.co.uk/news/extra/1y3kadznaf/the-suspected-gangster-at-the-heart-of-world-boxing

UNCAC - United Nations Convention against Corruption. (n.d.). United Nations: Office on Drugs and Crime. https://www.unodc.org/corruption/en/uncac/index.html

Whiting, K. (2026, January 15). What is the sports economy and how can it improve the health of people and planet? World Economic Forum. https://www.weforum.org/stories/2026/01/what-is-the-sports-economy-improve-health-livelihoods/

The Belarusian State: A Migrant Smuggler?

The Limited Effectiveness of the Law on Transnational Organized Crime

Coleen Enderlin

Abstract — **The primary objective of this essay is to propose a new interpretive lens on migrant smuggling, as by the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. While the Belarusian State appears to enjoy complete freedom in matters of migration policy, a question arises: could Belarus be held responsible for the smuggling of migrants? Mirroring Belarusian policy, many migration policies today are implemented in defiance of international migration law. This widespread sense of impunity raises questions regarding the effectiveness of legislation on transnational organized crime and allows for broader legal reasoning on the possibility of conceiving a State as a criminal organization.**

I. INTRODUCTION

For the past few years, the issue of migration has dominated political debate. The primary focus has shifted away from ensuring the integration of migrant populations in a way that respects human rights and toward containing the flow at any cost, as it is increasingly depicted as a threat. Despite the existence of international legislation designed to safeguard migrants in the context of illicit trafficking, States appear to have a free hand in implementing their own migration policies, at times pushing the very boundaries of legality.

Since the Belarusian presidential election in August 2020, Alexander Loukachenko's regime has faced extensive economic sanctions from the European Union in response to its violent internal crackdown on the political opposition, civil society and independent media. These sanctions are designed to deplete the economic resources that fund the state's security apparatus. In retaliation, Belarus has been accused of exerting pressure on European borders in Lithuania and Poland by orchestrating the illegal entry of migrants. Between July 2021 and early 2026, the aggregate number of detected irregular border-crossing attempts from Belarus into the European Union is estimated at approximatively 120 000 to 130 000.

Despite being highly questionable under the Protocol against the Smuggling of Migrants by Land, Sea and Air, which has been ratified by Belarus, this migration policy has persisted since 2021. The resulting total impunity raises critical questions about the effectiveness of the international legal order in preventing state-sponsored transnational organized crime. The Belarusian case thus serves as a lens through which to examine the obstacles facing this system and to explore potential solutions.

II. THE APPLICATION OF MIGRANT SMUGGLING TO BELARUS'S MIGRATION POLICY

A. The Components of the Offense

The smuggling of migrants is defined, pursuant to Article 3(a) of the Protocol against the Smuggling of Migrants by Land, Sea and Air, as "the procurement in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry into a State of a person who is neither a national nor a permanent resident of that State".

Firstly, the illegal entry of individuals who are neither nationals nor permanent residents into Lithuania and Poland, both States Parties to the Protocol, is a matter of fact. Indeed, from the very beginning of its application instituting proceedings before the International Court of Justice on May 19th, 2020, against Belarus, Lithuania highlights the irregular nature of the migratory wave, originating predominantly from the Middle East, Africa and Asia.

The orchestration of the smuggling by Belarus authorities, however, warrants closer scrutiny. Belarus's involvement is manifest in three ways that are state-sponsored border crossings promoted via travel agencies offering "all-in" packages, including flights, visas, and transit to EU borders, the use of military logistics to transport migrants, and the resort to physical coercion to drive individuals into EU territory with no possibility of return. Given these facts, Belarus's role in these illegal flows is indisputable.

The more debated point in qualifying Belarusian policy as migrant smuggling under Article 3(a) lies in the benefit derived by the State. For migrant smuggling to be established, the benefit may be financial, referring to the direct receipt of money, or material, relating to an economic profit in the form of goods or services. In this case, both types of benefit can be established. On one hand, the financial benefit is direct, stemming from the sale of visas and travel packages at inflated prices, as well as forced accommodation fees in state-owned hotels. Even if the sums collected remain modest, they fall under the definition of financial benefit, as the Protocol sets no minimum threshold. On the other hand, despite its indirect nature, the material benefit sought by Belarus lies in the pressure exerted to obtain the lifting of European economic sanctions. Indeed, if the objective is to secure an economic concession, it can be interpreted as an indirect material benefit.

Consequently, the migratory policy implemented by Belarus aligns perfectly with the legal definition of migrant smuggling.

© 2026 Coleen Enderlin. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

B. The Characterization of the Belarusian State as a Criminal Organization

The Protocol against the Smuggling of Migrants by Land, Sea and Air applies, in accordance with Article 4, where offenses relating to smuggling are transnational in nature, and involve an organized criminal group. In the present case, there is no doubt that the organization of the offense, whose transnational nature is not disputed, stems from the direction given by the Belarusian State to its migration policy. Indeed, this policy stems from "Operation Gateway", a strategic plan attributed to the Russian and Belarusian intelligence services designed to weaponize migration to destabilize the European Union.

However, while the link between the state's actions and the illegal entry of migrants into Lithuania and Poland is undeniable, it is insufficient to hold Belarus liable for migrant smuggling, not without the controversial step of formally categorizing the state itself as an organized criminal group.

To begin with, it should be emphasized that the existence of a link between criminal activities and State action is a long-standing reality. In 1946, the Nuremberg International Military Tribunal officially classified specific Nazi State bodies, including Gestapo and the SS, as criminal organizations. More recently, the NGO Amnesty International, in its 2018 report "Between the Devil and the Deep Blue Sea", highlighted the indirect yet systemic involvement of States in the "criminal networks" driving migrant smuggling.

Legal and political doctrine sometimes goes a step further by drawing a parallel between the State and a criminal organization. Some argue that "war makes states", a process involving "banditry, piracy and territorial rivalry" (Tilly, 2000), which essentially renders the State a criminal organization by its very nature. For others, its comparison requires deeper nuance. A defined characteristic of the State is its "monopoly on the legitimate use of physical force" (Weber, 1919). Traditionally, this violence is not viewed as criminal, provided it operates within a legal framework and serves the public interest. Thus, the State is only distinguished from other organizations by the perceived legitimacy of its violence. Consequently, if legitimacy vanishes, the State can be reduced to a mere criminal organization. As previously demonstrated, the violence exerted by the Belarusian State against migrants violates the Protocol against the Smuggling of Migrants by Land, Sea and Air, thereby stripping it of its legitimacy. In doing so, Belarus could, from a doctrinal standpoint, be classified as a criminal organization.

While the political and doctrinal characterization of the Belarusian State as a criminal organization may be made, it raises greater difficulties from a legal standpoint. According to Article 2(a) of the Palermo Convention, an organized criminal group should be "a structured group of three of more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offenses […] in order to obtain, directly or indirectly, a financial or other material benefit". Although most of these criteria appear to be applicable, the requirement of financial benefit is often used as a legal argument to exclude the State from the scope of this definition. Indeed, the State is presumed to act in the public interest, whereas a criminal organization acts for the private enrichment of its members, which aligns more closely with the understanding of both financial and material benefits. This traditional conception of the State now seems to have reached its limits, insofar as the argument that Belarus derives financial profit from the migrant smuggling appears to be valid.

III. BARRIERS TO INVOKING STATE RESPONSIBILITY FOR TRANSNATIONAL ORGANIZED CRIME

The law on transnational organized crime is ill-equipped to address such a scenario. Indeed, recognizing Belarus as a criminal organized group responsible for the smuggling of migrants would not entail any legal consequences, insofar as this offense is of a criminal nature under Article 6 of the aforementioned Protocol. In its 1946 ruling, the Nuremberg Military Tribunal put an end to the doctrine that allowed leaders to shield themselves behind sovereignty to commit international crimes, by stating that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced".

By introducing individual international criminal responsibility, the Tribunal sought to abolish the use of the State apparatus to commit crimes. Although this advancement aims to reduce the prevalence of impunity within the international legal order, it nonetheless coexists with the mechanism of jurisdictional immunity ratione materiae, which heads of state enjoy under customary international law. In this regard, a head of state is protected for all acts performed in the exercise of their functions, with the exception of genocide, crime against humanity, war crimes and the crime of aggression, pursuant to Article 27 of the Rome Statute. However, as migrant smuggling is not included among these crimes, the head of state remains free to hide behind their immunity. Accordingly, the Belarusian President Alexander Loukachenko can't be held personally liable for the smuggling of migrants, notwithstanding his clear involvement in the implementation of Operation Gateway.

Since the mechanism of international criminal responsibility is ineffective in case of migrant smuggling organized by a head of state, only an approach engaging the responsibility of the State remains available, on the basis of responsibility for an internationally wrongful act. This approach, adopted by Lithuania in its application instituting proceedings submitted to the International Court of Justice against Belarus, leads to the invocation of the international responsibility of the State for the breach of an international obligation, such as the obligation to prevent and suppress the migrant smuggling.

However, even if the International Court of Justice were to find Belarus internationally liable for a violation of the Protocol, nothing would ensure the enforcement of its provisions. In the event of non-compliance, the United Nations Security Council may adopt measures, in accordance with Article 94 of the United Nations Charter. Yet, as Belarus benefits from the diplomatic support of Russia, such a possibility is unlikely to materialize,

rendering any judgment of the Court ineffective in influencing Belarusian conduct.

Thus, the structure of the international legal order, which is relatively protective of State interests, facilitates the commission by a State of offenses falling within transnational organized crime, contrary to the principle established by the Nuremberg Military Tribunal.

IV. POTENTIAL AVENUES TO PREVENT ABSOLUTE IMPUNITY

Since international law does not permit Belarus to be held responsible for the smuggling of migrants or to be subjected to appropriate legal sanctions, various alternatives and solutions have been considered to prevent complete impunity.

Therefore, numerous international actors, including the European Council in its conclusions of 22 October 2021, the European Parliament in its proposed regulation of 14 December 2021, and the Lithuanian government in its application instituting proceedings before the International Court of Justice have adopted new terminology. This shift appears to be necessary given that the Protocol against the Smuggling of Migrants by Land, Sea and Air does not contemplate situations in which a State itself engages in the migrant smuggling (Chetail, 2021), thereby making it impossible to sanction the actions of Belarus. Originally, reflected in the opinion of the United Nations High Commissioner for Refugees on the adoption of the aforementioned Protocol, this provision was intended to address the criminal activities of migrant smugglers as individuals.

The European Union argues that, unlike traditional criminal networks seeking financial gain, the Belarusian State primarily pursues a political objective, namely, the lifting of European sanctions. While Belarus may derive some financial benefit from the unlawful transfer of migrants to the Lithuanian and Polish borders, it remains limited. It is therefore more plausible that the advantage sought is political in nature. On the basis of this assessment, the European Union has chosen to condemn Belarus's actions as the instrumentalization of migrants for political purposes. This approach emerges within a broader context in which the recurring use of anti-immigration rhetoric in political discourse frames migration as a threat, thereby enabling its instrumentalization (Potot, Breda, 2023). It may also suggest that the European Union is aware of the idea that the pursuit of political gain falls outside the scope of migrant smuggling. This new classification thus enables it to circumvent the obstacles associated with migrant smuggling and to assign its own sanctions under a regulation adopted by the Council of European Union on November 15, 2021.

In its official communications, the European Union also describes Belarus's migration policy as a hybrid attack. This characterization is more controversial in legal doctrine as it holds no formal standing in international law. Indeed, Article 2(4) of the United Nations Charter excludes the concept of hybrid attack from the definitions of aggression and armed attack (Chetail, 2021). Doctrine generally defines a hybrid attack as the use of nonmilitary tools to weaken and destabilize an opponent while remaining below the threshold of an armed conflict. In the specific case of Belarus, no soldiers are directly involved, instead organized migratory flows are used to manufacture a humanitarian and political crisis at Europe's borders, aimed at forcing negotiations and the lifting of sanctions.

Characterizing Belarus's migration policy as a hybrid attack or as a form of political instrumentalization does not, strictly speaking, entail any judicial consequences, but it nonetheless allows for a political and financial condemnation of the actions undertaken by Belarus. Indeed, defining it in such way nonetheless establishes an obligation whose breach may not be alleged before a court of justice with a view to obtain a conviction.

V. CONCLUSION

In light of the above, a clear line must be drawn between political assertions and legal realities. Admittedly, in view of its actions, Belarus may be characterized as a migrant smuggler, although this carries no legal consequences. The only viable legal prospect is to hold the State accountable for an internationally wrongful act, namely the failure to comply with the Protocol against the Smuggling of Migrants by Land, Sea and Air.

This study stresses out the extent to which the international legal order, regardless of the specialized field, depends on the consent of States and acts as an absolute protector of their sovereignty. The sacralization of the State in international law necessarily entails adverse consequences for the protection of human rights and the fight against transnational organized crime. If States like Belarus, conceive to weaponize migrant smuggling for their own interests, it is partly because the legal framework governing transnational organized crime fails to account for the possibility of a State itself implementing a criminal policy. Beyond the effective political condemnation carried out by the European Union, no legal prosecution could be pursued in the field of transnational crime without a state's consent, leaving the aforementioned gaps with few current solutions. That said, an increase in unanimous political condemnations would undoubtedly raise awareness of these shortcomings, thus preparing the ground for potential legal reform on the matter. This analysis thus calls for a reform of the legislative framework to ensure full and effective protection.

REFERENCES

Amnesty International. (2018). *Between the devil and the deep blue sea: Europe fails refugees and migrants in the central Mediterranean* (EUR 30/8906/2018).

Chetail, V. (2021). The instrumentalization of migration and the temptation of a permanent state of emergency: European asylum law in question. *Annuaire français de droit international*, 67, 437–447

Council of the European Union. (2021, November 15). *Belarus: EU broadens scope for sanctions to tackle hybrid attacks and instrumentalisation of migrants*.

Gall, L. (2021, November 24). *"Die here or go to Poland": Belarus' and Poland's shared responsibility for border abuses*. Human Rights Watch

International Court of Justice. (2025, May 19). *Application instituting proceedings: Alleged smuggling of migrants (Lithuania v. Belarus).*

International Military Tribunal. (1947). *Trial of the major war criminals before the International Military Tribunal: Nuremberg, 14 November 1945–1 October 1946* (Vol. 1). International Military Tribunal.

Potot, S., & Breda, G. (in press). From the Mediterranean to Eastern Europe: Migrants between "hybrid weapons" and objects of solidarity. In A. Calabretta (Ed*.), Trans-Mediterranean mobilities and migrations* (pp. 59–76). Padua University Press.

Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 3.

Tilly, C. (2000). War making and state making as organized crime. In J.-L. Briquet (Ed.), *Mafias* (Politix, Vol. 13, No. 49, pp. 97–117).

United Nations. (2000). *Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organized Crime*.

United Nations. (2000). *United Nations Convention against Transnational Organized Crime and the protocols thereto*.

United Nations High Commissioner for Refugees. (2000, December 11). *UNHCR summary position on the Protocol against the smuggling of migrants by land, sea and air and the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime*.

United Nations International Law Commission. (2001). *Draft articles on responsibility of States for internationally wrongful acts, with commentaries thereto*. United Nations.

Weber, M. (1959). Politics as a vocation. In *The scientist and the politician* (J. Freund, Trans., pp. 121–189). Plon. (Original work published 1919).

Who Gets to Count?

Victim Identification Failures in Ireland's Anti-Trafficking Framework

Chiara Ferrari

Abstract — **This paper examines whether Ireland's legal and institutional framework for identifying victims of human trafficking meets its obligations under international and EU anti-trafficking law, with particular reference to Directive 2011/36/EU and the Palermo Protocol. Drawing on the island of Ireland as a case study, where two divergent legal frameworks operate across a shared border exploited by organised criminal networks, it uses the chronic underidentification of child victims as a lens to expose systemic failures in Ireland's victim-centred approach. It argues that so long as identification remains the exclusive gatekeeping function of An Garda Síochána, significant numbers of victims, especially children, will remain uncounted and unprotected.**

I. INTRODUCTION

In April 2026, two anniversaries coincide that together frame the stakes of this paper. The EU Anti-Trafficking Directive 2011/36/EU marks fifteen years since its adoption: fifteen years of binding legal commitments on victim identification, protection, and access to justice across EU member states. In the same month, Act to Prevent Trafficking in Ireland (APT), one of Ireland's[1] foremost anti-trafficking advocacy organisations, marks two decades of awareness-raising and political engagement in a country where, despite those legal commitments, human trafficking remains, in the words of its own experts, largely hidden (Healy et al., 2021). That these two anniversaries should coincide is not merely a symbolic coincidence. It is an invitation to ask whether, after fifteen years of European law and twenty years of Irish civil society advocacy, a national framework has been established that actually reaches the people it is designed to protect.

The answer, this paper argues, is not yet: does the reason lie in the absence of law or rather in failures of its execution? Human trafficking is among the most serious manifestations of transnational organised crime, operated by networks that deliberately exploit jurisdictional boundaries, coercive control, and institutional blind spots to render their victims invisible (Police Service of Northern Ireland & An Garda Síochána, 2018). On the island of Ireland, this invisibility is structurally compounded: two distinct legal frameworks operate across a shared border that organised criminal networks treat as operationally irrelevant, and victims who move between jurisdictions frequently fall through the gaps of both (Chisholm et al., 2023). Official Irish figures recorded 67 identified victims in 2024 (Department of Justice, Home Affairs and Migration (IE), 2024), yet research consistently suggests that actual trafficking levels may be significantly higher than detected figures, with the dark figure of unrecorded victims estimated at 38% above official statistics in the Republic alone (Healy et al., 2021).

This paper examines to which extent Ireland's legal and institutional framework for identifying victims of human trafficking adequately fulfils its obligations under international and EU anti-trafficking law, with particular reference to the Palermo Protocol and Directive 2011/36/EU. It uses the chronic under-identification of child victims as a lens through which systemic failures in Ireland's victim-centred approach are exposed, arguing that so long as identification functions primarily as a gatekeeping mechanism concentrated within law enforcement, significant numbers of victims, and especially children, will remain uncounted and unprotected. The paper proceeds as follows: Title II sets out the normative framework established by international and EU law, Title III examines Ireland's domestic implementation of those obligations and its limits, Title IV uses child victims as an analytical lens to reveal the deepest structural failures in that framework. The conclusion assesses recent reforms and reflects on what Ireland's experience reveals about the broader challenge of translating legal commitment into effective protection.

II. THE NORMATIVE FRAMEWORK: IRELAND'S OBLIGATIONS UNDER INTERNATIONAL AND EU LAW

The international and European legal framework governing human trafficking establishes a set of binding obligations that form the normative baseline against which Ireland's domestic response must be assessed. Three instruments are of particular relevance: the Palermo Protocol (2000), the Convention on Action against Trafficking in Human Beings (2005), the Directive 2011/36/EU, and its 2024 amendment.

The foundational instrument is the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, commonly known as the Palermo Protocol, and supplementing the UN Convention against Transnational Organised Crime. Adopted in 2000 and ratified by Ireland in 2010, it provides in its Article 3 the internationally agreed definition of trafficking in persons: "recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability […] for the purpose of exploitation". Crucially for the present analysis, the Protocol introduces a child-specific provision, in subparagraphs c and d. Where the victim is under eighteen years of age, the use of coercive means is irrelevant: the act of recruitment or transfer for

© 2026 Chiara Ferrari. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

[1] Ireland will refer to the Republic of Ireland, unless otherwise specified

exploitative purposes constitutes trafficking regardless of any circumstances. (Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 2000) The Protocol further obligates state parties to adopt measures for the identification, protection and support of victims, and to criminalise trafficking conduct comprehensively. As a supplement to the Convention against Transnational Organised Crime, it explicitly situates trafficking within the broader framework of organised criminal activity: a framing that is essential to understanding why identification failures carry consequences beyond individual victims.

At the regional level, the Council of Europe Convention on Action against Trafficking in Human Beings, ratified by Ireland in 2010, established the first dedicated European monitoring mechanism for trafficking obligations: the Group of Experts on Action against Trafficking in Human Beings, known as GRETA (Council of Europe Convention on Action against Trafficking in Human Beings, 2005). The Convention introduced binding standards on victim identification, assistance, and the non-punishment principle, and its monitoring framework provides the institutional basis for the evaluative reports on Ireland that this paper draws upon. At the EU level, Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims constitutes the primary binding instrument for EU member states (Symeonidou-Kastanidou, 2016).

The Directive adopts a victim-centred, gender-sensitive approach and establishes minimum standards on criminalisation, prosecution, and victim protection. Of particular relevance to victim identification, the Directive requires member states to take necessary measures to identify victims, and mandates that competent national authorities are entitled to identify victims in cooperation with relevant support organisations (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, 2011). Reflecting the Palermo Protocol's child-specific provision, Article 2(5) of the Directive provides that a child's consent to the acts or purposes constituting trafficking and exploitation is legally irrelevant in all circumstances, thereby removing the burden of proving coercion that so frequently obstructs adult victim identification. Member states are further required to appoint a national rapporteur or equivalent mechanism to monitor implementation, assess trends, and measure outcomes.

The normative framework has recently been strengthened further. Directive 2024/1712/EU, amending the 2011 Directive, requires member states to establish formal multi-agency referral mechanisms guaranteeing the prompt identification of victims, with particular attention to children and vulnerable persons (Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 Amending Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, 2024). Ireland must transpose this instrument by July 2026. As will be demonstrated in the following sections, Ireland's existing framework falls short of these obligations in several critical respects, and the most acute failures are those that render child victims systematically invisible.

III. IRELAND'S DOMESTIC FRAMEWORK: IMPLEMENTATION AND ITS LIMITS

Despite its international and European obligations, Ireland's domestic anti-trafficking framework has been characterised by a persistent and well-documented gap between legal commitment and practical reality. This gap manifests across three interconnected dimensions: an overly centralised identification structure, a significant dark figure of unrecorded victims, and the compounding complexity of a cross-border criminal landscape.

Until the passage of the Criminal Law (Sexual Offences and Human Trafficking) Act 2024, Ireland's victim identification process rested almost exclusively on An Garda Síochána as the sole competent authority. A victim who did not come forward to, or was not identified by, the Garda simply did not enter the system. This structural bottleneck has been criticised consistently by monitoring bodies. GRETA urged Ireland to finalise a statutory National Referral Mechanism (NRM), noting that official figures did not reflect the real scale of trafficking, partly due to persisting limitations in victim identification procedures (GRETA (Group of Experts on Action against Trafficking in Human Beings), 2022). Similarly, the Irish Human Rights and Equality Commission (IHREC), in its role as National Rapporteur, repeatedly flagged that Ireland's identification model failed to reach victims who feared engagement with law enforcement, including those with irregular immigration status, victims controlled by their traffickers, and individuals who did not recognise themselves as victims at all. Third-country national victims, who represent the majority of identified cases in Ireland, faced compounded barriers including language, distrust of authorities, and fear of deportation, all of which the Garda-only model was structurally ill-equipped to address (Cunniffe & Ayodele, 2022). The United States Department of State's Trafficking in Persons Reports further corroborated these findings, noting that experts consistently criticised the government's ability to identify trafficking victims because of shortcomings in its NRM and the limitation of victim identification solely to police (United States Department of State, 2025).

The consequences of this institutional design are quantifiable. The Human Trafficking and Exploitation Project on the Island of Ireland (HTEPII) found that the number of adults and children trafficked into the Republic between 2014 and 2019 was at least 38% higher than officially recorded, with an additional 12 child victims identified beyond official statistics (Healy et al., 2021). This dark figure, the gap between recorded and actual crime, is not merely a statistical abstraction. It represents real individuals who received no legal protection, no access to support services, and whose traffickers faced no accountability. It is demonstrated that this undercounting is not accidental but structurally produced: service providers working with trafficking victims routinely encountered individuals who met the legal definition of a trafficking victim but had never been formally identified

as such, either because they had not engaged with the Garda or because they actively resisted identification for fear of the consequences (Healy, 2023).

The cross-border dimension of trafficking on the island of Ireland adds a further layer of complexity that Ireland's domestic framework has struggled to accommodate. Organised criminal networks operating across the Republic and Northern Ireland treat the land border as operationally irrelevant, exploiting the Common Travel Area and jurisdictional divergences between two distinct legal regimes to move victims with relative impunity (Chance, 2022). The International Organisation for Migration's study on human trafficking between Ireland and Northern Ireland found that victims frequently moved between jurisdictions, yet the identification and referral mechanisms on either side of the border operated in isolation from one another, creating gaps that traffickers actively exploit (Chisholm et al., 2023). The post-Brexit divergence between the Republic's EU law obligations and Northern Ireland's position outside the EU framework has further complicated this picture, with the Northern Ireland Human Rights Commission identifying specific risks arising from the UK's Nationality and Borders Act potentially conflicting with EU anti-trafficking standards as preserved by Article 2 of the Windsor Framework (Harvey, 2022).

The above-mentioned passage of the Criminal Law (Sexual Offences and Human Trafficking) Act 2024 represents a meaningful legislative response to the first of these failures. For the first time, Ireland placed its NRM on a statutory footing, recognised specialist NGOs as trusted partners in a multi-agency identification process, and introduced a two-stage detection and identification procedure designed to reach harder-to-reach victims (Irish Human Rights and Equality Commission, 2024a) .These are significant reforms, and they bring Ireland meaningfully closer to compliance with its obligations under Directive 2011/36/EU. However, the IHREC has noted that the Act still lacks statutory protection from prosecution for victims who have committed offences as a direct consequence of being trafficked, a gap that is particularly acute for child victims groomed into criminal activity, as the following section will demonstrate.

IV. CHILDREN AS A LENS: WHAT THE HARDEST CASES REVEAL

If Ireland's general victim identification framework falls short of its international and European obligations, the identification of child victims exposes those shortcomings in their most acute form. Far from being a marginal concern, the systematic failure to identify child victims illuminates the deeper structural tensions between a criminal justice-oriented identification model and a genuinely victim-centred approach.

The statistical picture is stark. Official Irish data recorded zero child victims of trafficking in both 2020 and 2021. By 2024, that figure had risen to ten (Department of Justice, Home Affairs and Migration (IE), 2024). While this upward trend might superficially suggest progress, it must be read against the HTEPII finding that at least ten child victims went unrecorded in the Republic during the 2014-2019 period alone (Healy et al., 2021). The rise in recorded figures may reflect improved identification practices as much as, or more than, an actual increase in child trafficking. This ambiguity is itself symptomatic of the dark figure problem: when baseline identification is so unreliable, trends become difficult to interpret with confidence. What the figures do confirm unambiguously is that children remain among the least identified victims in Ireland's anti-trafficking system, despite the fact that the legal framework, both under the Palermo Protocol and Article 2(5) of Directive 2011/36/EU, removes the burden of proving coercion entirely when the victim is a child.

A significant and underappreciated dimension of child trafficking in Ireland concerns children exploited for criminal activity rather than sexual purposes. Organised criminal networks systematically recruit children into drug distribution, theft, and other criminal enterprises, exploiting familial connections, economic vulnerability, and the absence of child-specific identification procedures (Walsh, 2023). These children present particular identification challenges precisely because they do not conform to institutional expectations of victimhood: they are frequently encountered by law enforcement as suspected offenders rather than victims, they rarely self-identify as trafficked, and the coercive dynamics of their exploitation are often invisible to those without specialist training (Marshall, 2024). One of the most persistent structural barriers to child identification across jurisdictions is the conflation of victims with offenders. Children's behavioural responses to exploitation, including non-disclosure, hostility toward authorities, and continued contact with exploiters, are systematically misread as indicators of delinquency rather than trauma (Rafferty, 2016). Similar patterns have also been identified at a European level, where attitudinal and institutional factors within criminal justice systems have been recognised among the most significant barriers to victim identification across member states, a pattern Ireland exemplifies rather than departs from (Cooper et al., 2024).

Ireland's legislative response to child criminal exploitation, the Criminal Justice (Engagement of Children in Criminal Activity) Act 2024, which also came to be known as Fagin's Law, illustrates the limits of a prosecution-focused approach to a fundamentally victim-centred problem. Despite coming into force in 2024, fewer than seventeen criminal proceedings had been brought under the Act within two years of its enactment (Murphy, 2026), with a post-enactment review finding the offences difficult to prove and Garda resources skewed toward higher-penalty charges (Murray, 2025). MECPATHS, a not-for-profit organisation that combats child trafficking in Ireland, has argued that the Act's reliance on child testimony reproduces the structural flaw it was designed to address: it places the evidential burden on the least empowered party in the relationship, and prioritises prosecution over the child's rights and protection needs (Murphy, 2023). Critically, the Criminal Law (Sexual Offences and Human Trafficking) Act 2024, for all its significance as a reform instrument, still contains no child-specific identification procedures and no statutory non-punishment provision for child victims who have committed offences as a direct consequence of their exploitation, a gap the IHREC has explicitly flagged as an ongoing point of non-compliance with Ireland's EU

obligations (Irish Human Rights and Equality Commission, 2024b)

The absence of age-estimation procedures is a particularly concrete manifestation of this gap. Where a victim's age is disputed, Irish authorities currently lack any standardised assessment mechanism, meaning that unaccompanied minors risk being wrongly processed as adults, with all the consequences that entails for their access to child-specific protections and support services. The IHREC has described this as an ongoing failure to protect one of the most acutely vulnerable groups within the trafficking system, and the 2025 U.S. Department of State Trafficking In Persons Report, which kept Ireland at Tier 2 for the fourth consecutive year, specifically flagged the treatment of unaccompanied and age-disputed minors as a cause for particular alarm (Irish Human Rights and Equality Commission, 2025a; United States Department of State, 2025)

V. CONCLUSION

The question posed at the outset of this paper, whether Ireland's victim identification framework adequately fulfils its obligations under international and EU anti-trafficking law, can now be answered with measured clarity. For most of the period under examination, it did not. The concentration of identification authority within An Garda Síochána produced a system that was structurally incapable of reaching the victims it was designed to protect: those who feared law enforcement, those whose exploitation was organised precisely to avoid detection, and above all, children whose experience of trafficking bore little resemblance to the institutional template of victimhood. The dark figure of unrecorded victims is not a measurement failure. It is the predictable outcome of a framework designed around the logic of criminal justice rather than the lived reality of exploitation (Healy, 2023).

The passage of the Criminal Law (Sexual Offences and Human Trafficking) Act 2024 represents the most significant domestic reform in Ireland's anti-trafficking history. Ireland has taken a meaningful step toward the victim-centred model its EU and international obligations have long demanded. However, two developments cast doubt on the trajectory of that consolidation. First, as of August 2025, the key provisions of the 2024 Act, including the operationalisation of the new multi-agency NRM, had not yet come into effect, meaning that the Garda-only identification model remained in practice despite having been legislatively superseded. Second, the General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025, which purports to transpose the 2024 amended Directive into Irish law, has been criticised by the IHREC as taking an overall restrictive approach to transposition that will be to the detriment of vulnerable victims of trafficking, with significant gaps remaining in relation to victim identification, protection, and support (Irish Human Rights and Equality Commission, 2025b). Ireland is therefore not only contending with the legacy of past failures, it is in the process of inadequately transposing the very instrument designed to address them.

The hardest cases remain unresolved. The IHREC's most recent report to GRETA confirms that no child-specific identification procedures exist, that the non-punishment principle has not been placed on a statutory footing, and that children exploited for criminal purposes remain among the least visible victims in the system (Irish Human Rights and Equality Commission, 2025a). Fagin's Law, well-intentioned as it is, continues to rely on the testimony of the very children it purports to protect, children who, by the nature of their exploitation, are the least equipped to bear that burden. As La Strada International, a European NGO platform against human trafficking, observed on the fifteenth anniversary of the Directive, the non-punishment principle remains one of the most persistently unimplemented provisions across EU member states, and Ireland is no exception (‘15 Years of the EU Anti-Trafficking Directive’, 2026)

What Ireland's experience reveals, ultimately, is a tension that is not unique to this jurisdiction but is particularly visible here: the tension between a legal framework designed to protect victims and an institutional culture oriented toward prosecuting perpetrators. These objectives are not incompatible, but when resources are scarce and identification is concentrated in law enforcement, they pull in opposite directions. A child groomed into criminal activity by an organised trafficking network is simultaneously a victim deserving of protection and, in the eyes of a prosecution-focused system, a potential witness or suspect. Until that tension is resolved, through child-specific identification mechanisms, statutory non-punishment protections, and genuine multi-agency cooperation across both sides of the Irish border, the most vulnerable victims will continue to fall through the gaps.

Twenty years after APT Ireland was founded on the conviction that human trafficking could no longer be ignored, and fifteen years after the EU made victim protection a matter of binding law, the gap between commitment and reality remains. Closing it requires not only better legislation, but a fundamental reorientation of how identification is understood: not as a gateway to prosecution, but as the first act of protection.

REFERENCES

15 Years of the EU Anti-Trafficking Directive. (2026, April 7). La Strada International. https://www.lastradainternational.org/news/15-years-of-the-eu-anti-trafficking-directive/

Chance, A. (2022). Exploring Serious and Organised Crime across Ireland and the UK: Towards a shared understanding of a shared threat. The Azure Forum for Contemporary Security Strategy. https://www.azureforum.org/wp-content/uploads/2022/03/Exploring-SOC-across-Ireland-and-the-UK.pdf

Chisholm, A., Burland, P., Dew, J., & Stephenson, T. (2023). A Study on Human Trafficking Between Ireland and Northern Ireland. International Organization for Migration. https://ireland.iom.int/news/iom-releases-report-human-trafficking-between-northern-ireland-and-ireland

Cooper, F. I., van Bemmel, S. R., van der Leun, J. P., & Kunst, M. J. J. (2024). Factors that influence the criminal justice response to human trafficking: A systematic review of North American and European studies. Crime, Law and Social Change, 82(3), 623–658.

Council of Europe Convention on Action against Trafficking in Human Beings (2005). https://www.coe.int/en/web/anti-human-trafficking/anti-trafficking-convention

Cunniffe, E., & Ayodele, O. (2022). Detection, identification and protection of third-country national victims of human trafficking in Ireland. The Economic and Social Research Institute (ESRI). https://www.econstor.eu/handle/10419/268073

Department of Justice, Home Affairs and Migration (IE). (2024). Trafficking in Human Beings in Ireland: Annual Report 2024.

https://www.blueblindfold.ie/about-blueblindfold-and-for-further-information/

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, EP, CONSIL, 101 OJ L (2011). http://data.europa.eu/eli/dir/2011/36/oj

Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 Amending Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims (2024). http://data.europa.eu/eli/dir/2024/1712/oj

GRETA (Group of Experts on Action against Trafficking in Human Beings). (2022). Evaluation Report: Ireland (Third Evaluation Round). Council of Europe. https://www.coe.int/en/web/anti-human-trafficking/ireland1

Harvey, A. (2022). Human Trafficking and Article 2 of the Ireland/Northern Ireland Protocol. Northern Ireland Human Rights Commission. https://nihrc.org/publication/detail/human-trafficking-and-article-2-of-the-ireland-northern-ireland-protocol

Healy, A. E. (2023). "They never self-identify": Victims of Human Trafficking for Sexual Exploitation, the Island of Ireland. In Sex and Sexualities in Ireland: Interdisciplinary Perspectives (pp. 279–296). https://link.springer.com/chapter/10.1007/978-3-031-36550-8_15

Healy, A. E., Breen, M. J., & Healy, M. G. (2021). Report on Human Trafficking and Exploitation on the Island of Ireland. Mary Immaculate College, Limerick. https://www.mic.ul.ie/sites/default/files/uploads/140/2021_HTEPII_Report.pdf

Irish Human Rights and Equality Commission. (2024a). Annual Report. https://www.ihrec.ie/publications/annual-report-2024

Irish Human Rights and Equality Commission. (2024b). Trafficking in Human Beings in Ireland. Third Evaluation of the Implementation of the EU Anti-Trafficking Directive. https://www.ihrec.ie/publications/trafficking-in-human-beings-in-ireland-third-evaluation-of-the-implementation-of-the-eu-anti-trafficking-directive

Irish Human Rights and Equality Commission. (2024c). Trafficking in Human Beings in Ireland—Third Annual National Evaluation Report of the Implementation of the EU Anti-Trafficking Directive. https://www.ihrec.ie/publications/trafficking-in-human-beings-in-ireland-third-evaluation-of-the-implementation-of-the-eu-anti-trafficking-directive

Irish Human Rights and Equality Commission. (2025a). Ireland's Actions Against Trafficking in Human Beings. https://www.ihrec.ie/publications/irelands-actions-against-trafficking-in-human-beings

Irish Human Rights and Equality Commission. (2025b). Part 4 and Part 5 of the General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025. https://www.ihrec.ie/publications/observations-on-part-4-and-part-5-of-the-general-scheme-of-the-criminal-law-sexual-offences-domestic-violence-and-international-instruments-bill-2025

Marshall, H. (2024). Child Criminal Exploitation and the Interactional Emergence of Victim Status. The British Journal of Criminology, 64(5), 1011–1027.

Murphy, A. (2023, June 4). 'Fagin's Law' will not work if it relies on groomed children to testify, experts warn. Irish Examiner. https://www.irishexaminer.com/news/arid-41154940.html

Murphy, A. (2026, April 6). 'Fagin's Law' fails to stop gangs luring children. Irish Examiner. https://www.irishexaminer.com/news/courtandcrime/arid-41822426.html

Murray, S. (2025, July 4). 'Fagin's Law' offences by adults to groom children into criminality 'difficult to prove', review finds. Irish Examiner. https://www.irishexaminer.com/news/courtandcrime/arid-41663534.html

Police Service of Northern Ireland & An Garda Síochána. (2018). Cross Border Organised Crime: Threat Assessment 2018. Department of Justice (UK) and Department of Justice and Equality (IE). https://www.justice-ni.gov.uk/news/cross-border-organised-crime-conference-2018-takes-place

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (2000). https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons

Rafferty, Y. (2016). Challenges to the rapid identification of children who have been trafficked for commercial sexual exploitation. Child Abuse & Neglect, 52, 158–168.

Symeonidou-Kastanidou, E. (2016). Directive 2011/36/EU on Combating Trafficking in Human Beings: Fundamental Choices and Problems of Implementation. New Journal of European Criminal Law, 7(4), 465–482.

United States Department of State. (2025). 2025 Trafficking in Persons Report: Ireland. https://www.state.gov/reports/2025-trafficking-in-persons-report/ireland/

Walsh, C. (2023). From contextual to criminal harm: Young people's perceptions and experiences of child criminal exploitation (CCE) in Northern Ireland. Department of Justice (Northern Ireland). https://pure.qub.ac.uk/en/publications/from-contextual-to-criminal-harm-young-peoples-perceptions-and-ex/

Criminal Infiltration and Vulnerability of Slovakia

The 'Ndrangheta and the Murder of Ján Kuciak

Linda Figura

***Abstract* — Thesis focuses on the case of 'Ndrangheta influence in Slovakia, which is connected to the well-known murder of investigative journalist Ján Kuciak and his fiancée. Shortly after their deaths, Kuciak's final unfinished article was published, revealing his investigation into alleged links between the 'Ndrangheta and Italian businessmen operating in Slovak agriculture. The thesis will examine these connections and their significance in the context of transnational organized crime.**

I. INTRODUCTION

The case of infiltration of Calabrian mafia 'Ndrangheta escalating into murder of investigative journalist and his fiancé represents a critical point in understanding organized crime in transnational level in central Europe. Following this case a lot of consequences have risen and high-profile politicians and even the Prime Minister of the Slovak Republic had to face public pressure and act upon their dangerously formed alliances with people in close connection to 'Ndrangheta group.

This paper describes the working mechanism behind the 'Ndrangheta's operations in Slovakia, their political connections, and the consequences of their exposure.

A. Background: the 'Ndrangheta Arrives in Slovakia

First connection of Italian mafia *'Ndrangheta* in Slovakia is dated in 2004 where one of its key figures, Carmine Cinante, an Italian national with ties to the Calabrian criminal underworld, arrived in East Slovakia, supposedly to live with his girlfriend. During his travels, Cinante was stopped by police because of suspicious acting- sudden reverse of his car when spotting the police car. He had a reason to act suspiciously because he was carrying unregistered machine gun with scraped serial numbers and fifty bullets. He was accused of gun trafficking and sentenced for two years with probation (Mrvová & Turček, 2018).

Later Italian authorities linked him with Italian 'Ndrangheta boss Guirino Iona, head of the Belvedere Spinello clan, underlining a direct bond with *'Ndrangheta* marking a first connection to border organized crime in Slovakia mentioning Italian mafia (OCCRP, 2019). According to Italian investigators, Antonino Vadala, another important figure for this case and as well an Italian native with ties to 'Ndrangheta, had helped hide a man- also a member of *'Ndrangheta*- convicted of brutal murder and helped him escape.

Italian police captured telephone conversations between Vadala and the clan boss Francesco Zindato discussing details of sheltering the mentioned murderer linking Vadala to the case directly (OCCRP, 2018). While was Vadala facing charges in Italy, he did not appear in court. He escaped the country and established himself in eastern Slovakia, where he started a successful business in agriculture, then in real estate and energy. In 2003, however, Vadala was acquitted of charges for lack of evidence. (Mrvová & Turček, 2018).

© 2026 Linda Figura. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. *'NDRANGHETA* AND THEIR LINKS TO IMPORTANT POLITICAL FIGURES

A. Political Infiltration

Vadala's entry into Slovak politics was not direct. He focused on planting in people who served as his pawns. A key person in this process was Mária Trošková, a Slovak model, Miss Universe 2007 finalist, and former business associate of Vadala. (Aktuality.sk, 2018)

In August 2011, Vadala and Trošková founded the company GIA MANAGEMENT. Even though Trošková left the company after a year, this relationship created the basis for her career in politics later. She moved from the business environment to the position of assistant to Viliam Jasaň, a senior politician of Smer-SD, Slovakia's ruling social-democratic party. Jasaň himself later admitted to the media that Trošková was recommended to him by a "friend", but still refusing to confirm if it was Vadala himself (Mrvová & Turček, 2018).

Trošková was not the only connection between Vadala and Jasaň. Allegedly there are few more links connecting them. The most obvious ones were Vadala family buying Jasaň's private security company PRODES and at the same time Jasaň's son Slavomir sharing the other company with this Italian family (Aktuality.sk, 2018).

This pattern of infiltrating political circles through business relationships and personal networks is the way how the 'Ndrangheta operates transnationally, using legitimate activity as a cover for building political influence (Hauser, 2025). With Vadala's personal network he managed to reach unprecedented influence in the circle of Prime Minister Robert Fico of Slovakia (OCCRP, 2018).

In March 2015, Mária Trošková, former Vadala's business partner, moved from the position of Jasaň's assistant directly to the Government Office of Slovakia as a state councilor and close coworker of Prime Minister Fico.

A year later, Mr. Jasaň also joined them in the position of Secretary of the State Security Council. From here on, a direct connection to the government was established for Vadala, and more importantly, indirect access to Slovak security documents through Jasaň and his position as Secretary with the highest security clearance in Slovakia (Aktuality.sk, 2018).

Publicly, Vadala was presenting himself as an enthusiastic supporter of Fico's political party SMER-SD

and was also engaging in online political forums (Mrvová & Turček, 2018).

B. Benefits Arising from Vadala's Political Partnerships

Political cover and contacts gave Vadala and as well three other Italian families linked to 'Ndrangheta- Roda, Cinnante, Catroppa- important benefits (Aktuality.sk, 2018).

Most important was economical profit and direct unquestioned funding from public resources. All these families established companies focused on agriculture and with that started drawing finances from EU funds and agro-dotations. Only in two years they managed to draw several million euros from the Slovak Agricultural Payments Agency (Mrvová & Turček, 2018).

Official EU parliamentary records confirm that approximately €13 million in European subsidies were transferred to companies managed by these families, with investigations noting their activities continued largely without obstacles thanks to contacts within the Slovak government (European Parliament, 2018).

Another big dotation they received from biogas power plant business. According to the sources not all the drawings were completely in accordance with law and rules of receiving the dotations. (Mrvová & Turček, 2018).

III. ILLEGAL ACTIVITIES CARRIED OUT BY ITALIAN FAMILIES ON SLOVAK SOIL

Another benefit the Italian families gained from their political contacts was effective immunity from criminal prosecution, as shown by several cases of clear hesitation on the side of authorities.

A. Criminal Cases

The most resonating case was connected to Antonino Vadala's agricultural business and mob-like behavior of Sebastiano Vadala, Antonino Vadala's brother. The case involved a dispute between competing farmers Sebastiano Vadala and their neighboring farmer. The subject of this dispute was 40 hectares of land which the farmers were both interested in farming. It escalated into threat in form of bag left out on the door of competitor farm. This bag's content sent the farmer clear message- box of matches, ten bullets and funeral bouquet. It did not end with this indirect threat of death. Since the farmer decided not to react to the threat another incident happened between Sebastiano and one of the workers at the competitor farm. According to the worker's testimony was Sebastiano directly threatening him with gestures of killing him as well with words that he has the gun and whoever will work on the mentioned 40 hectares of land will be killed (Aktuality.sk, 2018).

The authorities were called after this incident by the owner of the competitor farm and Sebastiano was brought before the court. Prosecutor presented much evidence such as camera footage from the door where threatening package was delivered by Sebastiano Vadala himself which he denied it was him, and the actual witness was called into the court- the worker who was threatened- and explained the incident, which Vadala also denied. It was also supported by the witness, his lawyer that testified that apparently Sebastiano Vadala does not speak Slovak and was supposedly with him in another city by the time incident happened. Two courts, both district and regional, found the evidence too weak and ruled Sebastiano Vadala not guilty. The fact that Sebastiano did not speak Slovak was disproven by a lot of witnesses and the notary record later. The prosecutors appealed, criticizing the courts for disregarding the direct evidence that had been presented to them. The appeal was unsuccessful, and the case was closed (Mrvová & Turček, 2018).

Another case concerning directly Antonino Vadala is connected to a tax fraud case involving speculative transactions with three apartments in the Petržalka district of Bratislava. The scheme, which started in 2011, was revolving around repeated transfer of ownership of the properties between multiple companies in order to obtain a value-added tax refund in amount of approx. €80,000 which is according to Slovak law illegal (Aktuality.sk, 2018). The apartments were originally owned by Italian businessman Antonio Palombi through his company ALTO. Over a few months, the properties were first transferred to the company GENNA and later to Vadala's company AV-REAL. Palombi later testified that the transactions had been arranged without any real financial payment and were created only for fraud with VAT deduction (Mrvová & Turček, 2018). Because ALTO was not registered as a VAT payer, the apartments were transferred through GENNA before being allocated to AV-REAL, as a VAT registered company for the purpose of claiming the deduction. Palombi then claimed that the mentioned purchase price of €360,000 was entirely fictional and existed only for accounting. The intended plan was to return the apartments to the original owner Palombi after the VAT refund had been secured, through a company named KANNONE owned by both Palombi and Vadala, with Palombi receiving a share of the illegally obtained tax refund. Despite Palombi's accusations, criminal proceedings for fraud were completely dropped. Investigators concluded that both sides have participated in the suspected VAT scheme, making it impossible to determine which side was at fault and whether the fraud actually happened. Vadala in this case denied any involvement in tax fraud and stated that the apartments had been purchased through legitimate transaction. Even though Palombi later tried to recover the apartments through civil court, he withdrew his claim in February 2017 (Aktuality.sk, 2018).

B. Agricultural Subsidy Fraud

As previously mentioned, a central pillar of the business activities of the four Italian families operating in eastern Slovakia - Vadala, Cinnante, Roda, and Catroppa families - was the agricultural sector, which was serving as a legal cover for criminal activities and money laundering operations (Mrvová & Turček, 2018). Through several connected companies with assets valued in millions of euros, these groups controlled huge amounts of hectares of agricultural land in the east of Slovakia and managed to extract a substantial number of public resources from Slovak and European fundings. The companies connected to these families became important recipients of agricultural support distributed by the Slovak Agricultural Paying Agency. From 2015 to 2016, these companies'

networks received more than eight million euros in direct payments, with another hundreds of thousands of euros they obtained through agricultural projects and public procurements (Mrvová & Turček, 2018). Official EU parliamentary records independently confirm that approximately €13 millions of European subsidies were transferred to companies managed by these families, with investigations noting their activities continued largely unobstructed thanks to contacts within the Slovak government (European Parliament, 2018). Evidence dug up by investigative journalists shows that the acquisition of these funds was commonly accompanied by extensive fraud and violations of Slovak regulations.

Investigative findings document several methods by which public resources and fundings were abused. One of the most frequent ones involved the intentional overstatement of owned and legally rented land area in subsidy applications. There is one specifically notable case in which a company claimed agricultural payments for an area of land eight times bigger than the area they were owners of or were legally renting. Similarly, other companies claimed subsidies for land they had no legal right to use. This fraud scheme also involved falsification of official documents. For example, a representative of an Italian company falsified an official document from the Agricultural Paying Agency and used it to convince a bank that the company would receive subsidy payments to obtain a bank loan (Mrvová & Turček, 2018).

Beyond direct agricultural subsidies, these business networks also abused public support systems connected to renewable energy production, specifically through biogas power plants connected to agricultural operations. Between 2012 and 2017, three companies that belonged to the portfolio of Diego Roda's family received approximately €8.3 million in subsidies for the operation of mentioned facilities. In 2015, the Regulatory Office for Network Industries fined these companies after finding out that they had overstated the volume of energy produced in companies reports. Because the level of state subsidy depended directly on the amount of reported energy production, this represented a deliberate exaggeration of claims for public funds (Mrvová & Turček, 2018).

The agricultural techniques of these groups also showed characteristics very often associated with international money laundering practices used by the 'Ndrangheta in other countries of the world (Sergi & Lavorgna, 2016). An important part of the capital used to acquire Slovak agricultural cooperatives originated directly from Italy. Slovak authorities confirmed that Antonino Vadala received a substantial amount of cash payments from individuals in Italy for the purpose of acquisitions in the Slovak agricultural sector. Same as Vadala, companies controlled by the Roda family were consistently receiving direct financial aid from entities of their hometown in Calabria, Italy affiliated with 'Ndrangheta (OCCRP, 2019).

According to the investigation of Ján Kuciak, the Slovak investigative journalist, abuse of agricultural subsidies created a wider criminal strategy more than committing solely isolated financial misconduct. All these agricultural companies served a purpose to legitimize illicitly gained funds in Italy and present the "dirty money" as lawful business income. Kuciak's investigation further suggested that funds extracted from European and state subsidy funds were often sent back to Italy, where they were used to finance international drug trafficking operations involving cocaine, gun trafficking and other criminal activities of the 'Ndrangheta (Mrvová & Turček, 2018; OCCRP, 2018).

Despite being detectable, these frauds were ignored for years. According to Kuciak's investigations, this was enabled by corruption and political connections reaching up to the Government Office through Trošková and Jasaň, allowing criminal activities to go unnoticed by the state for many years (Mrvová & Turček, 2018; TOL, 2018).

IV. THE MURDER OF JÁN KUCIAK- CRISIS OF TRUST IN STATE INSTITUTIONS

A. The Murders and their Immediate Context

The tragic events of February 2018, when investigative journalist Ján Kuciak and his fiancée Martina Kušnírová were murdered, represent a turning point in the understanding of transnational organized crime and the vulnerability of state institutions in Central Europe as well as a profound failure on the side of the government. This was the first murder of a journalist in the modern history of Slovakia and creating widespread shock for Slovak society and serious international concern, especially around press freedom (Mrvová & Turček, 2018; The New York Times, 2018).

Kuciak and Kušnírová were most likely murdered on 21 February 2018 in their home in Veľká Mača. Kuciak was shot in the chest, and his fiancée was executed with a gunshot to the head. Slovak police stated that the murders were directly connected to Kuciak's investigative work, specifically his reports on the infiltration of the Calabrian mafia — the 'Ndrangheta — into Slovakia (Mrvová & Turček, 2018). Sources reported that the mafia group most likely resorted to this to prevent the publication of information concerning the article that Kuciak was last working on before his death (TOL, 2018). As previously mentioned, all the information on 'Ndrangheta, specially about their fraudulent actions and illicit activities on Slovak soil, was dug out by a relatively young journalist Ján Kuciak, and the pressure he created with the article he was working on led the criminal group to extreme measures (The New York Times, 2018).

B. State Crisis after Kuciak's Death

The murders deepened a long-term crisis of trust in Slovak state institutions, which had ignored clearly accruing criminal activities for years. Before Kuciak's death he received several threats from the businessman Marián Kočner, who was also closely associated with Slovak government. Despite reporting them to the police, authorities active in criminal proceedings did not initiate any formal investigation (Mrvová & Turček, 2018). This failure of institutional response is consistent with broader findings on how criminal networks operating at the intersection of organized crime and political elites are able to suppress accountability mechanisms (Global Initiative Against Transnational Organized Crime, 2018).

C. The Landslide of Consequences after the Murders

Public distrust worsened further during a criticised press conference in which Prime Minister Fico placed one million euros in cash on a table as a reward for information leading to the culprits. This gesture showed a clear "mafia mentality" in which money is viewed as the solution to all problems, with critics and experts describing the system as an "octopus controlling the entire country" (The New York Times, 2018). Slovak President Andrej Kiska accused the government of arrogance, stating that public trust required a complete government reconstruction (The New York Times, 2018).

The publication of the last written article of Ján Kuciak directly linking the Slovak Government Office to individuals connected to the 'Ndrangheta triggered the largest public protests in Slovakia since the Velvet Revolution of 1989. Tens of thousands of demonstrators gathered in Bratislava and in more than fifty other cities, symbolically jingling keys while demanding a full investigation under international supervision and the resignation of corrupt political figures.

Under this huge amount of public pressure, several senior politicians and institutional figures resigned from their positions. Prime Minister Robert Fico stepped down, Interior Minister Robert Kaliňák resigned, and Police President Tibor Gašpar left his post (Mrvová & Turček, 2018; The New York Times, 2018). Even though a new temporary government was formed, public distrust continued, and it is still lingering to this day (Mrvová & Turček, 2018).

V. CONCLUSION

The Kuciak case exposed the depth of systemic corruption in Slovakia. Numerous criminal schemes including fraud and abuse of agricultural subsidies were relatively easy for investigative journalists to uncover and yet were intentionally overlooked by state authorities for years. This pattern of institutional tolerance toward organized criminal exploitation of public resources and European funds contributed significantly to the collapse of public trust in the rule of law, justice system, and state security institutions. Slovakia continues to struggle with high-level corruption, but the murders sparked sustained public pressure that has helped uncover unlawful actions and hold those responsible to account.

REFERENCES

European Parliament. (2018). *Structural funds fraud and the 'Ndrangheta in Slovakia* (Parliamentary Question E-001354/2018). https://www.europarl.europa.eu/doceo/document/E-8-2018-001354_EN.html

Fazio, C. (2018). *Mafia e libertà di stampa: I giornalisti minacciati dalla 'Ndrangheta* [Undergraduate thesis, University of Parma]. Dipartimento di Discipline Umanistiche, Sociali e delle Imprese Culturali.

Global Initiative Against Transnational Organized Crime. (2018). *Protecting the criminal complex.*https://globalinitiative.net/analysis/protecting-the-criminal-complex/

Hauser, Z. L. (2025). *Mafia expansion: The 'Ndrangheta in established democracies.* Oxford University Press. https://doi.org/10.1093/9780191997877.001.0001

Kuciak, J. (2018). *Italian mafia's tentacles reach into Slovak politics.* Aktuality.sk. https://www.aktuality.sk/clanok/568007/taliansk a-mafia-na-slovensku-jej-chapadla-siahaju-aj-do-politiky/

Mrvová, I., & Turček, M. (2018). In the heart of Europe: The murder of the Slovak journalist Ján Kuciak. *Südosteuropa Mitteilungen, 04*, 6–17.

OCCRP. (2018). *The model, the mafia, and the murderers.* Organized Crime and Corruption Reporting Project. https://www.occrp.org/en/project/a-murdered-journalists-last-investigation/the-model-the-mafia-and-the-murderers

OCCRP. (2019). *How the mafias came to Slovakia.* Organized Crime and Corruption Reporting Project. https://www.occrp.org/en/project/unfinished-lives-unfinished-justice/how-the-mafias-came-to-slovakia

Sergi, A., & Lavorgna, A. (2016). *'Ndrangheta.* Springer International Publishing.

The New York Times. (2018). *Ex-model, mob suspect and a murder could bring down Slovakia's government.* The New York Times. https://www.nytimes.com/2018/03/02/world/europe/slovakia-jan-kuciak-murder.html

TOL. (2018). Around the bloc: New details emerge in the case of murdered Slovak journalist. *Transitions Online, 03/06*, 13–14. https://www.ceeol.com/search/article-detail?id=619158

Sand Smuggling

What is sand smuggling and how has its criminal industry flourished so much?

Abby Fitzpatrick-Ryan

Abstract — **This paper shall explore the concept of sand smuggling, and where in the world the market for it flourishes the most. It will delve into the devastating impacts that this criminal activity has produced, while also analysing the moral issue that lies parallel to it. This paper will beg the question if anything can be done to prevent, or at least slow down it's impending further devastation, and it's necessity due to the large demand of urbanisation and the exponential growth of the construction industry.**

I. INTRODUCTION

Sand smuggling is an area of fraud that exists a huge transnational issue at the moment, and that is often a surprising fact to many. Sand doesn't seem particularly special or fascinating, and there seems to be so much of it in the world, scattering all of our beaches, and so it goes under the radar quite a bit when we think about transnational organised crime. However, it is in fact one of the most sought after and used natural resource in the world after water.

One of the main reasons for this, is that sand is one of the main ingredients in concrete, and the construction industry is an industry that has only exponentially grown in the last century.

One of the largest consumers of it is China, with them having used more sand and concrete in the last decade, than the whole of the US has in the last century. (Taylor, 2024)

While most sand that has been illegally smuggled has been used in the same country that it was mined from, there are many countries that have a demand much larger than their own supply, and so the sand is then smuggled across borders to different countries. (Taylor, 2024)

Fine-quality sand is used in the manufacturing of glass, while still-finer sand is used in the making of microchips for electronics or solar panels. Sand used in concrete making is most often mined from rivers and deltas, where the sand has sharper and rougher edges, which aids in the binding of concrete. Coastal sand is, however, still used, although it requires extra work as it must be washed free of the sea salt. (Taylor, 2024)

II. THE EFFECTS

This sand mining has had huge knock on effects, as the removing of sand from coasts, rivers and deltas, has created instability, and has added to the increase of floods that has been occurring in recent years, as banks break much easier with this lack of stability. The use of this sand is also often a cheaper shortcut for these construction companies, making buildings not as safe and stable. This of course is a huge long-term issue, as these buildings will not last as well long term, and could potentially cause more serious risks to health and safety further down the line as these buildings age further. It is believed that the devastating earthquake that affected Turkey and Syria in February 2023 had even greater devastating effects because of the lack of stability in the buildings there due to the cheaper shortcuts that were made in the construction of them using this smuggled sand. (Taylor, 2024)

Sand plays so many roles that are often over-looked or go unnoticed. It aids in the hydration of neighbouring vegetation during times of drought or dry spells, as it holds water deep in its core, and slowly leaks it to vegetation in need. Without this, farmers' businesses are often hugely affected in summer months.

The mining of sand from riverbeds and coastal seabeds also kills a large amount of aquatic life, affecting the eco system. (Taylor, 2024)

For example, the Mekong Delta in southern Vietnam has been largely affected by this. (Beiser, 2019)

The Mekong Delta is slowly disappearing, and not only is this greatly tragic from an environmental and natural beauty point of view, but this area is also where almost half of the country's food produce comes from, as well as a magnitude of rice that is exported to feed the rest of South East Asia. (Beiser, 2019)

In addition to the dangers that the products of illegal sand mining pose on both the environment as well as society, the act of mining sand is also very dangerous for those carrying it out. Not only can the areas that get mined from be very unstable due to being previously excavated, but the job can also hold a huge risk of drowning to those on duty due to having to dive great depths underwater to find particular types of sand that they are looking for, especially when they have already exhausted other sources. Divers dive down to the seabed and fill buckets with sand from the surface which are then pulled up by workers on deck of the boat.

III. THE MORALITY SIDE

It is important to look at why sand smuggling may happen so largely in these developing countries. A large part of it, is the fact that having this job of sand smuggling allows these people to escape poverty. It is reported that sand smugglers can earn four times more doing this job than if they were to work at any other job in the area. This also leads to greater volumes of violence within this industry, as to protect their livelihood, they often display violence towards any threat to their industry. These people at risk are often journalists and local authorities. (Mahadevan, 2019)

There is however another side to sand smuggling, in which it appears that local authorities in some of these countries such as Mumbai and India, will turn a blind eye to small scale sand smuggling, as this is often carried out

© 2026 Abby Fitzpatrick-Ryan. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

by poor locals to build themselves affordable homes. (Mahadevan, 2019)

IV. CASE STUDY – THE MEKONG DELTA

The reason why the Mekong delta has been such a nutritious grounds for these farming activities has been because for centuries, the delta has been naturally re-supplemented with sediment and nutrients that have been transported down the Mekong River. However, now in more recent years, due to the number of countries that border and gain benefits from this river, it has opened the area up to a huge amount of exploitation. According to a study carried out in 2013, it has been reported that about 50 million tonne of sand had been excavated and mined from the Mekong Delta in the year 2011 alone. This is said to be enough to cover the whole city of Denver Colorado in two inches of sand. With the speed that this area is been harvested, it is projected that almost half of the delta will be completely wiped out by 2030. (Beiser, 2019) (Kai Yuen, et al., 2024)

Professor Collins speaks about how transnational organised crime comes into play also, as cities such as Singapore or Bangkok that don't have many natural sources of sand themselves, must retrieve sand from somewhere. (Kelsey-Sugg & Priadko, 2020)

There is so much devastation that has been caused by this sand smuggling industry. Other rivers and deltas in the likes of Laos and Cambodia have had their riverbeds and banks exploited to such extents that the banks have broken and have wiped out thousands of acres of crop fields. This has caused a large amount of knock-on effects for local farmers and villagers relying on these crops as their main source of food to feed their families.

Similarly, a collapsing riverbank caused a large bridge to collapse in Taiwan in 2020, and again, the same situation happened in Portugal in 2001, where a bridge collapsed, as vehicles and buses were passing over it, causing devastating deaths to 70 people. As demonstrated here, the impact of this sand smuggling industry is devastating and catastrophic, affecting so many areas that society as a whole rely on. (Beiser, 2019)

V. HUMAN RIGHTS AFFECTED

Due to the large industry that the recent soar in urbanisation and construction projects have created, space has been created for criminal gangs and mafias to flourish.

It has been reported by human rights groups that some parts of Latin America and Africa have been habitat to forced child labour being carried out within sand smuggling crime rings. It is suggested that gangs get away with this criminal activity and human rights breaches just as many organised crime groups get away with other activities- by allegedly paying off corrupt law enforcement, and government officials. In many cases, these gangs are also not afraid to carry out violent crimes, and even homicides, against those that do get in the way of their business. (Beiser, 2019)

The following excerpt displays the tragic effects that 'sand mafia's' have had on people and their lives:

"José Luis Álvarez Flores, an environmental activist in the southern Mexican state of Chiapas who campaigned against illegal sand mining in a local river, was shot dead in June. A note threatening his family and other activists was reportedly found with his body. Two months later, police in Rajasthan, India, were shot at when they tried to stop a convoy of tractors carrying illegally mined sand. The ensuing gun battle left two miners dead and two police officers hospitalised. And early this year, a sand miner in South Africa was shot seven times in a dispute with another group of miners. Those are only the latest casualties. Violence over the sand trade in recent years has taken lives in Kenya, Gambia, and Indonesia. In India, "sand mafias", as the local press calls them, have injured hundreds and killed dozens of people. The victims include an 81-year-old teacher and a 22-year-old activist who were separately hacked to death, a journalist burned to death, and at least three police officers run over by sand trucks." (Beiser, 2019) This quotation truly captures the horrifying and gut wrenching activities that take place near the site of illegal sand mines.

VI. CASE STUDY- THE INDIAN "SAND MAFIA"

India has one of the largest illegal sand smuggling markets, with locals referring to the individuals within these organised crime groups as the 'sand mafia'. Bacha Rai, a resident of Kasmar, India said that "On paper, sand mining and alcohol sale are illegal, but in reality, they are the two most flourishing industries in the region!" (Mouterde & Depardon, 2022)

It is often the case that outside individuals will come and wait for a boat to be filled with sand, and buy it off the crime group, and then later sell it on for twice the value in money. In this way, middlemen also make huge profit from this crime without every getting their own hands dirty.

Like in other involved countries, it is often suspected that police or government officials profit from these sand mafias also, by allowing the actions of these criminal groups to fall under their radar. It is said that police would pass by rows of sand smuggling boats daily and would demand a fee. One year, 30 police men were arrested for suspected involvement within the sand mafia in that area of Bihar India. (Mouterde & Depardon, 2022)

VII. CAN IT BE RESOLVED?

Correctly it has been pointed out, that while many people may be wondering why more hasn't been done about this issue when there are such harsh and devastating consequences to so many different areas in so many different countries, the issue that remains is that illegally mined sand and legally mined sand look the same. Unless you were at the site where it has been mined, and you know how and where it was extracted, it is virtually impossible for majority of those that will work with it or purchase a house made with it to truly know if it is illegal or legal, and may not even realise that such debate was even a legitimate issue at all. (Ingle, 2024)

Like water, and many natural resources, sand unfortunately is finite, due to how long it takes to form. The natural replenishment and formation of such material is such a tedious and patient process, that the demand that we have for it, far outpaces the natural regeneration of it.

This means that in our lifetime, we will never see our oceans and rivers restored to what they once were.

Some scientists have been exploring ways in which products that we currently require sand for, can be made without this precious material. Concepts like sand particles being curated from recycled plastic particles, as well as grinded palm shells and rice husks. Likewise, old concrete being broken down and recycled into ready-to-use-again concrete have been explored, however have not yet taken off on a large enough scale as of present times, to make enough of a difference. (Beiser, 2019)

VIII. CONCLUSION

As I have described above, the issues that surround this area of unexpected crime, are large and wide, however, like most transnational and national organised crime, it has still succeeded despite some efforts and laws having been put in place. Although sand smuggling and illegal mining has almost ceased to be an issue in most western countries, to implement the same effects across the rest of the world has so far been evidently proven difficult. If this issue continues at this rate, the expected outcome will with no hesitayion continue to devastate.

It is clear, however, that something must be done to control the ongoing devastation caused in so many parts of the world, both socially and environmentally.

REFERENCES

Beiser, V. (2019, November 18). *Why the World is running out of Sand.* Retrieved from Jescorp: https://jescorp.au/wp-content/uploads/2021/03/Why-The-World-is-Running-Out-of-Sand-by-Vince-Beiser-18.11.2019.pdf

Ingle, J. W. (2024). The Quiet Rise (And Destruction) Of Sand Mafias. *Third Nature*. HYPERLINK "https://thirdnatureinvestments.com/insights/the-quiet-rise-and-destruction-of-sand-mafias/" The Quiet Rise (And Destruction) Of Sand Mafias – _Third Nature Investments

Kai Yuen, K. W., Park, E., Tran, D. D., Loc, H. H., Feng, L., Wang, J., . . . Switzer, A. D. (2024). Extent of illegal sand mining in the Mekong Delta. Nature - Communications Earth & Environment. HYPERLINK "https://www.nature.com/articles/s43247-023-01161-1" Extent of illegal sand mining in the Mekong Delta | Communications Earth & Environment

Kelsey-Sugg, A., & Priadko, T. (2020). The world is 'running out of sand', and it's fuelling murders, mafias and ecological devastation. Saturday Extra ABC News. HYPERLINK "https://www.abc.net.au/news/2020-01-11/illegal-sand-trade-india-mafia-murders-vince-beiser/11779570" The world is 'running out of sand', and it's fuelling murders, mafias and ecological devastation - ABC News

Mahadevan, P. (2019, July). Sand Mafias in India - Disorganized Crime in a Growing Economy. Retrieved from Square Space: https://static1.squarespace.com/static/5b7ea2794cde7a79e7c00582/t/64bfaca64c690c29a0f270e1/1690283174539/sand+mafias+india.pdf

Mouterde, P., & Depardon, M. (2022). India's Sand Mafias have Power, Money and Weapons. Le Monde. HYPERLINK "https://www.lemonde.fr/en/environment/article/2022/09/12/in-india-sand-mafias-have-power-money-and-weapons_5996639_114.html" India's 'sand mafias have power, money and weapons'

Taylor, D. A. (2024). Inside the Crime Rings Trafficking Sand. Scientific American. HYPERLINK "https://www.scientificamerican.com/article/sand-mafias-are-plundering-the-earth/" Inside the Crime Rings Trafficking Sand | Scientific American

Beyond scandal: Can Epstein Enterprise be interpreted through a transnational organized crime framework

A doctrinal legal analysis of the Epstein Network

Roisin Anna Forgione

Abstract — **The aim of this paper is to examine whether the "Epstein Enterprise" can be more accurately conceptualized as a transnational criminal organization according to the definitions of organized criminal group, trafficking of persons and transnationality under the United Nations Convention against Transnational Organized Crime (UNTOC). The paper first provides an overview of Epstein's life, career and criminal charges and considers whether the operational arrangements of Epstein's "Pyramid scheme", which is based on hierarchical organization, sustained victim recruitment and financial inducements, can be consistently compared with the definition of organized crime. Case law examples of similar "pyramid of exploitation" models which were classified as Transnational Organized Crime are provided for comparative analysis. Finally, the paper evaluates evidence of cross-border activity through documentary records, flight data, and witness testimonies to determine the transnational dimension of the enterprise. In conclusion, it is argued that the label of "Conspiracy" that has been attributed to the Epstein Enterprise is not only insufficient, but redundant, when analyzing a clear case of a transnational criminal organization.**

I. INTRODUCTION

The figure of Epstein and the files connected to this personality have been, over the last few years, a raging topic under the "observing eye" of the public. With world leaders, ultra-high-net worth individuals and even royals trying to discredit their attachment to the convicted sex offender and financer, the impending question is related to the depth and the international nature of these crimes.

Through an incremental analysis actuated through the legal definitions contained in the Palermo convention of "Organized crime", "Trafficking of Persons" and "Transnational nature", the objective of this paper will be to analyses whether it is possible to reconceptualize the Epstein Enterprise as a Transnational Criminal Organization, rather than a simple conspiracy.

This analysis will focus on uncovering the similarities between the Epstein network and "traditional" sex trafficking operations, focusing on the structure, methods and cross border activities of this syndicate.

II. JEFFERY EDWARD EPSTEIN AND THE "EPSTEIN ENTERPRISE"

Jeffrey Epstein during his lifetime remained quite an enigmatic figure, he was however known for his "highly regarded intelligence and charismatic personality" (U.S. Department of Justice, Federal Bureau of Prisons, 2019). Born in 1953, Mr. Epstein grew up in a middle-class family in New York. After early promotion in two grades, he graduated from Lafayette High School in 1969, and later attended Cooper Union and New York University but did not graduate from either (U.S. Department of Justice, Federal Bureau of Prisons, 2019).

Epstein's early professional trajectory in New York was marked by instability: His first position as a teacher at the Dalton School ended in dismissal due to inadequate performance, and his subsequent transition into the financial sector was similarly troubled with Epstein's involvement in several financial irregularities. These fraudulent activities are widely regarded as the foundation of the substantial wealth he later accumulated (U.S. Department of Justice, Federal Bureau of Prisons, 2019, p. 2). By 1990, he held multiple residencies including Palm Beach (Florida); New York and the U.S. Virgin Islands (Sarnoff, 2016). In 1992, while residing in New York, Epstein met Ghislaine Maxwell with whom he started a relationship and after spending several years in New York together, the two moved to Palm beach Florida.

In 2005, the Palm Beach (Florida) Police Department began investigating sex crimes allegedly carried out by Jeffrey Epstein after the parents of a 14-year-old girl complained that Epstein had paid her for a massage (U.S. Department of Justice, 2020). A Federal enquiry was opened by U.S. Attorney's Office for the Southern District of Florida, led by Alexander Acosta, which found that Epstein used personal assistants to recruit girls to provide massages to him, many of which escalated into sexual activity (U.S. Department of Justice, 2019). Furthermore, investigations and victim statements indicated that Epstein was alleged to have sexually abused and trafficked dozens of women and girls in South Florida and other locations over a period of several years (U.S. Department of Justice, 2020)

In 2007, Epstein reached a non-prosecution agreement with the U.S. Attorney's Office for the Southern District of Florida. Under this agreement, he pleaded guilty in 2008 to one count of solicitation of prostitution and one count of procuring a minor for prostitution. Following his conviction, he was required to register as a sex offender under the Sex Offender Registration and Notification Act (SORNA). This agreement was widely criticized for enabling Epstein to avoid federal prosecution on account of his wealth and connections (U.S. Department of Justice, 2020). From a criminological perspective Epstein's case aligns Edwin Surtheland's white-collar crime framework, highlighting how elite social position and institutional connections can facilitate differential treatment within the justice system. (Sutherland, 1949).

Following his conviction, Jeffrey Epstein maintained a low-profile yet highly mobile lifestyle across his multiple

© 2026 Roisin Anna Forgione. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

residences, resorting to the use of private jets for movement. During this time Epstein created a network of companies and individuals, today known as the "Epstein Enterprise", who participated and conspired with him in a pattern of criminal activities. With the pretext of providing modelling opportunities, careers and contracts, associates of the Epstein Enterprise, lured and recruited young women and underage girls to travel to locations including the Virgin Islands where, upon information and belief, they were sexually abused and exploited (Government of the United States Virgin Islands, 2020 page 8).

On July 6, 2019, upon his return from Paris, Jeffrey Epstein was arrested at Teterboro Airport in New Jersey and transferred to New York, where he was held in federal custody pending trial. During the proceedings, he was found dead in his cell on August 10, 2019. (U.S. Department of Justice, Federal Bureau of Prisons, 2019, p. 1).

Prior to his death, Epstein had been formally charged on July 2nd, 2019, with conspiracy to commit sex trafficking in violation of 18 U.S.C. § 371 and sex trafficking of minors in violation of 18 U.S.C. § 1591(a), (b)(2), and 2. The indictment alleged that he sexually exploited and abused multiple minor females over a period of several years. (U.S. Department of Justice, Federal Bureau of Prisons, 2019, p. 1).

The question remains whether, if tried today, the 'Epstein Enterprise' would have a sufficient legal basis to be classified as a 'Transnational Criminal Organization' rather than a simple conspiracy.

III. FROM CONSPIRACY TO ORGANIZED CRIME: ASSESSING THE STRUCTURE OF THE EPSTEIN NETWORK

To assess whether the "Epstein Enterprise" can be viewed under a Transnational Organized Crime perspective, it is necessary to first compare its characteristics with key definitions of organized crime. A clear starting point is the United Nations Convention Against Transnational Organized Crime: under this definition, 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" (UNTOC, 2004).

U.S. prosecutors did not formally charge the "Epstein enterprise" as a "criminal organization", however, they did establish conspiracy. According to the Legal Information Institute of Corell Law school, under U.S. law, "Conspiracy" can be defined as "an agreement between two or more people to commit an illegal act" (Legal Information Institute, 2019)

The Epstein Network identifies two primary co-conspirators who lead the sex trafficking operation: Jeffrey Epstein and former girlfriend Ghislaine Maxwell. Investigations have since identified more than ten additional potential co-conspirators, three of whom were subpoenaed during Maxwell's proceedings (U.S. Department of Justice, Dataset9). Testimony and evidence further indicate that some victims were coerced into recruiting underage girls, effectively making them participants in the conspiracy. According to a filing by the U.S. Department of Justice, Epstein "paid certain victims to recruit additional girls… thereby creating a network of underage victims for sexual exploitation" across locations including New York and Palm Beach (SDNY Indictment, 2019). Research on sexual exploitation networks shows that peer-recruitment is a common mechanism through which offenders expand victim pools while reducing their own exposure (Weitzer, 2014). This pattern mirrors the decentralized recruitment observed in the Epstein network.

Composed of hierarchical roles ranging from principal perpetrators to intermediaries and recruited victims, the Epstein Enterprise assumed a structure consistent with the "Pyramid scheme" of Organized crime (Pokorny, 2025). This criminal activity sustained itself for a period of more than 15 years (SDNY Indictment, 2019), through a self-reinforcing cycle of exploitation driven participant incentivization and financial stimulus.

Following these implications, the definition of "Conspiracy" seems quite a redundant description. The Epstein network more closely resembles, in terms of its structure, offences and aim, the characteristics of an organized criminal group, according to the definition given by the United Nations Convention Against Transnational Organized Crime

IV. RECONCEPTUALISING TRAFFICKING IN PERSONS: THE NON-TRADITIONAL STRUCTURE OF THE EPSTEIN ENTERPRISE

There have been several cases, globally, in which seemingly lawful operations, involving the cross-border movement of woman, have revealed to be fitting with the definition of "trafficking of persons" under the United Nations Convention Against Transnational Organized Crime.

An example is the Rantsev v. Cyprus and Russia, that was brought in front of the ECHR in 2010. Oxana Rantseva was a Russian National who relocated to Cyprus on 5 March 2001 to work in a cabaret in Limassol. Before her arrival, the owner of the cabaret, M.A., applied for a work permit which she was granted until June 2001. This was done through an "Artiste visa" which was a special permit used at the time for entertainers. On 19 March 2001, M.A. was informed that Ms. Oxana Ranteseva had left the apartment and taken all her belongings with her, leaving a note claiming to want to return to Russia. On 28 March 2001, Ms. Rantseva was found dead on the street below M. A's apartment, the Cyprus police, after investigation concluded that the victim had been fatally injured in an attempt to escape from the M.A. residence.

Following the initial investigations conducted by the Russian authorities, further inquiries were initiated into the circumstances surrounding Ms. Rantseva's relocation to Cyprus. It was believed that this was not an isolated incident, but rather a network linked to prostitution and sexual exploitation, that had been created around the "Artiste visas" in Cyprus. Reports by the Cypriot Ombudsman in 2003 and the Council of Europe in 2004 and 2006 revealed that through this system, women, often coming from economically venerable backgrounds were recruited, made dependent on their employers and coerced to comply with exploitative conditions. These findings

highlighted that the legal migration framework itself facilitated conditions resembling trafficking and modern forms of slavery. Rantseva's case came to be understood not merely as a suspicious death, but as an emblematic example of international human trafficking and inadequate state protection (Rantsev v. Cyprus and Russia, 2010)

This case is similar, in different instances, to the one of Nadia Marcinkova, a victim of the Epstein Enterprise. Often referred to as Epstein's "Yugoslavian sex slave" or "Global Girl", she remains, still today, one of the most enigmatic figures in the Epstein network. Ms. Marcinkova migrated to the U.S from Yugoslavia as a teenager in the early 2000, at the age of 14, supposedly to work as a "model" sponsored by Epstein (Government of the United States Virgin Islands, 2023): "Nadia Marcinkova, 23, whose family in Yugoslavia Epstein paid money to so that he could bring her to the United States to be his "sex slave," (CA Florida Holdings, LLC v. Aronberg, 2019).

Between 2000 and 2005 she repeatedly appears, while still a minor, in the flight's logs of Epstein's Private Jet travelling to destinations such as Paris, St. Thomas (U.S. Virgin Islands), and Palm Beach (Flight log data). In witness testimonies contained in Department of Justice Filings, Nadia Marcinkova was said to have engaged in sextual activity during the period in which she was associated to Epstein: "Nadia Marcinkova even participated in the sex acts with minors", (U.S. Department of Justice n.d. EFTA00223748), "One girl told police that Epstein instructed Marcinkova and her to kiss and have sex while he watched and masturbated..." (CA Florida Holdings, LLC v. Aronberg, 2019).

During the 2007 federal investigation into Epstein in Florida, she was said to engage in co-conspiracy, and to "arrange appointments with minors to engage in commercial sexual activity" (U.S. Department of Justice n.d. EFTA00223748). In the 2008 Non-Prosecution Agreement (NPA) Marcinkova was listed as a "potential co-conspirator" and granted immunity. Marcikova continuously denied these allegations, invoking the Fifth Amendment several times during the 2021 Maxwell proceeding, refusing to answer questions on the grounds of self-incrimination, later changing her name to Nadia Marcinko.

While she never publicly commented on the activities conducted by Epstein Enterprise, between 2018 and 2022, she cooperated with FBI human trafficking investigations in exchange for having her U.S. Visa renewed.

The case of Nadia Marcinkova, as the Rantseva ruling, can't be viewed as an isolated incident. In fact, investigations have revealed that Epstein often collaborated with different modelling agencies, and lured young woman internationally with the pretext of sponsoring their "Modelling career". A close associate of Jeffrey Epstein, French modelling scout Jean-Luc Brunel, founded the MC2 Model Management Agency with fundings deriving from Epstein himself (BBC news, 2020); though this agency, US court documents allege that Mr. Brunel procured girls for Epstein, flying them from France to the US and promising them modelling contracts (BBC news, 2020). The following email is sent by one of the Victims recruited by the MC2 agency: "I am a lifelong model, still a model in my 40s since I was a teen runaway. I have met them all, known them, been at parties with them. Epstein's partner Jean Luc Brunel was my agent, who is the MAN who for 40 years traffic women internationally. He is 100x worse than Maxwell. Maxwell is bad and guilty, but she is nothing compared to him". (U.S. Department of Justice, 2019).

In December 2020, Jean-Luc Brunel was arrested in France for sexual harassment and the rape of minors aged between 15 and 18 and suspected of transporting and housing young girls or young women for Epstein (BBC news, 2020). In February 2022, Mr. Brunel was found dead, hanged, in his prison cell in Paris (BBC news, 2022).

Under the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children "Trafficking of persons" is defined as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (United Nations, 2000)

While the Epstein enterprise, cannot be considered to have a "traditional" trafficking structure, this can still fall within the legal definition provided by the Palermo convention. As Zhang argues, the dominant trafficking narrative often overlooks decentralized, elite-perpetrated, or privately organized forms of exploitation that fall outside stereotypical trafficking models (Zhang, 2009).

An explanation for this can be found in the "Pyramid of Exploitation" model, created by Laszolo Pokorny, that defines the distinctive dynamics of elite-perpetrated trafficking operations such as Epstein's. According to Pokorny, the Epstein Enterprise represents a peculiar form of trafficking from both an operational and recruitment perspective, as this was lead through private residencies and not through commercial sex venues, therefore presenting itself as a form of legitimate interaction. Epstein's "models" were in fact usually compensated for their services, and allowed to exit Epstein domain, giving them an illusion of freedom. However, if this network is observed through a clear lens, the typical features of "trafficking of persons" emerge: vulnerable, underage victims, like Nadia Marcinkova, recruited and exploited easily, with the promise of wealth, remarkable careers and success; trauma bonding dynamics, such as "Stockholm" syndrome between the abuser and trafficked woman (Dutton & Painter, 1993) that facilities victim role transitions creating a victim-victim recruitment network (Denton, 2010); Pyramid schemes created through wealth and coercion and finally the effective transport of legal persons, not only nationally, but also across legal frameworks (Pokorny, 2025)

Accordingly, the Epstein Enterprise can be considered to satisfy the core legal elements of the definition of "trafficking of persons" under the Protocol to Prevent, Suppress and Punish Trafficking of Persons. Despite deviating from conventional trafficking operations, its patterns exploitation and recruitment, fall within the framework of the "Palermo convention".

V. BEYOND DOMESTIC TRAFFICKING: THE TRANSNATIONAL DIMENSIONS OF THE EPSTEIN ENTERPRISE

The Epstein trafficking operation, until now, has been mainly considered under the domain of U.S. based trafficking, with main activity taking place in Epstein's residences of New York, Florida, and the U.S. Virgin Islands. By comparing key elements of "transnationality" it is possible to assess whether these crimes can be considered also as a cross-border operation.

Article 3 (2) of the UNITOC defines an offence of transnational nature if: "It is committed in more than one State; It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or It is committed in one State but has substantial effects in another State (United Nations, 2000)

In January 2026, following the Epstein Files Transparency Act, the Department of Justice released a major tranche of material, including more than 3 million pages, 2,000 videos and 180,000 images related to the "Epstein Enterprise" (UNHCR, 2026). Particularly, what is interesting for the analysis of the transitional nature of Epstein's crimes is the collection of court filings, flight log records, property documents and whiteness and victim testimonies which are contained in DataSet9 and Data Set10.

These DOJ materials reveal patterns of cross border movement involving Epstein, his associates, such as Jean-Luc Brunel, and several victims. While Epstein in fact travelled manly within the United States using official documentation, a search of his New York Residence in 2019 uncovered multiple passports, including a false Austrian passport bearing stamps from various countries, indicating international mobility: "FYI...Epstein has 3 US Passports" (U.S. Department of Justice, n.d.)". This pattern reflects what Shelley identifies as the inherently transnational character of trafficking networks, which often rely on cross-border mobility, private transportation, and multi-jurisdictional coordination to facilitate exploitation while evading detection (Shelley, 2010)

Furthermore, witness testimonies, further reinforce the transnational dimension of Epstein's crimes: Virginia Roberts Giuffre, one of Epstein's most known victims, described being trafficked across multiple jurisdictions and being subjected to sexual exploitation involving high-profile individuals, including Prince Andrew. Her account is representative of numerous testimonies alleging international trafficking, exploitation, and abuse within the Epstein network.

Investigations, whiteness and flight logs stand as evidence that the Epstein operation was not merely the aggregate of one man's predatory acts, but it actually constituted a sophisticated criminal organization with a defined structure, specialized roles and operational protocols that were coordinated and executed across multiple jurisdictions at an international level.

This was later was confirmed in 2026, by a press release by Office of the United Nations High Commissioner for Human Rights, which reads as the following: "The 'Epstein Files', which are suggestive of the existence of a global criminal enterprise have shocked the conscience of humanity and raised terrifying implications of the level of impunity for such crimes."…."So grave is the scale, nature, systematic character, and transnational reach of these atrocities against women and girls, that a number of them may reasonably meet the legal threshold of crimes against humanity," (OHCHR, 2026)

This statement not only recognizes the atrocities enacted by the Epstein enterprise but also confirms the transnational reach of this network. While the endorsement of the United Nations, represents an enormous turning point for this case, it is possible to claim that U.S. Authorities had already foreseen the transnational nature of Epstein's organization. In fact, following the passing of Epstein, the "Epstein Victims' Compensation Program" was established by the government to compensate and resolve the claims of victims-survivors of sexual abuse by Jeffrey Epstein. What is interesting, are the eligibility criteria to access the compensation fund: "The Program is available to all victims-survivors of sexual abuse by Jeffrey Epstein, regardless of where they were harmed, when they were harmed, whether the claim is time-barred by the applicable statute of limitations, and whether they have previously filed a lawsuit against or settled with Epstein and/or the Estate". (Epstein Victims' Compensation Program, 2019). "Regardless of where they were harmed" seems to indirectly recognize that the trafficking operation took place on a global scale, therefore confirming the Transitional nature of these crimes.

Accordingly, although the structure of the Epstein enterprise may not fully align with traditional models of organized crime, the cross-border movement of victims, international coordination, and multi-jurisdictional effects strongly support the conclusion that its activities meet the threshold of transnationality under Article 3(2) UNTOC.

VI. CONCLUSIONS

In conclusion, it can be argued that the Epstein Enterprise consistently meets the legal criteria of organized crime, trafficking in persons, and transnational criminal activity under the Palermo convention

Its organizational structure, characterized by a "pyramid of exploitation," facilitated a self-sustaining network of victim-to-victim recruitment that re-in forced a cycle of abuse and operational continuity through financial incentives and compartmentalization of information.

The operation has also been proven to reflect the core elements of trafficking in persons, involving the recruitment and exploitation of victims through deception, particularly via modelling opportunities and promises of social or professional advancement.

Finally, the transnational dimension of the enterprise is supported by extensive documentary evidence, including datasets, flight logs, and witness testimonies, demonstrating cross-border movement of victims and activities across multiple jurisdictions. Testimonies from individuals such as Virginia Giuffre and Nadia Marcinkova illustrate the international scope of recruitment, transportation, and exploitation.

Taken together, these elements support the conclusion that the Epstein Enterprise functioned as a self-sustaining transnational criminal organization operating across borders under a veneer of legitimacy, sustained by financial power, secrecy, and institutional protection mechanisms.

What is particularly troubling when analyzing the Epstein case, is how, a seemingly legal, at most suspicious, network of very powerful individuals was able to conceal an operation that exploited, and dehumanized thousands of innocent women, potentially constituting a crime against humanity. When analyzing this case. The United Nations stated the following: "It is imperative that governments act decisively to hold perpetrators accountable…. No one is too wealthy or too powerful to be above the law.". The system of corruption and power built around the Epstein Enterprise must serve as an alarm bell for the mechanisms of impunity that for centuries have created around extreme wealth and that still exist today.

REFERENCES

BBC News. (2020, December 17). Epstein ex-associate Jean-Luc Brunel placed under formal investigation. https://www.bbc.com/news/world-europe-55376323

BBC News. (2022, February 19). Jean-Luc Brunel: Epstein associate found dead in Paris prison cell. https://www.bbc.com/news/world-europe-60443518

Donald G. Dutton, D. G., & Susan Painter (1993). Emotional attachments in abusive relationships: A test of traumatic bonding theory. file:///C:/Users/HP/Downloads/DUTTON-PAINTER.-EMOTIONAL-ATTACHMENTS-IN-ABUSIVE-RELATIONSHIPS-A-TEST-OF-TRAUMATIC-BONDING-THEORY..pdf

Denton's International Sex Trafficking: A Problem of Globalized Crime (2010).

Epstein Investigation. (n.d.). Flight jet data "Lolita Express." https://www.epsteininvestigation.org/flights?passenger=Nadia+Marcinkova&airport=&from=&to=

Epstein Victims' Compensation Program. (n.d.). Exhibit E (Document 734-5). https://epstein-docs.github.io/document/734-5/?utm

Government of the United States Virgin Islands. (January 15, 2020).

Complaint: Government of the United States Virgin Islands v. Estate of Jeffrey E. Epstein et al. Superior Court of the Virgin Islands. https://www.jamesmarshlaw.com/wp-content/uploads/2020/01/GVI-v.-Estate-of-Jeffrey-E.-Epstein-et.-al..pdf

Government of the United States Virgin Islands. (2023). Government of the United States Virgin Islands v. JPMorgan Chase Bank, N.A., No. 1:22-cv-10904 (S.D.N.Y. 2022). U.S. Department of Justice. https://www.justice.gov/epstein/files/Court%20Records/Government%20of%20the%20United%20States%20Virgin%20Islands%20v.%20JPMorgan%20Chase%20Bank,%20N.A.,%20No.%20122-cv-10904%20(S.D.N.Y.%202022)/EFTA02809392.pdf

Legal Information Institute. (2022). Conspiracy. Cornell Law School. https://www.law.cornell.edu/wex/conspirator

Pokorny, L. (2025). The pyramid of exploitation: Forensic analysis of victim recruitment networks, coercive control mechanisms, and victim-perpetrator dynamics in the Epstein enterprise. ResearchGate. https://www.researchgate.net/profile/Laszlo-Pokorny/publication/399015686_THE_PYRAMID_OF_EXPLOITATION_FORENSIC_ANALYSIS_OF_VICTIM_RECRUITMENT_NETWORKS_COERCIVE_CONTROL_MECHANISMS_AND_VICTIM-PERPETRATOR_DYNAMICS_IN_THE_EPSTEIN_ENTERPRISE/links/694b27dd7e61d05b5311fc32/THE-PYRAMID-OF-EXPLOITATION-FORENSIC-ANALYSIS-OF-VICTIM-RECRUITMENT-NETWORKS-COERCIVE-CONTROL-MECHANISMS-AND-VICTIM-PERPETRATOR-DYNAMICS-IN-THE-EPSTEIN-ENTERPRISE.pdf

Sarnoff, C. (2019). TrafficKing: The Jeffrey Epstein case. Skyhorse Publishing. https://books.google.it/books?hl=it&lr=&id=uBu4DwAAQBAJ&oi=fnd&pg=PA1984&dq=jeffrey+epstein+story&ots=Hvtex1S5Qo&sig=yoJjwU27FfTMG4lQ0fyVo985ve4&redir_esc=y#v=onepage&q=jeffrey%20epstein%20story&f=false

Louise Shelley (2010). Human trafficking: A global perspective. Cambridge University Press. https://assets.cambridge.org/97805211/13816/excerpt/9780521113816_excerpt.pdf

Sutherland, E. H. (1949). White collar crime. Dryden Press. https://study.sagepub.com/system/files/Sutherland%2C_Edwin_H._-_White-Collar_Crime.pdf

United Nations. (2000). United Nations Convention against Transnational Organized Crime and the protocols thereto. https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf

United Nations Office of the High Commissioner for Human Rights. (2026, February 16). Flawed "Epstein Files" disclosures undermine accountability for grave crimes against women and girls. https://www.ohchr.org/en/press-releases/2026/02/flawed-epstein-files-disclosures-undermine-accountability-grave-crimes

Ronald Weitzer (2014). New directions in research on human trafficking.. https://journals.sagepub.com/doi/epub/10.1177/0002716214521562

Sheldon X. Zhang (2009). Beyond the 'Natasha' story: A review and critique of current research on sex trafficking. https://www.tandfonline.com/doi/full/10.1080/17440570903079899?scroll=top&needAccess=true#d1e1614

United Nations. (2000). Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime. https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons

U.S. Department of Justice. (2019). Indictment (United States v. Jeffrey Epstein), Exhibit 2: Sex trafficking of minors. https://www.justice.gov/usao-sdny/press-release/file/1180481/dl

U.S. Department of Justice. (2020). Investigation into the U.S. Attorney's Office for the Southern District of Florida's resolution of its 2006–2008 federal criminal investigation of Jeffrey Epstein and its interactions with victims during the investigation. https://www.justice.gov/archives/opa/press-release/file/1336416/dl?inline=

U.S. Department of Justice. (2020). Response to follow-up questions from 2/13/20 attorney proffer (EFTA00025091). https://www.justice.gov/epstein/files/DataSet%208/EFTA00025091.pdf

U.S. Department of Justice. (n.d.). EFTA00040462 (Data Set 9). https://www.justice.gov/epstein/files/DataSet%209/EFTA00040462.pdf

U.S. Department of Justice. (n.d.). EFTA00040581 (Data Set 9). https://www.justice.gov/epstein/files/DataSet%209/EFTA00040581.pdf

U.S. Department of Justice. (n.d.). EFTA00148273 (Data Set 9). https://www.justice.gov/epstein/files/DataSet%209/EFTA00148273.pdf

U.S. Department of Justice. (n.d.). EFTA00223748 (Data Set 9). https://www.justice.gov/epstein/files/DataSet%209/EFTA00223748.pdf

U.S. Department of Justice, Federal Bureau of Prisons. (2019). Psychological reconstruction report (Exhibit 1 in United States v. Bureau of Prisons). The New York Times. https://int.nyt.com/data/documenttools/document-epstein-psychological-reconstruction-pages-from-times-v-bop-20cv833-070221/cbb01f49bb533daa/full.pdf.

United States District Court for the Southern District of New York. (2022, January 11). Opinion and order (No. 21-cv-6702). https://www.nysd.uscourts.gov/sites/default/files/2022-01/21CV6702%20JAN%2011%202022%200900.pdf

United States. (2008). United States' sealed reply in support of its motion to dismiss for lack of subject matter jurisdiction, Jane Doe #1 and Jane Doe #2 v. United States, No. 08-80736-CIV-MARRA/JOHNSON (S.D. Fla.). https://www.justice.gov/epstein/files/DataSet%209/EFTA00799494.pdf

The 'Ndrangheta's Overreaching Influence

From the Perfido case to Operation Eureka

Duncan Ian Giuseppe Fraser

Abstract — **This paper explores the 'Ndrangheta's expansion throughout time, from its historical origins to how it has become one of the most powerful crime syndicates in the world. Its proliferation is strictly tied to the activities carried out, which begin at the local level, often in unexpected territories, but have global consequences. To understand how, the paper deals with the analysis of two concrete cases: the Perfido case at the local level and Operation Eureka at the global level.**

I. INTRODUCTION

The 'Ndrangheta[12] is the most powerful Italian criminal organisation and, undoubtedly, one of the most powerful in the entire world (Interpol, n.d.).

It originated in the southern Italian region of Calabria in the 19th century but it expanded its operational basis worldwide as of the 20th century, beginning especially in the '80s with its focus on cocaine trade (Volle, 2026). It has been able to do so by penetrating the political and economic realities of small areas to then expand its area of influence to wider regions, even crossing national borders, effected through decentralised mechanisms rather than a central organ of control, often called the "colonisation model" (Europol, 2013).

II. AN HISTORICAL OVERVIEW OF THE 'NDRANGHETA'S EXPANSION

It's necessary to comprehend the historical roots behind the 'Ndrangheta to understand how it has managed to expand to over 84 countries, becoming the powerhouse, it is today (Interpol, n.d.). The modern form of the 'Ndrangheta[13] originated in Calabria in the aftermath of the Italian Unification of 1861. At the time, the Italian State was seen as a newly developed intrusive force that imposed taxes but provided hardly any services. Additionally, it was difficult for the official institutions to exercise state policing and military control in the southern part of Calabria, more specifically near Reggio Calabria and the Aspromonte Mountains, due to the rugged territory and a general lack of industrialisation in the region as a whole (OCCRP, 2021).

In turn, this allowed the 'Ndrangheta to remain mostly hidden from the central State and at the same time to hold a pivotal role in the local areas, by acting in accordance to its own rules and impacting the local economy through brigandage activities, extortions and robberies.

Nevertheless, the Mulinari Report of 1892 is one of the first state-official document to thoroughly describe the existence of a Calabrian criminal society, called Onorata Società (Gratteri & Nicaso, 2006). Within the document, there are precise details outlaying the structure of the organisation, the rituals and the territorial extent of its activities. The presence of the 'Ndrangheta, along with its rigid hierarchy, is further confirmed by a series of court cases, such as the Palmi (1892) and the Monteleone (1898) trials, some of the first "maxi-trials" with respectively 217 and 154 defendants. (Gratteri & Nicaso, 2006).

In the first half of the 20th century, many 'ndrine spread across the world thanks to the migration fluxes that led a significant number of individuals to search for better living opportunities.

Additionally, the diffusion of 'ndrine cells across the Italian national territory was indirectly facilitated by the policy of the Fascist regime of the internal exile (confino). In its attempts to disrupt the formation of mass organised criminal groups, the government actually favoured the dispersion of new cells, as the isolated individuals would initiate new illegal operations with their newfound contacts (Gratteri & Nicaso, 2006).

In the last decades of the 20th century, law enforcement and judicial authorities prioritised their investigative efforts towards Cosa Nostra, given its persistent attacks on the Italian State, the most famous being the Capaci and Via D'Amelio massacres. In turn this had a twofold effect: on one hand there was a reduced focus by State agents towards other criminological phenomena but at the same time it meant that Cosa Nostra was forced to downscale its presence in certain sectors, like the drug market (Europol, 2013). This strategy helped the 'Ndrangheta acquire a competitive advantage in the smuggling of cocaine, which in the 1970's wasn't as lucrative as heroin, trafficked by Cosa Nostra, but a decline of Cosa Nostra's presence in the drug market and a general rise in the demand of cocaine, have significantly strengthened its presence worldwide.

It's important to denote that another factor contributing to the spread of 'Ndrangheta is its relatively low use of systematic violence against the State: unlike Cosa Nostra or the Camorra, the 'Ndrangheta has always tried to minimise it in order to silently coexist with the central State. (Bou Serhal, Alexander, & Alkhazraji, 2023).

Nonetheless, violence is used to solve feuds among rival families, as experienced with the 2007 Duisburg massacre in Germany, whereby six members of the Pelle 'ndrina were shot in front of a restaurant as a result of a long-

© 2026 Duncan Ian Giuseppe Fraser. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

[12] Derived from the Greek term *andragathía*, meaning "manly virtue". It's related to the term *andrangathō*, meaning "to engage in military actions." (Organized Crime and Corruption Reporting Project, OCCRP, 2021)

[13] 'Ndrangheta is the modern term, first officially used in a 1955 Corriere della Sera article written by Corrado Alvaro. He described the Calabrian Mafia with the term 'ndranghita. Beforehand, it used to be called Picciotteria or Onorata Società.

lasting blood feud among the Pelle- Vottari and the Nirta-Strangio families (Europol, 2013).

III. ACTIVITIES

The 'Ndrangheta's territorial expansion is highly linked to its activities, as over time it has gone from engaging exclusively in relatively low impact activities in relation to their operational territory, such as kidnapping[14] and gambling, to trafficking firearms and smuggling cocaine worldwide.

It's estimated that its annual revenue lies anywhere between $60 billion (Volle, 2026) and $72 billion (Bou Serhal, Alexander, & Alkhazraji, 2023), though it's inevitably hard to quantify a precise volume.

A. Local Level

Locally, a 'ndrina cell tends to infiltrate and control economic sectors such as construction or quarrying. Usually, it also embezzles public funds by committing contract-rigging or fraud (OCCRP, 2021). Additionally, it embeds itself deeply in the local structures through political corruption and extortion. (Interpol, n.d.)

B. Global Level

Globally, the 'Ndrangheta is strongly involved in the international firearms trafficking, as proven by a joint investigation conducted by both Europol and Interpol (Europol, 2023). It also exploits the acceptance process of migrants, often obliged to stay in lacklustre structures before receiving formal asylum from the state, as evidenced by the 2017 Operation Johnny. This shed light on how the 'Ndrangheta was using shell companies to gain public contracts for handling the CARA "Sant'Anna" centre in the town of Isola di Capo Rizzuto. (Polizia di Stato, 2017)

However, its most lucrative activity is the smuggling of cocaine, a market with a consumer base amounting to 25 million people worldwide (UNODC, 2025). In fact, it is estimated that the 'Ndrangheta profits from 70-80% of all cocaine trafficked around Europe (Volle, 2026).

The Perfido[15] Case is a prime example of how the 'Ndrangheta has managed to insert itself at the local level within the Trentino region, more specifically in Val di Cembra, which represents the most important basin for the extraction of porphyry in Italy, with an annual supply of 640K tons. (Il Post, 2024).

Until the early 2000s this sector was highly underregulated, making it possible to abuse sub-contracting and profit from the migrant influx of the '90s to hire cheap labourers (Il Post, 2025). Inevitably, such a deregulated industry laid out the favourable conditions for organised crime to embed itself in this sector.

In fact, investigations carried out from the early 2000s to the 2020s eventually led to the discovery of a *locale* guided by Innocenzio Macheda, originally from Cardeto (RC) but resident in Trentino since 1987 and still in contact with the Serraino 'ndrina. Over the years, he created an intertwined network of quarry companies through untraceable capitals and nominee shareholders. Some of these include Pietro and Giuseppe Battaglia, who used the economic leverages they had gained to influence local politics, so much so that they even became council members of the municipality of Lona Lases. Like Macheda, the two brothers had been living in Trentino since the early '80s, proving therefore that a 'ndrina may remain dormant for many years before becoming active on the territory.

Consequentially, through the employment of their political power, they facilitated labour exploitation[16], false invoicing and porphyry concession to 'Ndrangheta run companies (Ivernizzi, 2023).

In 2020, nevertheless, nineteen individuals were arrested under the legal basis of article 416-bis of the Italian Criminal Code. Some of the charges encompassed illicit acquisition of economic activities, acts of violence and labour exploitation, enforced through mafia-type methods like intimidation and enforced silence (Giornale Trentino, 2020).

The first-instance trial of 2023 amounted to eight convictions, resulting in a total of seventy-six years of imprisonment. In February 2026, the Supreme Court of Cassation rendered the convictions final, thus invalidating any attempts to appeal (TGR Trento, 2026). The convicted individuals are Giuseppe Battaglia, a porphyry entrepreneur and town executive councillor of Lona Lases, his wife Giovanna Casagranda, deemed an outsider complicit in a mafia- type organisation and his brother Pietro Battaglia, a municipal councillor of Lona-Lases. The others include Mario Giuseppe Nania, considered the armed wing of the locale, Demetrio Costantino, a high-valued member of the locale, Antonino Quattrone, a mediator between the 'Ndrangheta and the entrepreneurs and public officials, Domenico Ambrogio, an executor of acts of intimidation towards entrepreneurs and labourers and Federico Cipollini, an accountant (Centin, 2026).

IV. THE TRANSNATIONAL DIMENSION: OPERATION EUREKA

At the transnational level, the Eureka case proves how the 'Ndrangheta manages to create strong criminal networks crossing State borders.

Operation Eureka began in 2019, when the Italian Carabinieri and Belgian authorities launched a series of investigations on individuals linked to the 'ndrine of the Nirta-Strangio and Morabito-Bruzzaniti families. One such individual was Rocco Morabito, at the time a highly valued drug trafficker before his arrest in 2021. (Global Initiative Against Transnational Organized Crime, 2023)

According to the inquiries, Rocco Morabito was acting as the representative of the 'Ndrangheta's interest in the Latin American region, with many local criminal organisations being actively involved in deals. For instance, 'Ndrangheta operators originally from Pakistan provided

[14] One of the most famous cases is the kidnapping of John Paul Getty III. Ndrangheta demanded a ransom of $17 million but ultimately only $3 million were paid.

[15] The case name plays on the Italian words porfido (porphyry) and perfido (cruel).

[16] In 2014, a Chinese worker was violently beaten after demanding payment for the unpaid wages of the previous months. This prompted the authorities to expand their investigations and link this case to other labour exploitation cases, as previously there had been similar episodes elsewhere.

the Primeiro Comando da Capital (PCC), a Brazilian paramilitary group, with firearms, Kalashnikovs in particular, in exchange for cocaine shipments. Another paramilitary group belonging to the network was the Clan del Golfo, operating in Colombia, which had contacts with the Nirta-Strangio family through Rocco Morabito.

According to the authorities between 2020 and 2022 massive amounts of cocaine were imported to the harbours of Gioia Tauro (Italy), Antwerp (Belgium) and Colòn (Panama), amounting to an estimate of 6 tonnes, of which 3 tonnes have been securely seized. (Direzione Centrale per i Servizi Antidroga, 2023).

The final stage of Eureka was reached on 3 May 2023, when 2770 agents from various states, including Belgium, Germany, Italy, France, Portugal, Slovenia, Spain, Romania, Brazil and Panama, conducted a joint operation leading to the arrest of 132 individuals (Europol, 2023).

As of October 2025, 76 defendants have already been sentenced to a total of 1098 years in jail and a € 440K fine, while 7 have been acquitted (Eurojust, 2025).

V. CONCLUSIONS

The 'Ndrangheta is a criminal powerhouse that has managed to slowly but steadily transform itself from a local organised criminal brotherhood to a global actor by silently spreading itself in different regions of the world through its colonisation model, as witnessed with the analysed cases.

Precisely because of the effectiveness of this model, however, it's near on impossible to defeat the 'Ndrangheta as a whole. Yet, Operation Eureka demonstrates that a strong cooperation among the authorities of different states may halt the further development of strong criminal networks. For this reason, it's necessary to provide the agencies and authorities dealing with organised crime groups with all the tools and funding necessary.

Moreover, widespread transnational operations occurring frequently give less time for any type of criminal organisation to compact itself and recover from a massive hit.

REFERENCES

Interpol. (n.d.). *INTERPOL Cooperation against 'Ndrangheta (I-CAN)*

Global Initiative Against Transnational Organized Crime. (2023, June 2). *Not my kingpin: Operation targets 'Ndrangheta royalty in Europe*.

Europol. (2013). *Italian organised crime: Threat assessment*. Europol.

Gratteri, N., & Nicaso, A. (2006). *Fratelli di sangue: Storie, boss e affari della 'ndrangheta, la mafia più potente del mondo.* Mondadori

United Nations Office on Drugs and Crime. (2025). *Special points of* interest (World Drug Report 2025)

Giornale Trentino. (2020, 15 ottobre). *'Ndrangheta in Trentino, cave di porfido e affari: 19 gli indagati*.

Il Post. (2025, 24 febbraio). *È stata confermata in appello la condanna degli 8 imputati nel processo sulla 'ndrangheta in Trentino*.

Polizia di Stato. (2017, July 15). *La cosca Arena aveva creato un sistema per aggiudicarsi l'appalto di catering*

Organized Crime and Corruption Reporting Project. (2021, July 1). *What is the 'Ndrangheta?*

Europol. (2023, May 3). *132 'Ndrangheta mafia members arrested after investigation by Belgium, Italy and Germany*.

Direzione Centrale per i Servizi Antidroga. (2023, May 22). *Contrasto al narcotraffico internazionale, Operazione Eureka: Eseguite dai Carabinieri misure cautelari nei confronti di 108 persone. Coordinamento e supporto della DCSA. 3 maggio 2023.*

Ivernizzi, I. (2023, July 27). *Il processo sulla 'ndrangheta nelle cave di porfido in Trentino*. Il Post

Bou Serhal, G., Alexander, K., & Alkhazraji, R. (2023, October 10). Globalization and technology see Italian mafia going global

Il Post. (2024, February 22). *La rassegnazione di Lona Lases*.

Eurojust. (2025, October 21). *Over 1 000 years' imprisonment for mafia members following largest ever action against Italian organised crime*

Centin, B. (2026, February *16. Mafia in Trentino, condanne definitive: in otto finiscono in carcere*. Il T Quotidiano

TGR Trento. (2026, 3 febbraio). *Processo Perfido. Sentenze definitive: ricorsi in Cassazione inammissibili*. RaiNews.

Volle, A . (2026, March 4). *'Ndrangheta*. Encyclopaedia Britannica

Money Laundering
The Economic, Political, and Social Consequences

Jaiden Fraser

Abstract — **Money laundering is crime that affects more people than you think, it can even affect you. It's not often talked about, which doesn't help solve the issue. So, in this essay I give a brief description and how it affects people. With a snowball effect, affecting simple day to day life, and one impact affecting another. The reviewed journal articles explain how and why it impacts things the way it does. Money laundering may be a non-violent crime, but it has major consequences like other crimes do.**

I. INTRODUCTION

Money laundering has become a major issue in the world, even though it is a non-violent crime. Individuals are able to move money through borders and from there they move the money into the rest of the world's day to day life. But what effects does the money movement have on the society's day to day life? This essay will describe the economic, political, and social effects of money laundering. Additionally laying out how a snowball effect can happen, where one effect can cause another.

II. MONEY LAUNDERING

In order to understand how money laundering affects society, it's important to understand what money laundering is, why it matters and how it works. Money laundering is the movement of money that is gained illegally into money that appears to be gained legally (Mulig & Smith, 2004). When money laundering gets brought up as a topic, there's two ways it can be viewed; negatively and differently. On one hand it's detrimental because it's a crime and there are multiple negative impacts. Whereas, on the other hand, people can view it as there's more money going around the economy.

Maybe, money is just money; but with the money that comes from laundering it doesn't just support the crime, it gives them constant funding to continue the crime (Mulig & Smith, 2004). There are measures in place like the Money Laundering Suppression Act, and the Financial Action Task Force for preventing or detecting money laundering.

However, technology has changed and will continue to change; criminals are finding ways around the detection system. They are now using the Black-Market Peso Exchange to launder the money they get from selling drugs, which makes it harder to detect. With that being said, the amount of money within money laundering is estimated to be over 500 billion dollars. (Mulig & Smith, 2004).

The black market can be a main method that criminals use to launder money, it's used as a roadway for the illegal funds to enter the economy. The funds and other goods are able to enter the market by bribes, smuggling and fake imports. Creating a great way for criminals to act on the crime with it being harder to trace. Often times money moves through different currency exchanges when being integrated into the economy. In Argentina, they have a high risk of not just money being laundered due to their authorities not asking questions about where money comes from. So when money or other illegitimate goods enter the Argentinian black market, question are almost never asked. With that happening it's even easier for the money to get out of the black market and into the economy (Metz-Diuorkin, 2016).

Money laundering is heavily used by criminal organizations through drug trafficking, smuggling, etc.; but is also used by political and business individuals. Those that are in politics tend to put funds into wrong use or engage in bribes. As for laundering in a business aspect, they tend to create fake documents (Irina, 2014).

The process of money laundering consists of three stages: placement, layering, and integration. Placement occurs first, this is when the funds that were gained illegally enter into the way they get cleaned (bank accounts, restaurant's, casinos). Once that happens is when layering falls into place; layering consists of multiple movements of the money, which often tends to be bank transfers to different countries. This happens so the money is harder to track due to countries having different currencies. After the money has been moved multiple times, it's considered to be clean. The final step is integration, majority of the time individuals use the now clean money to buy a property, investments, or other expensive goods (Gjoni et al., 2015; Irina, 2014; Novaro et al., 2022; Safdari et al., 2015).

III. ECONOMIC IMPACTS

The impacts that money laundering has can be substantial, one impact can affect another. Economically it heavily affects inflation; interest and exchange rate can fluctuate, as well as the property markets and other investments.

Property and investment effects can be major. Demands for properties can increase heavily, which can additionally raise prices. Leading to inflation, which is a bigger problem within itself. As for other investments like companies, stocks, etc.. the inflation rises due to rise of interest within the company (Irina, 2014; Novaro et al., 2022). Additionally, banks and lawyers can be put into challenging situations that could be also seen as bribery, corruption or criminal association. From a bank perspective, bankers become dirty when accepting bribes from clients when their accounts get flagged. Flagged back accounts could be due to large amounts of money entering an account.

A great example of this is the scandal within the Deutsche Bank, where the money laundering involved

© 2026 Jaiden Fraser. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

mirror trading. Mirror trading is like changing the currency of money but instead of just changing it, you buy an item with one currency and sell it for a different currency. From 2011 until 2014, $10 billion dollars was moved from Russia into Moscow, London, and New York Deutsche bank branches (Chan & Deutsche Bank, 2017).The Russians bought stocks in Moscow with their currency (ruble) then sold the same or similar stocks in New York for their currency (US Dollar) and so on. This created an illusion of legal trading across borders with avoiding basic bank transfer detections. Due to the fact that the transactions were done through multiple countries, it was challenging to fully track what actually happened. Each country has their own rules different capabilities and limitations to gaining access, creating gaps in knowledge. Because of that, it took years for the money to get detected and investigated. Deutsches banks had a part in what went on, their procedures often lacking. The bank would not efficiently check the identities and backgrounds of clients, giving high risk clients more freedom. When warning signs appeared, they would often be dismissed because they did not have enough resources to conquer the problem. When authorities found out what was happening, the bank was fined $425 million. Additionally, being forced to hire an individual to watch and confirm the bank started and continued to follow laws, rules, and procedures (Chan & Deutsche Bank, 2017).

However, as for lawyers it may be more than a one and done type of situation. The lawyers that participate tend to be mainly small firms but can also be larger ones, or family run offices. Some law firms are not aware of their involvement, and some are(Irina, 2014). They have numerous ways of laundering: creating trusts, using clients' accounts, creating settlements, or other types of documents. Additionally, the way they launder is different than the traditional methods. There are three stages: enable, distance, and disguise. Enable is when the lawyer sets up a company and legal structures to make it appear legitimate. Distance is the same as layering; it's the movement of money throughout multiple accounts, to create a harder trail to track. Lastly disguise is when the once was dirty money but is now clean, gets put into a trust of luxury goods (Irina, 2014). It's not often that you see lawyers in this position however, it is heavily understudied.

Every economical part can dramatically change due to the single factor of money laundering, ultimately leading into massive vulnerability on their parts. Without money laundering, economic states could be more stable.

IV. POLITICAL IMPACTS

Once money laundering gets into politics, issues start to impact everyone. Corruption will be massive, resulting in a weak government and laws to be underestimated. If no one has trust or faith in the government, the country or city can start talking and/ or giving bribes. Giving criminals the upper hand for influences on what gets done politically (Irina, 2014). That could go as far as changing or creating new laws, acts, or other documents. If that happens then people can feel as if they have power. Potentially creating a state of low governance, where people can do what they want, when they want. Creating unfair or damaging the rule of law.

Not many studies are done about how it works inside the political department. Which could be good, meaning it doesn't happen often. Or it could be bad, because of how well they cover it up. Often times politicians use tax money in the wrong way, sometimes using it to cover up their wrongdoing.

There was a case of government corruption in Malaysia; the 1MDB scandal. This is a major case that really highlights corruption, it involved the former Prime Minister Najib Razak and numerous other individuals. The scandal started to arise to the public around 2015, focusing on the wrongful use of funds from the investment state fund called the 1Malaysia Development Berhad (1MDB). Roughly $2.7 billion dollars were supposedly transferred from the 1MDB into not just Najib's personal bank account but also his associates (Chairunnisa et al., 2023). However, once the investigation got deeper the amount of misused money could have been as high as $4.5 billion due to some transactions through offshore accounts to make it harder to track. The funds were not only taken but additionally transferred through transactions from the United States of America, United Arab Emirates, and Saudi Arabia, highlighting how it can become a transnational crime. The money was used for luxury purchases consisting of boats and art, as well as film production. This case really highlights the dominance that politicians have, Najib had major authority over not just the 1MDB but other operations as well. As a result of the crime that occurred, Najib was convicted and was sentenced to 12 years in prison (Chairunnisa et al., 2023).

V. SOCIAL IMPACTS

The impacts that money laundering has on society tend to snowball off of one another. First due to how it effects the economy, poverty can start to spread due to the lack of availability. When individuals find themselves in poverty, they can't provide for themselves or their family as efficiently as they should be able to. Especially, when it comes to buying a property because of rise of demand from money laundering purchases.

A fitting example of this is when there was money laundering happening inside of casinos in British Columbia (B.C.), Canada. Criminals would bring massive amounts of illegal money into the casino and gamble it; to make the money they walked out with look legal (Romaniuk & Fabe, 2023). Once it was considered clean, they would buy properties or investment properties. Because the amount of money they had was large it was easier for them to purchase properties than the average person, creating a massive demand in the property market. As it continued to happen, prices started increasing as well. Which in B.C. the cost of property was already high enough. So, with this, people struggled even more to afford a property and also leading to inequality (Romaniuk & Fabe, 2023).

From there substance abuse tends to rise, resulting in a rise of crime. Which is a cycle in itself; crime can lead to profit, increasing crime. With all three of those combined families and social groups often start to separate. Leading society to be in a vulnerable place where there is a loss of trust and security. Without trust and security, political governments and other institutions fall into bribery and corruption (Safdari et al., 2015).

As stated above, the snowball effect can heavily impact people's day to day life, not in a good way. For those who are in poverty, they often find themselves in a work-spend cycle; leaving them with no money to purchase things that would bring happiness (vacations, newer electronics, etc.). This combined with separations in social groups can have a major impact on mental health, safety and overall wellbeing (Barnes, 2020). Everyone needs human interaction, and to purchase items to have a basic life, without that things go downhill.

VI. CONCLUSION

Overall, money laundering has been and will continue to be an issue, especially as technology continues to develop. Potentially leading to more complex ways of being able to launder money, making it easier for criminals. However, it can also positively develop by creating better detection systems or other tools to prevent money laundering. Because of the way it operates now, more research and studies should be done on parties that are involved (politicians, banks, lawyers). With more research the issue would be better known, and the effects would be better understood. The effects tend to be broad, but it is shown that one issue can create numerous more, which became very clear after researching this topic. Although there are measurements in place for prevention, they could be improved. Areas of improvement could be background checks or verification of where the money comes from when large amount of money gets put into a bank account. Proof of that could be monthly statements of gained money. A different measure could be having limits to the amount of money that gets put into an account every week, month, or year. In conclusion, money laundering is a crime that affects society in many negative ways through economic, political, and social systems.

REFERENCES

Barnes, P. (2020). Economic and social effects of money laundering: the UK case.

Chairunnisa, R. S., Shabrina, L., Rahma, J., & Allam, Z. (2023). Tracking the money: The case of 1mdb scandal. Global Focus, 3(1), 48-64.

Chan, M., & is a global German, D. B. (2017). Case Study: Deutsche Bank Money Laundering Scheme. Seven PillarsInstitute, 27.

Gjoni, M., Gjoni, A. K., & Kora, H. B. (2015). Money laundering effects.

Irina, S. (2014). Global Money Laundering - Impact on Economic Stability. Ovidius University Annals, Series Economic Sciences, 14(2), 35–40.

Khelil, I., Khlif, H., & Achek, I. (2024). The economic consequences of money laundering: a review of empirical literature. Journal of Money Laundering Control, 27(5), 901-916.

Levi, M. (2022). Lawyers as money laundering enablers? An evolving and contentious relationship. Global Crime, 23(2), 126–147. https://doi.org/10.1080/17440572.2022.2089122

Metz-Diuorkin, A. (2016). A Call for Sanctions: Argentina's Black Market Currency Whitening and Violations of International Anti-Money Laundering Conventions and Protocols. George Washington International Law Review, 48(2), 441–474.

Mulig, E. V., & Smith, M. (2004). Understanding and preventing money laundering. Internal auditing, 19(5), 22-25.

Novaro, R., Piacenza, M., & Turati, G. (2022). Does money laundering inflate residential house prices? Evidence from the Italian provincial markets. Kyklos, 75(4), 672–691. https://doi.org/10.1111/kykl.12306

Romaniuk, S. N., & Fabe, A. P. H. (2023). Chasing "Dirty Money": Canada's Efforts to Disrupt Money Laundering in the Casino, Real Estate, and Horse-Racing Sectors. In Countering Terrorist and Criminal Financing (pp. 229-236). CRC Press.

Safdari, A., Nurani, M. S., Aghajani, K., & Abdollahian, F. (2015). Social impact of money laundering. Asian Journal of Research in Social Sciences and Humanities, 5(1), 1-16.

From Poaching to Profit

Ivory Trafficking as a Networked Form of Transnational Organized Crime

Benedetta Frison

Abstract — **This paper examines whether ivory trafficking can be understood as a form of transnational organized crime. Drawing on the United Nations definition, it analyzes the structure, organization, and operational dynamics of ivory trafficking networks across source, transit, and destination regions. The study shows that the trade is profit-driven, transnational in scope, and sustained through coordination among multiple actors, thereby meeting the core criteria of organized crime. However, it does not conform to traditional hierarchical models. Instead, ivory trafficking operates through decentralized, network-based arrangements shaped by market relations and embedded within legal and illegal economic systems. The analysis further highlights the role of global demand, logistical infrastructures, corruption, and weak governance in enabling the persistence of the trade. The paper concludes that ivory trafficking should be understood as a hybrid and adaptive form of transnational organized crime, requiring policy approaches that account for its structural embeddedness and organizational flexibility.**

I. INTRODUCTION

The illegal trade in wildlife is an issue of global concern due to its environmental consequences, its impacts on biodiversity, and because of its connections with broader patterns of criminal activity.

Ivory trafficking refers to the illegal trade in elephant tusks, which are extracted through poaching and circulated through illicit markets. Despite international restrictions established under the Convention on International Trade in Endangered Species (CITES), ivory remains a valuable commodity.

Among the various forms of wildlife trade, ivory trafficking is significant because it operates through cross-border, profit-driven networks involving multiple actors, reflecting key dynamics of transnational organized crime. Although traditionally framed primarily as a conservation issue, ivory trafficking raises important criminological questions.

This paper examines whether ivory trafficking can be understood as a form of transnational organized crime. In doing so, it draws on the definition provided by the United Nations Convention against Transnational Organized Crime, according to which organized crime involves structured groups engaging in serious criminal activity for financial or material benefit across national borders (United Nations Office on Drugs and Crime [UNODC], 2000).

Understanding ivory trafficking therefore requires an examination that goes beyond its environmental impact and considers how the trade is structured and sustained across borders. This involves analyzing the organization of trafficking networks, the mechanisms of transnational movement, and the broader political and economic conditions that allow this phenomenon to persist, in order to assess the extent to which it conforms to the definition of transnational organized crime.

© 2026 Benedetta Frison. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. ANALYTICAL FRAMEWORK

The classification of ivory trafficking as transnational organized crime can be assessed considering the criteria established by the UNODC, which emphasizes structured organization, profit motivation, and transnational activity.

Ivory trafficking satisfies several of these criteria: it is fundamentally profit-driven, as various actors involved participate in the trade in order to generate financial gain from extraction, movement and sale of the high-value good. The trade also operates across countries, linking source regions, transit hubs, and destination markets through interconnected supply chains. Furthermore, it involves coordinated actors performing distinct roles along the supply chain.

Under the framework established by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the commercial international trade in ivory is in principle prohibited. However, limited and strictly regulated exemptions exist, particularly for antique ivory items (generally defined as those crafted before 1947) and certain transactions involving museum collections (CITES, 1973). As a result, legal ivory trade is narrowly defined and subject to strict documentation and certification requirements, while any ivory that does not meet these conditions is considered illegal.

However, the existence of certification systems and legal exceptions does not produce a clear distinction between legal and illegal markets; rather, these regulatory frameworks can be manipulated, allowing illicit ivory to be incorporated into legitimate trade flows, with the result that the boundary between legal and illegal markets is frequently indistinct. This complicates the identification of clearly defined criminal structures, as the extent to which these interactions amount to “structured groups” in the conventional sense remains ambiguous (Wyatt, van Uhm, & Nurse, 2020).

Rather than being understood as the product of cohesive criminal groups, ivory trafficking can be conceptualized as a network of actors connected through market relations. The organization of the trade is shaped by supply and demand dynamics, with participants connected through exchanges that facilitate the movement of ivory across different stages of the trafficking chain. Coordination often occurs through transactional relationships between actors occupying distinct roles in the trafficking chain. This perspective underscores how ivory trafficking is embedded within economic systems, drawing on existing commercial infrastructures and opportunities for exchange.

Such arrangements display a high degree of flexibility and adaptability, as actors adjust routes, methods, and partnerships in response to changing market conditions, enforcement pressures, and opportunities for profit. This capacity for adaptation enables the persistence of the trade and reflects a form of organization embedded within broader economic systems rather than confined to fixed or hierarchical structures (Stiles, 2024).

III. STRUCTURE OF IVORY TRAFFICKING NETWORKS

The ivory trafficking network is geographically structured as a multi-level supply chain, referring to a system in which the production, movement, and distribution of an illicit commodity are organized across interconnected stages involving different categories of actors. These networks are highly connected, with flows organized around a limited number of key hubs (Huang, Wang, & Wei, 2020). Source regions are primarily located in Sub-Saharan Africa, particularly in countries such as Kenya, Tanzania, and South Africa, while major destination markets are concentrated in East Asia, including China, Vietnam, and Malaysia (UNODC, 2016). Between these regions, a small number of strategic transit hubs—notably Hong Kong, Japan, and Belgium—play a central role in facilitating the movement and redistribution of ivory across the network (Huang et al., 2020).

This geographically concentrated demand plays a role in shaping the structure of trafficking networks, providing a strong incentive for the movement of ivory from source regions in Africa toward consumer markets in Asia and contributing to the consolidation of transnational trafficking routes.

Within this multi-level supply chain, each stage performs a specific function that contributes to the circulation of ivory from source areas to end markets.

At the initial level, ivory is acquired through local suppliers, most notably poachers, who are embedded within or operate in proximity to wildlife areas. These individuals may act independently or as part of small groups and are responsible for the illegal killing of elephants and the extraction of tusks. Ivory can also enter the trade through processes of diversion, whereby tusks originating from legal stocks, natural mortality, or government-held reserves are redirected into illegal markets. The quantities obtained at this stage are limited, requiring further aggregation to sustain large-scale trafficking.

Following acquisition, intermediaries facilitate the movement of ivory by collecting tusks from multiple local sources and consolidating them into larger shipments. This process often involves transportation across rural and urban areas using a variety of formal and informal transport systems. Intermediaries may rely on concealment techniques and the exploitation of weak enforcement or corruption to move ivory across internal borders and toward strategic transit points.

At higher levels of the trade, more centralized actors are responsible for coordinating the large-scale export of ivory. These actors oversee the consolidation of significant quantities of tusks and organize their shipment through international trade routes, frequently embedding ivory within legal cargo transported in containerized shipping systems. The trade operates through a structured system of intermediaries, characterized by the progressive consolidation of ivory as it moves toward export-level actors (UNODC, 2016).

Despite this multi-level organization, the structure of the trade does not correspond to a rigid hierarchy. Actors operating at different stages often have limited knowledge of each other, and interactions are primarily based on localized and transactional exchanges rather than centralized control. This partial fragmentation of roles, combined with the progressive consolidation of ivory along the chain, allows the system to function efficiently while reducing direct links between actors, enhancing its resilience to disruption. As such, coordination within ivory trafficking networks emerges from distributed and functionally differentiated roles rather than from clearly bounded or cohesive organizational structures.

IV. TRANSNATIONAL OPERATIONS AND SMUGGLING MECHANISMS

The movement of ivory across borders relies on a range of smuggling mechanisms and strategies that enable traffickers to evade detection and enforcement.

As illustrated in Figure 1, this expansion is concentrated in a limited number of key markets. Hong Kong and Japan consistently account for a significant share of recorded trade flows, while China becomes increasingly prominent in the later period. These patterns reflect broader market dynamics in which rising disposable incomes and the cultural value attributed to ivory products have contributed to sustained demand in these regions.

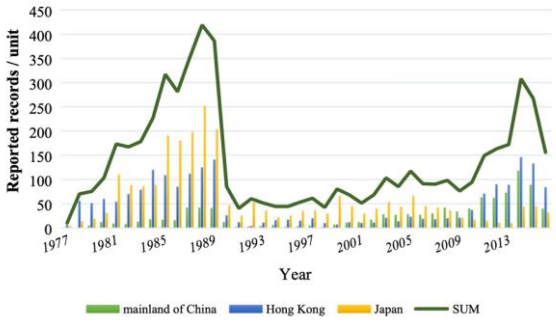

Figure 1. Ivory trade flows in China, Hong Kong, and Japan (1977–2016). Source: CITES Trade Database (https://trade.cites.org/).

Traffickers exploit regulatory and logistical vulnerabilities in key transit hubs. In trade-oriented regions such as Hong Kong, limited inspection rates and expedited customs procedures facilitate the movement of illicit goods, making such locations particularly attractive for smuggling activities (Huang, Wang, & Wei, 2020).

The movement of ivory across borders relies on a combination of logistical strategies, including established transportation infrastructures, which enable the large-scale movement of ivory, and concealment which are employed to enable traffickers to evade detection by embedding ivory within legal goods, including agricultural products, often supported by falsified documentation.

A concrete illustration of these mechanisms can be observed in the ivory trafficking operations associated with the Kromah network. In this case, ivory sourced from multiple locations was transported through intermediary countries, including Uganda and Kenya, where it was aggregated into larger consignments before export toward Asian markets. The operation relied primarily on established transportation infrastructures, particularly road networks linking poaching areas to major transit hubs, from which shipments were forwarded through international shipping routes, often concealed within containerized cargo.

The operation involved a range of actors performing specialized and interdependent roles. Local suppliers and transporters facilitated the initial movement of ivory, while intermediaries coordinated its aggregation and storage. At higher levels, individuals responsible for exporting, organized the shipment of large consignments and relied on logistical providers to ensure their passage across borders, in some cases through the manipulation of inspection procedures and documentation.

V. ECONOMIC DRIVERS AND GLOBAL DEMAND

While the geographical concentration of demand explains the direction of ivory flows, its persistence is more fundamentally rooted in the economic dynamics that sustain the trade. Ivory trafficking is driven by the interaction between high consumer demand and constrained legal supply, which together create strong incentives for illegal extraction and circulation. When demand for ivory exceeds what can be legally supplied, illicit markets expand to fill the gap, often facilitated by corruption and regulatory weaknesses (Stiles, 2024). This dynamic reflects broader patterns observed in illegal markets, where economic incentives generated by unmet demand contribute to the growth and persistence of illicit trade (Naylor, 2005).

Demand for ivory evolves in response to broader economic changes. In the contemporary context, rising wealth in parts of Asia has expanded the consumer base for luxury goods, reinforcing the profitability of ivory and increasing its attractiveness to traffickers.

As elephant populations decline due to poaching, ivory becomes increasingly scarce, which in turn drives up its market value; the rising prices contribute to further depletion rather than replenishment of the good. This creates a self-reinforcing cycle in which scarcity elevates prices, higher prices incentivize continued poaching, and intensified poaching further reduces supply.

The high value-to-weight ratio of ivory further enhances its suitability for illicit trade, allowing traffickers to generate substantial profits while minimizing transportation costs and risks. As a result, ivory trafficking becomes embedded within broader illicit economies, attracting a diverse range of actors, from opportunistic participants to more organized criminal networks. In this sense, demand does not merely sustain the trade but actively shapes its structure, reinforcing its resilience and its integration within transnational organized crime systems.

VI. CORRUPTION AND GOVERNANCE AS STRUCTURAL DRIVERS

The structural characteristics of ivory trafficking networks have important implications for their persistence over time. The reliance on multiple intermediaries, the use of established logistical infrastructures, and the fragmentation of roles across different stages of the supply chain generate interaction with formal legal and administrative systems, which constitute a necessary condition for the cross-border movement of ivory.

A. Corruption

Corruption is a structural feature embedded within institutional and regulatory frameworks. The functioning of the trade depends on the capacity to operate through, and at times manipulate, systems governing law enforcement, border control, and trade regulation. This includes practices such as the misuse of permits, the manipulation of documentation, and the facilitation of illicit flows through administrative channels, which allow illegal ivory to circulate alongside lawful goods.

B. Governance Weakness and Institutional Capacity

Although the international commercial trade in ivory is largely prohibited under the CITES, the existence of legal exceptions and uneven enforcement across jurisdictions creates opportunities for the illicit trade to operate.

The centrality of corruption is closely linked to broader patterns of weak governance. In many regions, particularly in parts of Central and East Africa, limited state capacity constrains the monitoring of protected areas and the enforcement of anti-poaching regulations. Wildlife reserves often lack sufficient personnel and resources, while fragile borders and weak customs controls facilitate the cross-border movement of ivory. These institutional limitations allow trafficking activities to occur with relatively low risk.

Corruption undermines state effectiveness by distorting public spending priorities and weakening investment in key sectors, including law enforcement and infrastructure (Wei, 1999). In the context of wildlife trafficking, these dynamics translate into under-resourced enforcement systems and reduced oversight in areas critical to conservation and border control.

C. State Actors and Network Formation

Beyond these constraints, corruption also shapes the organization of trafficking networks themselves. When demand exceeds legal supply, incentives emerge to expand access to ivory through illegal means, often involving the manipulation of existing regulatory systems. In such contexts, the same state structures responsible for regulating wildlife exploitation may become sites of facilitation, as officials exploit their authority to enable illicit activities. This results in the emergence of networks that include individuals embedded within wildlife authorities, law enforcement agencies, and political institutions.

Rather than operating entirely outside the state, ivory trafficking networks may therefore be partially constituted through it. These networks link all the actors in flexible

and adaptive configurations that operate across both legal and illegal spheres. This convergence between formal governance structures and illicit economic activity highlights how corruption functions as a central structural condition, shaping not only the persistence of ivory trafficking but also its organization and resilience (Stiles, 2024).

The historical case of Kenya in the 1970s illustrates this dynamic particularly clearly. During this period, government officials, including members of the wildlife department and political bodies, were directly involved in the acquisition and export of ivory, often using legal mechanisms such as permits to facilitate illegal activities. This resulted in a system in which legal and illegal trade were deeply intertwined, demonstrating how state structures can be transformed from mechanisms of control into facilitators of illicit markets (Lemieux & Clarke, 2009).

VII. IVORY TRAFFICKING AND VIOLENCE

Ivory trafficking is frequently associated with violence and conflict, particularly in regions where state control is limited and armed actors operate. This is evident in countries such as the Democratic Republic of Congo, South Sudan, and the Central African Republic, where wildlife resources become embedded within broader patterns of insecurity (Stiles, 2024). In such contexts, ivory can function as a source of revenue for both state and non-state armed groups.

The involvement of armed actors contributes to the militarization of wildlife trafficking. This includes the use of automatic weapons, the control of territory for resource extraction, and the integration of poaching into broader illicit economies operating within conflict zones. In some cases, ivory has been used alongside other illicit commodities as part of diversified revenue streams that sustain armed groups over time.

However, the relationship between ivory trafficking and conflict should not be overstated. While some armed groups have engaged in poaching, the trade is more commonly sustained by profit-driven networks. This suggests that violence is context-dependent rather than an inherent feature of the ivory trade itself.

These factors show that ivory trafficking persists due to its structural embeddedness.

VIII. WHY THE PHENOMENON PERSISTS

The persistence of ivory trafficking can be explained by a combination of structural factors that together create a highly prolific environment for illicit activity.

Weak governance and limited enforcement capacity enable trafficking to operate with relatively low risk. In contexts where state institutions lack resources, coordination, or political support, the ability to monitor wildlife areas and disrupt trafficking networks remains constrained.

Ivory trafficking offers high profits relative to risks. Compared to other forms of transnational organized crime, penalties for wildlife crimes are often less severe and enforcement less consistent. At the same time, the high value-to-weight ratio of ivory makes it a particularly attractive product, allowing traffickers to generate substantial returns while minimizing transportation costs and exposure (UNODC, 2016).

Corruption plays a central role in undermining enforcement efforts and enabling the operation of trafficking networks. State institutions can become points of facilitation, as officials may be involved in permit manipulation, falsified documentation, or the selective enforcement of regulations. As previously discussed, such practices reflect the embeddedness of ivory trafficking within formal administrative systems (Stiles, 2024).

The overlap between legal and illegal markets creates opportunities for laundering illicit ivory. The existence of legal stocks, regulated markets, and certification systems allows traffickers to conceal illegal products within legitimate trade flows, making detection and enforcement significantly more difficult. This blurring of boundaries between licit and illicit economies is a defining characteristic of wildlife trafficking (Naylor, 2005).

The processes of globalization have facilitated the expansion and sophistication of trafficking networks. The availability of advanced transportation infrastructures enables traffickers to coordinate activities across multiple regions with increasing efficiency. Empirical analyses demonstrate a strong global connectivity and the existence of key hubs linking African source regions to Asian markets (Huang et al., 2020).

Taken together, these factors demonstrate that ivory trafficking persists not simply because of isolated enforcement failures, but because it is embedded within broader political, economic, and institutional structures. This embeddedness enhances the resilience of trafficking networks and underscores their alignment with the characteristics of transnational organized crime.

IX. CONCLUSION

The analysis demonstrates that ivory trafficking meets the core criteria necessary to fall under the definition of transnational organized crime: it is profit-driven, transnational, and relies on coordinated activity across differentiated roles. However, it does not conform to hierarchical models of organized crime. Instead, it is structured as a decentralized and adaptive network, in which coordination emerges through market-based relationships rather than centralized control.

This demonstrates that ivory trafficking challenges conventional models of organized crime. Its persistence is rooted in structural conditions—particularly demand, corruption, and weak governance—which enable the continuous interaction between legal and illegal systems.

Ivory trafficking should therefore be understood as a network-based form of transnational organized crime, embedded within broader economic and institutional structures. Recognizing this configuration is essential for both accurate conceptualization and effective policy responses.

REFERENCES

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). (1973). Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Huang, W., Wang, H., & Wei, Y. (2020). Mapping the illegal international ivory trading network to identify key hubs and smuggling routes. EcoHealth, 17, 523–539.

Lemieux, A. M., & Clarke, R. V. (2009). The international ban on ivory sales and its effects on elephant poaching in Africa. British Journal of Criminology, 49(4), 451–471.

Naylor, R. T. (2005). The underworld of ivory. Crime, Law and Social Change, 42, 261–295.

Stiles, D. (2024). The political, economic and institutional context of wildlife trafficking networks in Africa and a description of how they operate. Pachyderm, 65, 142–159.

United Nations Office on Drugs and Crime (UNODC). (2000). United Nations Convention against Transnational Organized Crime.

United Nations Office on Drugs and Crime (UNODC). (2016). World wildlife crime report: Trafficking in protected species.

Wei, S.-J. (1999). Corruption in economic development: Beneficial grease, minor annoyance, or major obstacle? World Bank Policy Research Working Paper.

Wyatt, T., van Uhm, D., & Nurse, A. (2020). Differentiating criminal networks in the illegal wildlife trade: Organized, corporate and disorganized crime. Trends in Organized Crime, 23(4), 350–366.

The Limits of CITES in Addressing Wildlife Trafficking

Towards a Transnational Criminal Law Approach under UNTOC

Martina Galiazzo

Abstract — **Illegal wildlife crime consists in the sale or exchange of wild animals and plants, including live or dead specimens, parts or derivatives or transformed products. It is driven by high demand and profits, and it is often linked to corruption and transnational organized crime. This paper examines the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the major international act regulating it. It argues that CITES has limited enforcement and creates a fragmented international framework, mainly due to its reliance on state discretion. This paper examines whether a criminal law approach is required addressing the additional protocol to the UNTOC proposed in 2022 to incorporate wildlife trafficking as a serious transnational crime. However positive effects of this new provision must be balanced with negative socio-economical and human rights considerations in order to create an effective instrument to combat this serious crime.**

I. INTRODUCTION

Illegal wildlife trade refers to crime involving live or dead wildlife and wildlife products, both flora and fauna. It is very complex, involving a multitude of species and a variety of markets and drivers (May & Clough, 2017).

This trade has a disastrous impact on species conservation. However, high prices and low enforcement risk have attracted many actors, from subsistent poachers, transnational criminal networks and armed rebel groups.

Consumers have many different reasons for purchasing such illicit products, ranging from the desire for luxury articles to the mistaken belief that consuming certain wildlife products will provide medicinal benefits, as well as for satisfying daily needs such as clothing or food (May & Clough, 2017).

The annual global value of the illegal wildlife trade is estimated between US $5 billion and $23 billion (May & Clough, 2017). Two of the biggest components of the market value are trades in ivory and rhino horn. Per kilo, the retail revenues of these two specimens can be equal or greater than the equivalent amount of cocaine or heroin, yet the pecuniary penalties are considerably lower (May & Clough, 2017). In general, the trade in wildlife products, whether legal or illegal, is one of the most valuable markets in the world (INTERPOL, 2018).

The global and interconnected nature of this crime is shown by analyzing the regional threats in the INTERPOL (2018) report on "Global Wildlife Enforcement". The Middle East is where wildlife trafficking transit takes place and it is also a source for illegal wildlife products, particularly exotic birds. In Africa there are relevant problems with poaching and smuggling of wildlife, due to the weak border control and law enforcement capacities. Asia is pivotal because of the presence of different markets, drivers and dynamics. Ultimately, Europe is the major destination and a source of illegal wildlife products (INTERPOL, 2018).

This highlights the need for inter-state and multi-agency cooperation to curb this type of trade and prevent over-exploitation of species, driving them to extinction (INTERPOL, 2018).

In 1973 the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was established and it entered into force in 1975. It covers 30.000 species which are divided into three appendixes (Duffy, 2016). CITES's enforcement system is problematic, because it relies on national agencies and legal frameworks to implement it. CITES provisions are usually poorly executed and enforced, moreover member states fail to provide timely and adequate reports. This shows how this framework is ill-equipped to address the significant global challenge and to tackle complex transnational illicit trades (Duffy, 2016).

In 2022, a proposed protocol to the United Nations Convention against Transnational Organized Crime (UNTOC) sought to incorporate wildlife trafficking as a serious transnational crime. The UNTOC has been proposed as a vehicle for expanding criminal liability for transnational environmental crimes. The protocol seeks to enhance international cooperation and to provide legal measures to combat wildlife trafficking and protect endangered species by addressing illegal trade activities and trafficking routes (Osorio, 2026).

Although wildlife crime is one of the largest forms of organized crime it is not treated as such. To what extent is CITES, an environmental legal framework, sufficient to address wildlife crime, or does the matter require a transnational criminal law approach under UNTOC?

II. WILDLIFE CRIME AS TRANSNATIONAL ORGANIZED CRIME

Wildlife trade has become very sophisticated. It relies on a refined global supply chain: the planning, collection and smuggling of large quantities of wildlife and wildlife products demonstrate a high degree of coordination provided by organized criminal groups. They give the trafficking routes and methods to join source countries and wealthier countries in which there is a high demand, such as Asia (Duffy, 2016). This is because criminal networks are attracted by the small chance of getting caught and receiving punishment, and the high profit of the market.

Wildlife crime is usually perpetrated along with other crimes such as tax evasion, fraud, money laundering and human trafficking. Document fraud is very relevant, because it is used to illegally obtain international permits regulated by CITES. Moreover, wildlife routes are used to smuggle other illicit commodities, such as drugs and weapons (INTERPOL, 2018). Another important aspect is

© 2026 Martina Galiazzo. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

that wildlife crime creates huge criminal profits and generates significant money laundering problems (INTERPOL, 2018).

Both small-scale and large-scale criminal organizations involved in international wildlife trade often use front companies to conceal payments and launder the profits of their illicit activity. Usually, front companies that have connections to import-export industries are used to help justify the movement of goods and payments across borders. For example, legitimate pet stores and private zoos, farms and parks are used to facilitate illicit pet trade and to justify illegal breeding, trading or exploitation of CITES controlled species (Financial Action Task Force, 2020). Corruption is also relevant, and it encompasses customs officials, law enforcement officials and workers in shipping companies. It may also involve protection from government ministers. This includes bribes aimed at obtaining false international permits and to evade custom controls (Duffy, 2016).

Illegal wildlife trade begins with poaching, which can be defined as illegal hunting. Poaching is usually engaged by poorer communities in developing countries, which get involved for economic reasons. Poaching can be subsistent, thereby done for personal consumption which is not regarded as a threat to survival of targeted species, mainly because it is made through low-technology hunting methods. Poaching may also be commercial, which tends to be organized and is of greater concern for the survival of targeted species, which are usually highly valuable ones. Commercial poaching moreover uses weapons which are more technologically advanced (Duffy, 2016). Criminal networks usually finance poaching, but typically they do not take part in the actual hunting. Their participation begins after the animals have been poached, they purchase or collect the goods, collect caches, smuggle them to transit and exit points and launder the money. They usually work closely with militia and terrorist networks which target wildlife to generate funding (May & Clough, 2017).

The types of criminal networks involved in illicit trade can be divided into three categories: organized criminal groups, corporate crime groups and disorganized criminal networks. They are diverse, having varied structures and perpetration strategies (Wyatt et al., 2020).

The first actor is organized criminal groups, as defined by the UNTOC as "*structured group of three or more people, 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"* (Wyatt et al., 2020). Organized criminal groups work well in less developed states and regions in which the government fails to effectively enforce laws, they moreover are capable of successfully executing the complex smuggling operations of illegal products over long distances. Some examples of their involvement in wildlife crime can be seen in illegal caviar trade. These groups control the transfer of caviar from poaching areas, such as Dagestan, to Europe. Places such as Dagestan, provide the perfect place for the poaching of sturgeons, being already subject to illicit trade of drugs, weapons and high level of unemployment (Wyatt et al., 2020).

The second actor is corporate criminal groups, which include family businesses or multi-national corporations, registered in their country's or another's country territory. Corporate crimes can be defined as illegal acts or omissions made within a legitimate formal organization, intended to benefit the corporation. It is fundamental that the organization be legally recognized (Wyatt et al., 2020). They usually act with outside individuals or groups to commit illegal activities which ultimately will also benefit the corporation, thus increasing profits (Wyatt et al., 2020). A very illustrative example is the one of illegal transport of wildlife, specifically legally registered animal traders, zoos, circuses, which provide a perfect cover for wildlife laundering. This type of transport usually involves claiming wildlife is legally traded through fraudulent permits obtained via corruption, despite it is actually sourced from a poacher (Wyatt et al., 2020).

The final actor that is going to be examined is disorganized criminal networks, which are less structured, encompass different companies and occur internationally. This actor is usually framed as unstable networks made by opportunistic individuals. An example can be groups of local elephant poachers, belonging to disorganized criminal group. These groups are composed by the local members of the communities residing in the natural reserves. Such individuals are usually expert in animal tracking and sell the illicit products via a middleman (Wyatt et al., 2020).

Overlaps between these three types of actors are possible, for example processed commodities, such as ivory, are trafficked by organized criminal groups and the product is then processed by corporations (Wyatt et al., 2020). Furthermore, usually local people engage in hunting for subsistence because they receive loans from organized criminal groups or corporations to cover their daily basic expenses (Wyatt et al., 2020).

This diversity of criminal actors further demonstrates why different criminal structures require coordinated legal responses, which cannot be provided by a fragmented framework as CITES.

III. CITES EFFECTIVENESS

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITIES) is the principal international framework for regulating wildlife trade, however its reliance on state discretion has led to fragmented enforcement and weakened deterrence (Natali, 2025).

CITES works by controlling international trade of specific species through a licensing system that authorizes it. Each state party must designate one or more Management Authorities in charge of the licensing system and one or more Scientific Authorities to advise them on the effect of trade on the species (*How CITES Works | CITES*, n.d.).

CITES is composed of three Appendices in which the species covered by the convention are listed depending on the degree of protection they require.

Appendix I includes species that are threatened with extinction, the trade of this species is permitted only in special circumstances.

Appendix II includes species not necessarily threatened with extinction, but still in need of protection. Their trade shall be controlled to avoid threats to their survival.

Appendix III contains species protected in at least one country, which asks other countries' assistance in controlling trade (*How CITES Works | CITES*, n.d.).

Legal sanctions to wildlife criminal acts are necessary to challenge this phenomenon. Without their deterrence function, norms and sanctions lose their legal effectiveness and authority. Therefore, an effective legal response to wildlife trafficking is composed by the perceived severity of sanctions and the certainty of their enforcement (Natali, 2025). One of the main problems of CITES's framework is that it does not require violations to be classified as crimes (Natali, 2025). This gives states a too large margin of discretion creating a fragmented application of the convention. This leads to an ineffective approach against wildlife crime. The discrepancies in CITES application could already be seen in a 2016 report of the UN Office of Drugs and Crimes. This report has shown that 31% of parties imposed only fines, 43% penalties for less than four years and 26% penalties for more than four years (Natali, 2025).

An exemplary case is the one of the European Union, where CITES has been transposed in the European legal framework through Regulation 338/97 and Council Directive 2008/99. These two provisions oblige member states to develop sanctions but do not impose a minimum or maximum standard of penalties. This led to the absence of a harmonized framework within the EU, which is otherwise considered as a highly developed model of legal harmonization. Some states, such as Ireland and France, impose fines below 1000€ for wildlife crimes (Natali, 2025). An important step made by the EU in 2022 is the adoption of a revised Action Plan against Wildlife Trafficking urging states to apply more appropriate and deterrent sanctions. This Plan entered into force in May 2024, and member states were required to implement it within a 2-year period (Natali, 2025).

Characteristically in international law the debate on universality and flexibility is essential. It consists of the choice of imposing a coherent structure among all states or to leave to states the opportunity to modify the provision through reservations. CITES legal framework is considered as a flexible one, it allows member states parties to enter reservations, not on the convention text itself, but concerning species listed in the Appendixes (Natali, 2025). If in other international provisions reservations may represent an important and useful tool to increase participation leaving states some discretion, in CITES they introduce strong asymmetries in legal obligations leading to its ineffectiveness. These reservations are usually motivated by the economic profit arising from trade of this species, which show how states often prioritize their trade interests over environmental and conservation objectives (Natali, 2025). Officials must apply an uneven and complex legal framework of national law, instead of applying a coherent international standard. This obviously leads to delayed or ineffective enforcement or disguised illegal trade as licit (Natali, 2025).

After more than 50 years of operation of the convention, parties still fail to prohibit violations of it or impose only minimal penalties (Natali, 2025). Legal inertia is not anymore a missed opportunity but is the failure to respond to a critical transnational crime (Natali, 2025). Due to the convergence between wildlife trafficking and transnational organized criminal organizations, the UNTOC becomes particularly relevant.

IV. THE UNTOC PROPOSED WILDLIFE PROTOCOL

The United Nation Convention against Transnational Organized Crime adopted in 2000 is the main international instrument for the fight of transnational organized crime (*United Nations Convention against Transnational Organized Crime*, n.d.). This convention is composed by 194 parties, representing a near-universally adopted treaty. It shows the willingness of states to take a step forward for the fight against transnational organized crime. Moreover, it is an important instrument to enhance international cooperation, necessary due to the transnational characteristic of these crimes.

The convention is supplemented by three protocols, regarding specifically: human trafficking, migrant smuggling, and illicit manufacturing and trafficking of firearms (*United Nations Convention against Transnational Organized Crime*, n.d.). In 2022 an additional protocol to the UNTOC was proposed to incorporate wildlife trafficking as a serious transnational crime. This would lead to the first criminalization of an environmental crime, which is directly connected to organized crime.

This protocol would activate all means and tools available under UNTOC, which represents a dynamic instrument capable of addressing new forms of transnational organized crime. The content of the protocol would be framed by states during the negotiation process and it would enhance international cooperation and facilitate exchange of information among countries, strengthen legal measures against wildlife crime and protect endangered species. This protocol would provide the first global legally binding definition of wildlife crime, facilitating convergence in national approaches supporting international cooperation. Moreover, it would help close jurisdictional gaps for more equitable and effective enforcement strategies (Scanlon, 2022)

Many countries affected by wildlife trafficking lack the resources to combat wildlife crime, and the protocol would encourage joint operations and cross-border enforcement initiatives. Moreover, it may provide for training investigation techniques, forensic analysis and understanding the legal framework of wildlife protection (Osorio, 2026).

Additionally, we must take into consideration that wildlife crime is usually linked to other forms of organized crime such as drug trafficking, money laundering and arms trafficking. Criminal organizations usually use the same networks, routes and methods. By including wildlife crime in UNTOC, law enforcement agencies can face these crimes more effectively (Osorio, 2026). The states would moreover be held accountable to their international obligations and this would place pressure on governments to take meaningful action, and to ensure domestic enforcement of international commitments.

These features directly address the core failures identified in CITES's framework: where CITES relies on

state discretion and produces fragmented sanctions, UNTOC imposes binding obligations and activates coordinated enforcement mechanisms. CITES treats wildlife crime as a regulatory matter, UNTOC reframes it as serious transnational crime, triggering a distinct in nature and more robust legal response.

The negative effect of this proposed protocol is that it may create overlaps with other frameworks already existing and even if nationally implemented, its effects would be felt at the local level (Osorio, 2026). Indigenous communities often rely on natural resources for their daily needs, and this impact must be considered. Nonetheless organized criminal organizations often exploit local communities (Osorio, 2026).

Even if the aim of this protocol is to protect wildlife, it may harm locally those who depend on wildlife for survival, also potentially causing cultural conflicts if indigenous or local communities resist the imposition of laws. When addressing the protocol, we must consider socioeconomical inequalities and human rights, specifically the right to self-determination (Osorio, 2026).

V. CONCLUSION

International illicit trafficking of wildlife is one of the major environmental crimes of our time. Its connection with transnational organized crime threats wildlife species and affects vulnerable local communities. Beyond this, this crime is often perpetrated along with other crimes.

CITES legal framework was not designed to address criminal networks or the wider damages caused by illicit trade. Fragmented legislation, inconsistent application, ineffective enforcement and inadequate sentences identified in CITES's framework show that wildlife trafficking cannot be effectively addressed by environmental law alone.

The proposed protocol to UNTOC would help address the inconsistent landscape and its criminal nature allowing for a more direct and coherent legal response to the transnational essence of this crime.

I believe this protocol would represent a fundamental instrument to effectively address wildlife crime, nonetheless the effectiveness of this protocol will depend not only on enforcement mechanisms but also on whether it would meaningfully address equality, participation and local realities. This would strengthen legal coherence internationally and be the foundation for a more just and effective approach to international wildlife crime.

REFERENCES

Duffy, R. (2016). The illegal wildlife trade in global perspective. In L. Elliott & W. H. Schaedla (Eds), *Handbook of Transnational Environmental Crime*. Edward Elgar Publishing. https://doi.org/10.4337/9781783476237.00015

Financial Action Task Force. (2020). *Money Laundering and the Illegal Wildlife Trade*. www.fatf-gafi.org/publications/methodandtrends/documents/money-laundering-illegal-wildlife-trade.html

How CITES works | CITES. (n.d.). Retrieved 3 April 2026, from https://cites.org/eng/disc/how.php

INTERPOL. (2018). *Global wildlife enforcement: Strengthening law enforcement cooperation against wildlife crime*. https://www.interpol.int/content/download/5179/file/WEB_Wildlife%20ProspectusMarch2019.pdf

May, C., & Clough, C. (2017). *Transnational Crime and the Developing World*. Global Financial Integrity.

Natali, M. (2025). Reinforcing the Global Fight against Illegal Wildlife Trade: Addressing CITES's Discretion and Fragmented Legal Framework. *Yearbook of International Environmental Law*, *35*(1), yvaf005. https://doi.org/10.1093/yiel/yvaf005

Osorio, C. P. (2026). Equity considerations in the proposed wildlife protocol to the Convention against Transnational Organized Crime. *Conservation Biology*, e70220. https://doi.org/10.1111/cobi.70220

Scanlon, J. E. (2022, February 24). *'The case for an additional Protocol under the UNTOC on wildlife crime.'* [LinkedIn]. https://www.linkedin.com/pulse/case-additional-protocol-under-untoc-wildlife-crime-scanlon-ao

United Nations Convention against Transnational Organized Crime. (n.d.). United Nations Office on Drugs and Crime. Retrieved 3 April 2026, from https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html

Wyatt, T., Van Uhm, D., & Nurse, A. (2020). Differentiating criminal networks in the illegal wildlife trade: Organized, corporate and disorganized crime. *Trends in Organized Crime*, *23*(4), 350–366. https://doi.org/10.1007/s12117-020-09385-9

Is Violence an Essential Element of Organised Crime?

Is Violence a Defining Characteristic of Organised Crime, or a Strategic Tool Used Selectively?

Jude Glynn

Abstract — **This essay examines whether violence is an essential element of organised crime, focusing on transnational organised crime groups. I first explore how violence has historically functioned as a defining feature enabling groups like Cosa Nostra to establish reputation, enforce compliance, and secure territorial control. I then consider violence as an instrumental tool, particularly in illicit markets like human trafficking, where coercion and the threat of force underpin corruption and aid successful operations. However, this essay challenges the notion that violence is universally essential by introducing a spectrum based perspective, arguing that many modern and transnational organised crime groups increasingly rely on low visibility strategies, including online operations, and corruption, rather than overt violence. Ultimately, the essay concludes that whilst violence remains significant in certain aspects, it is not a defining element of organised crime but a contingent and strategically employed tool shaped by globalisation and market conditions.**

I. INTRODUCTION

"The phenomenon of organized crime cannot be defined by its crimes alone: any definitions must address, and account for, the elusive modifying term 'organised." (Finckenauer, 2007). Organized Crime (OC) in layman's terms is organised crime, forever evolving and adapting the organisation of these Organised Crime Groups (OCG) is pivotal to their survival and success. Consequently, any sufficient definition will refer to some organisation, perpetuating this necessity of a "structured group" (United Nations, 2000), academics including Abadinski (1990), and Von Lampe (2015) corroborate this, their interpretations of OC refer to some necessary structure which establishes a hierarchy and defines how members may interact with each other.

However, alongside a strict and apparent organisation, OC is scarcely reported or portrayed in media without reference to or evidence of violence, yet there is no definition with a requirement of violence to constitute an OCG despite it appearing hand in hand with organisation as an essential element. Abadinski (1990) characterizes OCG only as 'willing' to use violence, and Varese (2010) in an analysis of 115 definitions of OC identified the most recurring concepts and did not find violence as an enduring qualifying element (Varese, 2010).

Violence goes hand in hand with the concept of OC, it appears as a core tenet to the successful operation of an OCG, but still legal definitions refuse to acknowledge violence as an essential element of OC. This paper will; explore the history of violence in OC and discuss whether it is or ever was an essential element to the activities and operation of OCG, I will discuss its prevalence in establishing and expanding said groups, and explain why the concept of violence in OC may now be an outdated and insubstantial element.

© 2026 Jude Glynn. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. VIOLENCE AS A DEFINING FEATURE OF ORGANISED CRIME

This first section will aim to demonstrate how violence is utilized by OCG to establish power and sustain their operations. To accomplish this, I will first discuss how historically violence has been crucial when establishing a reputation that allows for the growth of such groups, I will then explore in the practice of the drug trade how this reputation and use of violence is in fact necessary for the survival of the business.

OCG have existed in one form or another throughout most of history, each with a unique and formidable reputation, yet the staple of those still remembered are those which had a reputation for violence. Originating from Sicily, the Cosa Nostra has been the foundation of research and criminological theories, the subject of media adaptations and the face of OC for decades, the unrivalled exertion of influence and power by the Cosa Nostra is no doubt due to the transnational reach and reputation forged through violence.

"Historically, the Italian mafia groups ... have been deeply involved in extortion racketeering ... within those areas where they had originated" (Gimenez-Salinas et al., 2016), using force and fear these crime syndicates monopolized their respective regions taking advantage of a vulnerable government, weakened by foreign conquest to exert control and climb to power, however, this power was only attainable due to the reputation this Sicilian Mafia had forged decades earlier.

During the late 1800s the citrus market is theorized to have faced an unusual surge in demand, due to the geographical location and varied fixed costs the cultivation and sale of citrus fruits in Sicily became very profitable. As a result of the aforementioned weak government in protecting private property rights, lemon producers sought out the mafia as a means of private protection (Dimico et al., 2012). Thus, Mafia groups employed calculated and public displays of violence to protect farmers land and their goods, this began a reputation of violence that followed said groups which provided the fear needed to guarantee compliance from local businesses in extortion rackets, beginning the rise of this organised crime empire.

As discussed, reputations and thus businesses can be built upon violence, here I will examine how within the illicit drug trade violence can be a source of longevity and survival for an OCG.

In the late 1990s a group of Mexican elite Airborne Special Forces deserted their ranks and founded the Los Zetas drug trafficking organisation (DTO) (Logan & Grayson, 2105) initially regarded as "the most dangerous

paramilitary group in Mexico because of their willingness to shoot and kill law enforcement officers" (Brophy, 2008) the Los Zetas were hired as enforcers and protectors of the Gulf Cartel, (notorious transnational smugglers of cocaine, heroin, fentanyl and marijuana).

The Mexican drug world is host to a constant power struggle amongst OCG for control. Using combat training and specialized knowledge the Los Zetas "defend[ed] the Gulf cartel's territory" (Brophy, 2008) by, procuring and holding trafficking routes, collecting payments, drug dealing and money laundering (Brophy, 2008). After dominating the Northern Mexico drug trade, the Gulf Cartel broke with the Los Zetas as a consequence of their "diabolical cruelty, [to rival cartels and LE] embellished by their social media's dissemination of beheadings, castration and unspeakable torture" (Grayson, 2014).

Forsaken, the Los Zetas were prey to the rival cartels power struggle, they should have been viewed as a vulnerable target or a resource to be utilized, but by this point, the unparalleled violence exerted by the Los Zetas had secured their survival in the drug empire of Mexico, demonstrating their capabilities in defending the Gulf Cartel, fear of revenge and retaliation protected the Los Zetas from immediate threat.

Consequently, this temporary protection meant the Los Zetas could secure the necessary infrastructure to begin their own drug trafficking operations still occurring in present day.

In following the rise of the Los Zetas, there is a clear point where most infant cartels would be picked apart or struck down by LE, but here we see how the formidable reputation developed through heinous and publicized acts of violence allowed for an opportunity to survive, as rival cartels and LE alike avoided involvement in fear of violent repercussions.

Clearly, the Cosa Nostra and Los Zetas demonstrate that in the hidden OC underworld and drug world respectively, violence can be essential to establishing a presence and foundation for a crime syndicate to be built upon. Furthermore, we see how violence is then crucial to defending and protecting an OCG in the course of their operations, ensuring compliance from necessary individuals and thus allowing them to continue functioning and surviving.

III. VIOLENCE IN A SUPPORTING ROLE

This second section will explain that whilst violence may establish power, its more subtle role lies in enabling and reinforcing corruption, supporting OCG in complex transnational environments.

Unlike the overt and reputation-building violence discussed previously, violence in the realm of human trafficking operates indirectly, primarily exercised to foster corruption rather than a tool of territorial dominance, it is "central to the success of traffickers, ...[and] one of the most important cost factors" (OECD, 2016). It increases the credibility of threats and the perceived risk of non-compliance among officials and intermediaries ensuring discretion and cooperation, whilst violence remains important, its function shifts from direct enforcement to indirect facilitation.

Once traffickers possess their victims, they are delivered to the destination country by facilitators who have the knowledge of available travel routes and capabilities of such transport. These facilitators will usually already be an active member of the trafficking organisation and will require the assistance of corrupt transit workers (like crewmates on a ship) to aid in the physical transport.

After arriving at the destination country, in order to successfully enter the traffickers will need to procure the necessary documents for their victims, and thus "corrupt staff in a recruitment agency or immigration office [will] issue false work permits [or will accept] a bribe to deliver fraudulent visas or passports" (UNODC, 2023), this ensures that the trafficked victims can gain employment but also hides their identities from LE meaning the OCG is protected as victims who cannot be traced back to their country of origin also cannot be linked to the OCG trafficking them, making their operations more elusive to LE agencies. This demonstrates that corruption is the immediate mechanism that sustains operations, it is only the latent threat of violence which increases the reliability of these corrupt exchanges. At any point in this process, whether during the transportation or exploitation of victims, LE officials may uncover the human trafficking operation, in this scenario, traffickers will bribe LE to "turn a blind eye or even [to] protect venues" (Rusev, 2013) where the exploitation is occurring, these corrupt officers may also "leak information on ... ongoing investigations or even obstruct investigations" (Rusev, 2013).

This suggests that violence is not the primary mechanism of control in such markets, it is but a supporting condition that stabilizes and pushes other fragile illicit agreements into success.

Academic research demonstrates acts of violence and threats of violence create intimidation that compels submission to demands (Cheng et al., 2021), whilst it is not the only motivator, OCGs with aggressive reputations can rely on this to reinforce coercion or increase susceptibility to bribery.

In the practice of human trafficking corruption is vital to the success of OCG, without the corrupt individuals who facilitate the transport, the operation would be nonexistent, meaning here violence enhances the effectiveness of corruption by raising the cost of resistance. Violence operates as a looming backdrop to corruption, strengthening the power and validity of corrupt exchanges, whereas in drug markets violence regulates competition to secure territory and gain status.

This dynamic between violence and corruption extends beyond illicit markets into the criminal justice system, where corruption reinforced by the use and threat of violence serves to neutralize legal consequences.

Corruption within the criminal justice system is a mechanism utilized by OCG to evade LE and to avoid penalties, an interview with an informant in Italy revealed officers would inform members of the criminal world prior to an arrest, giving them time to destroy evidence and procure an alibi (Gounev & Ruggiero, 2012). The process of justice can be intervened with before even reaching a court, OCGs pre-empt legal punishment by preventing

evidence from reaching investigators, thereby undermining any basis for arrest.

Yet, criminal trials still occur, whether for an individual or the entire syndicate, however at this point corruption can again be employed to escape the natural course of justice and one such method is jury tampering.

The role of a jury in criminal trials is to reach an impartial verdict based on all evidence presented without influence from external factors, but OCG in an effort to receive favorable verdicts may attempt to intimidate a jury thus undermining this and corrupting their impartiality. "Intimidation, ranging from threats to involved parties, their families or properties, through to physical violence" (Campbell, 2014) is a vital process for OCG, as if successful any natural consequences of their crimes can be avoided, furthermore this practice is also applicable to prosecution witnesses as if their testimony can be avoided or influenced through corruption it weakens the argument for and possibility of a guilty verdict.

Clearly, corruption is an integral element to the survival of OCG since it can be utilized in a multitude of ways to keep illicit operations running and to protect the members of the respective OCG. Additionally, as discussed earlier the role of violence in corruption is necessary to mention as where bribes are insufficient, the influence of fear especially by an OCG with a violent reputation can encourage compliance and an individual's susceptibility to bribery.

IV. VIOLENCE AS CONTINGENT, NOT ESSENTIAL

Building on the arguments of my previous points, this section offers a critical counterpoint by challenging the assumption that violence is a defining or consistently essential feature of OC.

Whilst my first section emphasised the centrality of violence in traditional models of OC, particularly in relation to enforcement, territorial control, and the maintenance of reputation and the second acknowledged the crucial role violence can have in specific illicit markets, these perspectives risk generalising the role of violence from particular cases.

A more nuanced approach is to concieve OC along a spectrum of violence, rather than treating it as a fixed and always essential characteristic, at one end there are groups for whom violence is highly visible and operationally central, like those previously mentioned engaged in territorially embedded activities and those where coercion is required to regulate competition and ensure compliance.

However, at the other end of the spectrum, there are forms of OC that function with minimal or no direct violence, like cybercrime networks, illicit trades that rely primarily on deception, monetary based corruption, and integration into legitimate economic systems.

This discrepancy suggests that violence, while important in some contexts, is not universally essential, instead relying on the specific environment and operational goal of an OCG. A spectrum based perspective becomes more persuasive and rational when in the context of transnational organised crime, which can complicate and undermine my previous arguments when explored on a transnational level.

As discussed, violence can be an effective tool in localised or territory-based settings, however, as OCG expand across borders, the strategic value of physical violence and the threat thereof often diminishes.

Transnational operations require navigating multiple jurisdictions, legal frameworks, and law enforcement bodies, increasing the associated risks with visibility and confrontation, in this context, the violence described in section one may become less practical, and the instrumental use of force and threats outlined in section two may be substituted with more discreet mechanisms of control. Many transnational OCG instead rely on monetary based corruption, intermediaries, and logistical sophistication to maintain operations, reducing the need for physical coercion.

With the growing role of international coordination and cooperation, especially through organisations such as the United Nations Office on Drugs and Crime, further heightens the risks of engaging in public acts of violence (especially those to build reputations), incentivising OCG to adopt lower profile strategies that avoid triggering cross border enforcement responses.

Taken together, these points suggest that while sections one and two identify key important roles that violence can play in establishing and growing an OCG, they do not fully account for the variability introduced by globalisation, cross border policing and the diversity of contemporary criminal markets. Therefore, rather than being an essential or defining element of OC, violence is better understood as a context depending strategy, one that is unevenly distributed amongst the illicit activities and selectively employed.

V. CONCLUSION

In conclusion, in this essay, I have explored whether violence is an essential part of OC by analysing how it is utilised across different situations in criminal activities, section one demonstrated that violence has often been central to the rise of OCG, with examples like the Cosa Nostra illustrating how fear and intimidation can help OCG build a reputation, influence and control territory. Section two then developed this idea by showing that violence can also function as an instrumental tool to underpin corruption especially in activities like human trafficking, where the threat or use of force helps ensure cooperation and compliance, and keeps operations running successfully.

However, section three challenges the universality of the idea that violence is always necessary, instead it argued that OC exists along a spectrum, with some OCG relying heavily on violence while others prioritise discretion and low visibility options. In today's globalised world, many transnational groups are incentivised to focus on staying hidden, using corruption, financial crime, and technology instead of direct force, due to organisations such as the United Nations Office on Drugs and Crime also making open violence riskier.

Overall, whilst violence remains a significant tool, it is not an essential or defining feature of OC as a whole, instead it can be conceived as a context dependent strategy, different illicit activities offer different essential elements, supporting the notion that the essentiality of

violence depends on the illicit activity and independent aim.

REFERENCES

Brophy, S. (2008). Mexico: Cartels, corruption and cocaine: A profile of the Gulf cartel. *Global Crime, 9*(3), 248–261.

Campbell, L. (2014). The prosecution of organised crime: Removing the jury. *International Journal of Evidence & Proof,*
18(2), 83–105.

Cheng, J. T., Tracy, J. L., & Henrich, J. (2021). Complacent or coercive? The role of dominance and prestige in social
influence. *Personality and Individual Differences, 177*, 110814. https://doi.org/10.1016/j.paid.2021.110814

Dimico, A., Isopi, A., & Olsson, O. (2012). Origins of the Sicilian Mafia: The market for lemons. *CREDIT Research Paper*, 1–36.

Finckenauer, J. O. (2007). *Mafia and organized crime: A beginner's guide*. Oneworld Publications.

Gimenez-Salinas, A., Rusev, A., Garofalo, L., Gasparinatou, M., & Bexlov, T. (2016). *Extortion racketeering in the EU*. Center for the Study of Democracy.

Gounev, P., & Ruggiero, V. (2012). *Corruption and organised crime in Europe: Illegal partnerships*. Routledge.

Grayson, G. W. (2014). *The evolution of Los Zetas in Mexico and Central America: Sadism as an instrument of cartel warfare*. U.S. Army War College Press. https://press.armywarcollege.edu/monographs/502

Logan, S., & Grayson, G. W. (2015). *The executioner's men: Los Zetas, rogue soldiers, criminal entrepreneurs and the shadow state they created*. Transaction Publishers.

Organisation for Economic Co-operation and Development (OECD). (2016). *Trafficking in persons and corruption: Breaking the chain*. OECD Publishing.

Rusev, A. (2013). *Human trafficking, border security and related corruption in the EU*. Migration and the Security Sector Paper Series.

United Nations. (2000). *United Nations convention against transnational organised crime and the protocols thereto*. United Nations.

United Nations Office on Drugs and Crime. (2023, September 29). How corruption facilitates, fuels and fosters human trafficking. https://www.unodc.org/unodc/en/human-trafficking/Webstories2023/howcorruption-facilitates--fuels-and-fosters-human-trafficking.html

Varese, F. (2010). What is organized crime? In F. Varese (Ed.), *Organised crime: Critical concepts in criminology* (Vol. 1, pp. 1–33). Routledge.

The Criminalization of Knowledge

Trade Secrets Theft and Industrial Espionage in the EU

Alice Guerriero

Abstract — **This paper examines trade secret theft and industrial espionage in the European Union as part of the broader "criminalization of knowledge." It explores how trade secrets, central to innovation and competitiveness, have become key targets for cybercriminals, insiders, and state-linked actors. Industrial espionage operates through cyber-enabled attacks, misuse of legitimate access, and hybrid state-linked operations, often within transnational networks. While the EU has established protective measures through Directive (EU) 2016/943 and related cybersecurity rules, significant limitations remain, including fragmented criminal enforcement, reliance on civil remedies, and difficulties addressing cross-border digital threats. These gaps increase economic vulnerability, particularly in innovation-driven sectors and among SMEs, affecting growth, employment, and EU's strategic autonomy. Overall, the paper highlights the tension between treating knowledge as a protected asset and maintaining openness and innovation within the EU.**

I. INTRODUCTION

In today's global economy, companies invest in research and product development to gain a competitive advantage and rely on trade secrets and intellectual property to secure economic and strategic gains. Developments in digital technologies, such as big data and interconnected systems, have made it easier to collect and access large amounts of information, increasing competition and facilitating illicit practices such as industrial espionage and trade secrets theft (OECD, 2017, pp. 195–208, 245–269; European Commission, 2013a).

Industrial espionage is the covert acquisition of commercially valuable information, such as trade secrets, technological know-how, or strategic business data, through unauthorized or deceptive means to gain economic or competitive advantage. Under EU law, trade secrets are defined as information that is secret, has commercial value, and is subject to reasonable protection measures (Directive (EU) 2016/943, 2016, recitals 2–4). They may derive from research, innovation, or accumulated business experience, and are crucial assets for firms of all sizes, supporting both innovation and market competitiveness. Trade secret theft (misappropriation) occurs when such confidential information is acquired, used, or disclosed without authorization, whether through employees, business partners, AI systems, or cyber incidents. In this context, industrial espionage can be understood as the broader phenomenon, while the theft of trade secrets is the principal method of perpetration, criminalized within the EU framework.

The European Union is particularly exposed to these risks, as its innovation-driven economy, open markets, and strong digital connectivity both increase the value of proprietary information and make it more vulnerable to misappropriation.

As knowledge becomes an increasingly important target for criminal activity, it is essential to understand how trade secret theft and industrial espionage are addressed from a legal and criminal perspective. This paper, therefore, examines the extent to which these practices can be understood as forms of transnational organized crime within the European Union.

II. TRADE SECRETS AS STRATEGIC AND CRIMINAL TARGETS

Trade secrets are key assets for companies within the European Union. From a legal perspective, they fall within the broader field of intellectual property and refer to information such as formulas, processes, designs, methods, or compilations of data that are not generally known or easily accessible. Their value depends on remaining secret and on the implementation of reasonable measures to ensure confidentiality. These three elements, secrecy, commercial value, and reasonable protection are essential for information to qualify as a trade secret under the European Union Trade Secrets Directive (Directive (EU) 2016/943, 2016, Article 2(1)).

Trade secrets play a crucial economic role. They protect valuable business assets such as research data, manufacturing processes, and strategic know-how. They are essential for innovation, as firms rely on confidentiality to protect investments in research and development, particularly where patent protection is not suitable. By maintaining exclusive access to this information, companies can improve efficiency, reduce costs, and maintain a competitive advantage. This is especially important in innovation-driven sectors such as pharmaceuticals, technology, and advanced manufacturing, highlighting the importance of trade secrets for competitiveness of the EU (Directive (EU) 2016/943, 2016, recital 2).

Because of their high economic value, trade secrets are frequent targets for theft. Once misappropriated, this information can be exploited or sold, allowing competitors to gain rapid advantages while avoiding costly research and development. The increasing digitalization of business activities further heightens these risks, as data can be easily copied or transferred. In addition, access by employees or business partners can facilitate unauthorized disclosure (Directive (EU) 2016/943, 2016, recital 4; European Commission, 2013b). As a result, trade secrets have become a primary target for industrial espionage, and their theft can have immediate and serious consequences, since protection is lost once confidentiality is breached.

© 2026 Alice Guerriero. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

III. INDUSTRIAL ESPIONAGE AS TRANSNATIONAL ORGANIZED CRIME

Industrial espionage increasingly reflects the characteristics of transnational organized crime, particularly in its structure, methods, and objectives. Within the European Union, this phenomenon can be understood through the criteria established in Framework Decision 2008/841/JHA on organized crime (Council Framework Decision 2008/841/JHA, 2008).

In terms of structure, industrial espionage often involves organized groups composed of hackers, insiders, and intermediaries such as brokers or front companies. These actors do not necessarily operate within rigid hierarchies but rather as flexible and loosely organized networks. These activities also demonstrate continuity over time, as industrial espionage is rarely a one-off act. Instead, it typically involves repeated cyber intrusions or long-term infiltration strategies, particularly in the context of Advanced Persistent Threats (APTs).

As for their underlying motivation, a clear profit motive underpins these operations. Stolen trade secrets can be sold on illicit markets, transferred to competitors, or used to gain advantages by bypassing research and development costs. In some cases, particularly in state-linked operations, these activities also serve broader strategic and geopolitical objectives.

Finally, industrial espionage is inherently transnational in nature, as attacks are often carried out across borders using digital networks, making it difficult to identify those responsible and enforce the law. European companies are particularly exposed due to their global integration and technological competitiveness. As highlighted in Europol's Serious and Organized Crime Threat Assessment (Europol, 2025, pp. 38–41), cyber-enabled intellectual property theft is increasingly carried out by organized networks operating across jurisdictions. Consequently, industrial espionage should not be seen merely as corporate misconduct, but as part of a broader ecosystem of transnational organized crime that existing legal frameworks struggle to address effectively.

IV. INDUSTRIAL ESPIONAGE: MODUS OPERANDI

Industrial espionage can be carried out through different operational methods, primarily cyber-enabled and insider-enabled techniques. These methods may be employed by both private actors and state-linked operations, giving rise to hybrid forms of espionage that combine economic and geopolitical objectives.

A. Cyber-Enabled Industrial Espionage

In the digital-age, cyber-enabled industrial espionage has become one of the most prevalent and effective methods for the illicit acquisition of trade secrets. It refers to the use of computer networks to gain unauthorized access to confidential information held by companies or other organizations. Attackers typically target corporate databases, email systems, and cloud storage infrastructures to extract sensitive data. Common techniques include phishing, in which deceptive emails induce employees to reveal credentials or install malicious software, and malware attacks that infiltrate systems to enable data theft. Other methods, such as SQL injection, man-in-the-middle attacks, and the exploitation of weak security practices, further facilitate unauthorized access and interception of valuable information (Wangen, 2015, p. 183–211; Europol, 2025, pp. 38–41).

In more advanced cases, however, these techniques are combined in sophisticated operations known as Advanced Persistent Threats (APTs). These involve highly skilled actors conducting long-term, targeted intrusions, often remaining undetected within systems. APTs often begin with phishing, which allows attackers to install malware and gain hidden access to a system. From there, they can move through the network and gradually steal sensitive data, including trade secrets and R&D information. Unlike isolated cyberattacks, APTs are defined by their coordination, persistence, and strategic objectives. Recent reports have linked such operations to transnational actors, including Chinese-affiliated groups such as APT10 and APT41, as well as Russian cyber actors, which have been associated with targeting European companies and strategic sectors (European Union Agency for Cybersecurity [ENISA], 2025, pp. 28–35). This illustrates how cyber tools enable industrial espionage to operate at scale, increasing both the frequency and transnational nature of trade secret theft.

A relevant example is the APT29 cyber espionage campaigns targeting European COVID-19 vaccine research, formally attributed in July 2020 by the United Kingdom's National Cyber Security Centre (NCSC), the U.S. Cybersecurity and Infrastructure Security Agency (CISA), and the Canadian Centre for Cyber Security to the Russian Foreign Intelligence Service (SVR)-linked group APT29 (also known as "Cozy Bear"). Through phishing and malware attacks, the group gained unauthorized access to research institutions and pharmaceutical companies to extract sensitive scientific data. This case illustrates how cyber-enabled industrial espionage uses digital intrusion techniques to obtain high-value technological information (National Cyber Security Centre, 2020; Cybersecurity and Infrastructure Security Agency, 2020).

B. Insider-Enabled Industrial Espionage

Insider-enabled espionage represents a particularly significant form of industrial espionage, as it involves the misuse of legitimate access from within the organization rather than external intrusion. Unlike cyberattacks, it does not require hacking, as insiders can bypass security measures by operating within trusted roles, making such activities more difficult to detect and prove. These insiders may include malicious or discontent employees, careless staff, individuals placed within a company by competitors, or even trusted partners. In some cases, individuals are deliberately recruited or incentivized by competitors or foreign entities to disclose sensitive information, while in others, employees may inadvertently contribute to data breaches through negligence or social engineering.

In practice, insider espionage typically involves the misuse of authorized access to copy or transfer confidential information. Employees may download large volumes of data, store it on personal devices, or upload it to private email accounts or cloud platforms, often shortly before leaving the organization. Sensitive documents may

also be shared directly with third parties or retained and reused in subsequent employment, particularly in sectors such as pharmaceuticals and manufacturing. Low-tech methods, such as printing documents or photographing screens also show that espionage does not always rely on advanced tools. As a result, insider access transforms ordinary professional relationships into effective channels for the covert and systematic theft of trade secrets (European Union Agency for Cybersecurity [ENISA], 2025, p. 28–35).

A relevant example of insider-enabled industrial espionage is the 2019 Swedish espionage case involving a former consultant connected to Scania and Volvo. In 2021, the Stockholm District Court convicted the 47-year-old Swedish national of unlawfully transferring confidential vehicle design and truck technology information to a Russian diplomat in exchange for cash payments. The information was obtained through his legitimate professional access to internal company systems and commercially sensitive data. The case illustrates how insider-enabled industrial espionage often relies not on external cyber intrusions but on the misuse of trusted access by individuals operating within a company's professional environment (Reuters, 2021).

C. Hybrid or State-Linked Industrial Espionage

Hybrid or state-linked industrial espionage refers to forms of economic espionage conducted or supported by foreign governments, often in pursuit of both economic and strategic objectives. While cyber-enabled and insider-enabled techniques describe the main methods of information theft, in hybrid operations, these tools are coordinated by or on behalf of state actors, blurring the boundary between corporate competition and geopolitical strategy. Such activities typically involve intelligence services, military units, or proxies, such as contractors, front companies, or cybercriminal groups, tasked with acquiring sensitive information from foreign firms and research institutions.

These operations target high-value sectors, such as aerospace, defense, biotechnology, and advanced manufacturing, to accelerate technological development, reduce research and development costs, and strengthen national competitiveness. In practice, state-linked espionage often adopts a multi-vector approach, combining cyber intrusions, supply chain attacks, and insider recruitment or manipulation. Within the European Union, this threat is particularly significant due to the high concentration of innovation-driven industries and open economic structures. Reports have consistently highlighted the role of countries such as China and Russia in targeting European companies, seeking access to advanced technologies and strategic know-how. As a result, hybrid industrial espionage not only undermines the competitiveness of EU firms but also raises broader concerns for economic security and strategic autonomy (European Commission, 2013a; European Union Institute for Security Studies, 2015).

A significant example of state-linked industrial cyber espionage is the series of cyber intrusions targeting Airbus and its subcontractors in 2019. The attacks were allegedly linked to Chinese state-sponsored actors, particularly the APT10 hacking group, seeking to obtain sensitive aerospace and defense-related information, including data associated with the A400M military transport aircraft and the A350 commercial aircraft program. The Airbus case demonstrates how cyber operations are increasingly used as instruments of hybrid and economic warfare to acquire strategic industrial and technological knowledge from key European industries (CERT-EU, 2019).

Together, these forms of industrial espionage illustrate how the theft of trade secrets operates across multiple levels, from individual insiders to sophisticated transnational networks and state-sponsored operations.

V. LEGAL FRAMEWORKS AND THEIR LIMITS IN THE EU

The European Union has developed a legal framework to protect trade secrets and address industrial espionage, combining civil law instruments and cybersecurity legislation. A 2013 European Commission study identified fragmented protection across Member States as a significant weakness, leading to the adoption of Directive (EU) 2016/943 (European Commission, 2013a). This Directive establishes a common framework by defining trade secrets and harmonizing their protection, to support innovation and competitiveness. It provides civil remedies, including injunctions to stop unlawful use or disclosure, the withdrawal or destruction of infringing goods, provisional measures such as seizure, and damages. It also clarifies that unlawful acquisition includes unauthorized access, copying, or breach of confidentiality, while ensuring protection during legal proceedings (Directive (EU) 2016/943, 2016).

In parallel, Directive 2013/40/EU on attacks against information systems establishes criminal offences for cyber activities such as hacking, data interference, and system disruption (Directive 2013/40/EU, 2013). While relevant to cyber-enabled industrial espionage, it focuses on protecting information systems rather than the economic value of the data and does not specifically address trade secrets.

However, this framework has important limitations. The Trade Secrets Directive relies on civil enforcement and does not establish an EU-wide criminal offence, resulting in weak deterrence. Criminal sanctions remain fragmented across Member States, creating uneven protection and enforcement that can be exploited in cross-border cases. In addition, it is often difficult to prove trade secret theft, particularly when it comes to showing that the information was truly secret and properly protected, especially in cyber cases. More generally, existing rules are not well-suited to address the transnational and organized nature of modern industrial espionage, which operates across borders and evolves faster than legal frameworks.

VI. THE CRIMINALIZATION OF KNOWLEDGE AND ITS IMPLICATIONS IN THE EU

The growing importance of trade secrets reflects a broader shift towards treating knowledge as a form of property requiring strong legal protection. In this context, intellectual property frameworks have expanded across the European Union, particularly following Directive (EU) 2016/943 on the protection of undisclosed know-how and

business information. Criminal law is increasingly used to address the economic harm caused by the unlawful acquisition, use, or disclosure of commercially valuable information (Directive (EU) 2016/943, 2016). Trade secret theft is therefore no longer seen solely as a private dispute between companies, but increasingly as a matter of economic and, in some cases, national and strategic security. However, this development also raises concerns. The expansion of criminal law risks over-criminalization, potentially restricting labor mobility, limiting knowledge circulation between firms and sectors, and creating uncertainty for whistleblowers. As a result, a tension emerges between protecting confidential business information and preserving openness, competition, and innovation within the European Union's internal market.

These tensions have significant economic and strategic implications for the European Union. Trade secret theft and industrial espionage are estimated to cost up to €60 billion annually in lost economic growth and to result in hundreds of thousands of jobs affected across the EU (European Commission & PwC, 2018). The impact is particularly concentrated in innovation-driven economies and sectors, with manufacturing, ICT, finance, and health and medical technologies among the most exposed at the EU level. Small and medium-sized enterprises are especially vulnerable due to limited cybersecurity capacity and weaker legal protection mechanisms. Overall, studies suggest that a significant share of European companies have experienced some form of breach, with higher exposure reported in industrially advanced Member States such as Germany, France, Italy, and the Netherlands, reflecting Europe's strong research and development base and its attractiveness to foreign competitors (European Commission & PwC, 2018).

At the same time, industrial espionage undermines fair competition within the internal market by granting illicit advantages to firms or actors who obtain confidential information without investing in its development. This deepens asymmetries between companies, particularly where state-backed entities benefit from greater resources and coordinated access to sensitive industrial knowledge. At the firm level, the consequences are often irreversible. Unlike patents, trade secrets lose their protection once disclosed, meaning their economic value is permanently lost, often leading to reduced revenue, loss of competitive position, reputational harm, and market share decline (European Commission, 2013b, pp. 85–89). These risks are reinforced by difficulties in detection and cross-border enforcement within the EU. Taken together, industrial espionage not only harms individual firms but also weakens the Union's innovation capacity, economic resilience, and strategic autonomy.

VII. CONCLUSION

The analysis carried out in this paper indicates that the growing legal protection of trade secrets reflects a broader shift in the European Union towards treating knowledge as a core economic and strategic asset. In an innovation-driven and highly digitalized economy, where information can be easily accessed, copied, and transferred, trade secrets have become central to firms' competitiveness and to the EU's broader economic resilience. This explains why industrial espionage has evolved into a complex, multi-layered phenomenon, operating through cyber-enabled attacks, insider misuse, and hybrid state-linked operations that combine economic and geopolitical objectives.

While this evolution justifies the strengthening of legal and criminal responses, it also reveals an inherent tension within the EU framework. The move towards stronger criminalization responds to the scale, sophistication, and transnational nature of modern trade secret theft, but it also risks unintended consequences, including restrictions on labor mobility, reduced knowledge circulation, and legal uncertainty in innovation-intensive sectors. Industrial espionage, therefore, emerges as a persistent structural challenge at the intersection of economic protection, technological competition, and market openness.

Ultimately, the key challenge for EU law is not only to ensure effective enforcement against misappropriation, but also to preserve the delicate balance that allows innovation, openness, and competitiveness to coexist within the internal market.

REFERENCES

Organization for Economic Co-operation and Development. (2017). *OECD digital economy outlook 2017*. OECD Publishing. https://www.oecd.org/en/publications/oecd-digital-economy-outlook-2017_9789264276284-en.html

European Commission. (2013a). *Commission staff working document: Impact assessment accompanying the document proposal for a directive of the European Parliament and of the Council on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure* (SWD(2013) 471 final). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52013SC0471

European Union. (2016). *Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure*. Official Journal of the European Union, L 157, 1–18. https://eur-lex.europa.eu/eli/dir/2016/943/oj

European Commission. (2013b). *Study on trade secrets and confidential business information in the internal market*. https://ec.europa.eu/docsroom/documents/27703?locale=en

European Union. (2008). *Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime*. https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32008F0841

Europol. (2025). *EU serious and organised crime threat assessment (EU-SOCTA 2025): The changing DNA of serious and organised crime*. https://www.europol.europa.eu/cms/sites/default/files/documents/EU-SOCTA-2025.pdf

Wangen, G. (2015). The Role of Malware in Reported Cyber Espionage: A Review of the Impact and Mechanism. *Information*, *6*(2), 183-211. https://doi.org/10.3390/info6020183

European Union Agency for Cybersecurity (ENISA). (2025). *ENISA threat landscape 2025*. https://www.enisa.europa.eu/publications/enisa-threat-landscape-2025

National Cyber Security Centre. (2020, July 16). *Advisory: APT29 targets COVID-19 vaccine development*. https://www.ncsc.gov.uk/news/advisory-apt29-targets-covid-19-vaccine-development

Cybersecurity and Infrastructure Security Agency. (2020, July 16). *Advisory: APT29 targeting COVID-19 vaccine development*. https://media.defense.gov/2020/jul/16/2002457639/-1/-1/0/ncsc_apt29_advisory-quad-official-20200709-1810.pdf

Reuters. (2021, September 15). *Swedish court finds man guilty of spying for Russia at truckmaker Scania*. https://www.reuters.com/world/europe/swedish-court-finds-man-guilty-spying-russia-truckmaker-scania-2021-09-15/

European Union Institute for Security Studies. (2015). *The threat of state-sponsored industrial espionage*. European Union Institute for Security Studies. https://data.europa.eu/doi/10.2815/184955.

CERT-EU. (2019, September 27). *Airbus supply chain hacked in a cyberespionage campaign (Threat memo No. 190927-2).* https://cert.europa.eu/publications/threat-intelligence/threat-memo-190927-2/pdf

European Union. (2013). *Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA*. Official Journal of the European Union, L 218, 8–14. https://eur-lex.europa.eu/eli/dir/2013/40/oj

European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, & PricewaterhouseCoopers. (2018). *The scale and impact of industrial espionage and theft of trade secrets through cyber: Executive summary*. Publications Office of the European Union. https://data.europa.eu/doi/10.2873/528416

Avoiding Criminal Liability
The Exploitation of Minors and Youths by Swedish Gangs

Tilda Gustafsson

Abstract — **This paper explores the increasing involvement of children and young people in gang-related crime in Sweden and the challenges this creates for the Swedish legal system. In recent years, criminal gangs have increasingly recruited youths to commit serious offences, taking advantage of the fact that children under 15 cannot be held criminally liable and that older youths are entitled to lighter sentences. The paper examines the structure of Swedish street gangs, the social and economic factors that make young people vulnerable to recruitment, and the methods gangs use to attract and exploit minors. It also looks at the types of crimes committed by recruited youths, particularly drug offences and violent crimes such as shootings and murders. Finally, the paper analyzes recent and proposed legal reforms aimed at addressing youth gang crime and considers whether these measures can effectively reduce recruitment while remaining consistent with Sweden's traditional approach to criminal justice.**

I. INTRODUCTION AND BACKGROUND

During the past few years, Swedish authorities have noticed an increase in young people, aged 10-20, executing serious criminal offences on behalf of criminal organizations, so called street gangs (sw. *gatugäng,* hereafter referred to as 'gangs'). This is significant, as the age of the offenders creates a legal problem – these young people cannot be sentenced to prison according to the Swedish legal system. In other words, the gangs have found a loophole in the Swedish criminal justice system. (SOU 2024:30).

According to the Swedish criminal code (Brottsbalken 1962:700), persons under 15 years old cannot be held criminally liable for committing a crime (1 chapter 6 §). This paragraph constitutes one of the most important limits of criminal liability in the Swedish criminal justice system, and the one of focus in this paper. Offenders over the age of 15 but under the age of 21 are considered 'young offenders', and are most often sentenced to care, surveillance or youth service instead of prison (Brå 2023:13, Melander 2019). Young offenders can be divided into three groups; 1) under the age of criminal liability – under the age of 15, 2) criminally liable but minors – 15–17-year-olds, and 3) adults deemed as young offenders – 18–20-year-olds. All these groups are entitled to milder sentences.

A. Organized Crime in Sweden and Street Gangs

The network of organized crime in Sweden is big and complex – so to the point that the authorities have defined different organizations based on their structure, background, hierarchy and members. Out of these organizations, street gangs are one type. Street gangs are referred to as organizations attached to a specific suburb or neighborhood. The affected areas are usually associated with significant problems related to ethnic and economic segregation, high unemployment rates, low education rates and widespread health struggles. (Brå 2016:12, Saarholm & Turkka 2023).

The recruitment of youths into gangs in socially vulnerable areas can also be understood through the social disorganization theory. According to Shaw and McKay (1969), crime develops more easily in neighborhoods characterized by poverty, residential instability and weakened social institutions. Many of the areas described by Swedish authorities as vulnerable areas share these characteristics, including segregation, unemployment and low trust in public institutions. This helps explain why gangs can establish strong local influence and recruit young people more easily.

The structure of street gangs is not as rigid as of other criminal organizations: the organization often originates from family members or a group of friends. Since the structure isn't rigidly defined, it can change rapidly, especially when it comes to members at the outskirts of the gang. It is furthermore common that the gang has been created with a clearly defined territorial claim: the neighborhood or the blocks where the founding members live. As the gang grows, the territorial claim becomes muddled. These types of criminal organizations used to specialize in drug trafficking, burglary and theft, but over the years they have started committing more violent crimes, and especially street shootings between gangs have become a growing problem in large cities. (SOU 2014:63).

II. RECRUITMENT

A. Why do Youths Join Gangs?

The use of youth in gangs can be seen as beneficial for both the youth and the gang for economic and safety reasons. Members of gangs require youths to promote their careers. Youths are usually recruited by the gang, but may also join on their own initiative. Many of the children that join gangs already have a criminal background, and explain that being part of a gang ensures protection from aggressive criminals that wanted revenge for a crime gone wrong or tricking the wrong people in the past. Another important reason for joining a gang is the desire to escape alienation, destructive family situations and struggles in school. Current and previous gang members have shared that they came from difficult family backgrounds, where the parents struggled with substance abuse, mental illness or war trauma, and the children were subjected to abuse. A large portion of the interviewed grew up with absent fathers and lots of siblings without sufficient supervision.

© 2026 Tilda Gustafsson. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

These factors created a need for validation that the gangs could provide. (Brå 2023:13, Brå 2024:7).

In Sweden and the rest of the Nordic countries, authorities especially focus on successfully integrating children of foreign backgrounds into society, as there has been a history of children with foreign backgrounds joining gangs. This is especially due to isolation, loneliness and a lack of cultural similarities. The gangs create a community and a context for young people who don't feel at home in their own country. However, it is important to note that children from all backgrounds participate in criminal activities. (Saarholm & Turkka, 2023).

B. Courting

Most youths are handpicked and courted by the gangs. The courted minors usually already have some connection with the gang to minimize the risks introducing a new member entail. These connections can be one of following: the person a) has already committed a crime for the gang, b) lives or spends a lot of time on the territorial claim of the gang, and c) is related to a gang member. It's not uncommon that a recruit lives up to all the above-mentioned criteria.

The gangs also use chats on social media and other digital platforms to court youths from other cities or neighborhoods. (Brå 2023:13). To build a connection to the kids from their neighborhood, they focus on being an active part of the community – they help their neighbors, play with the kids and give them expensive gifts. This creates an image of them as safe, helpful and friendly, and the fact that gangs are visible in daily life in certain neighborhoods normalizes their actions, especially in the eyes of young people. (Brå 2023:21).

The recruitment methods used by gangs also reflect social learning theory. Krohn, Lizotte and Hall (2009) argue that criminal behavior is learned through interaction with peers and through rewards such as status, money and social acceptance. This is reflected in how Swedish gangs present a glamorous lifestyle on social media and within local communities, making gang membership appear desirable to vulnerable youths.

Even if the recruit can understand the implications of a specific crime, for example selling narcotics, in most cases, he does not have the capacity to understand what joining a gang entails. The lack of information mainly applies to the almost non-existent possibility of leaving a gang, as well as the scope of his right to self-determination as a member. The recruiter is aware of this and uses it to his advantage.

Research conducted by the crime prevention council (Brottsföreyggande rådet, Brå) reveals that some children get in contact with gangs through residential placements or visits to institutions, such as special homes for young people provided by the National Board of Institutional Care, SiS, (SiS-homes) or homes for care or residence (HVB-homes). Through these channels gangs find and court vulnerable children and youths. (Brå 2024:7).

C. The use of force

Although youths join gangs voluntarily or because of courting, it is also not uncommon that the gangs use force or threats to get them to join the gang. The recruiter might give the youth a task he knows is impossible to complete to create leverage over the youth. 'Wrong' or unfavorable behavior, as well as caused damage, can lead to fines for the youth. These must be paid back by helpful behavior towards the recruiter and committing further crimes, which forces the youth to continue working for the gang. (Brå 2023:12). The gangs use violence and threats of violence to build a culture of violence, often with the help of illegal weapons. This creates a reputation of danger which makes it easier to manipulate and take advantage of people that fear the gang in question.

III. TYPES OF CRIMES

According to recent crime statistics, the number of children and youths involved in serious crimes has increased. For example, children under 15 and minors are increasingly suspected of committing weapons offences, drug crimes, blackmail and fraud. The number of youths in the ages of 15-20 that are suspected of murder of male victims has significantly increased during the years 2021-2022, and more than half of the suspects of murder are under the age of 21. (SOU 2024:30). The severity of the crimes that the youth is tasked with committing depends on the relationship with the recruiter. (Brå 2023:13).

A. Drug Crimes

Children and youths involved in gangs commit many different crimes and are utilized in everything from violent crimes to property crimes. However, the most important type of crime is drug related crimes, which usually is the primary operation of the gang. Youths are used as errand boys, and are normally tasked with transporting, stashing and selling the drugs. (Brå 2023:12). The number of second-degree drug crimes (felonies) committed by young offenders has increased in the last ten years, from 0.8 per 100 000 children to 2.3 per 100 000 children. (SOU 2025:11).

B. Violent Crimes

Except for the main business of drug crimes, the youths commit other crimes on behalf of older gang members. Children and young offenders are, for example, asked to hide weapons at home, to transport weapons and to carry them for older members when moving around outside. Violent crimes are often delegated to young gang members by gang leaders, and these crimes include shootings, threats, blackmail, assault and debt collection, among others. (Brå 2023:13). It is beneficial for the gangs to commission youths and children into murder as they don't require economic compensation to the same extent as adult members. The goal for the young member is instead to be seen as trustworthy and to move up the ranks. (SOU 2021:68).

Regarding second-degree shootings, the number of young offenders has increased. In relation to the population, children charged with second degree shootings were on average 1.5 per 100 000 children during the years 2017-2020. In the following period, 2021-2023, the number had increased as much as to 7.4 per 100 000 children. During the late 2010s, younger people started getting involved in serious violent crimes, and the victims of shootings, both injured and deceased, became younger

and lacked the extensive criminal backgrounds of previous victims. The character of death shootings has changed at the same time as offenders become younger. Committing a shooting is no longer a way to gain status within the gangs but rather considered a low status task that higher ups in the gangs don't want to deal with (Brå 2024:7).

The number of charges on the count of murder has also significantly increased over the years. During the years 2014-2018 the rate was 1.7 charges per 100 000 children, and during the years 2019-2023 the same number has increased to 5.3 per 100 000 children. It is, however, to be noted that most of the charges were regarding attempt and preparation, not actually an accomplished crime. (SOU 2025:11).

C. Crimes Committed by Offenders Under the Age of 15

It is difficult to establish patterns in types of crimes committed for offenders under the age of 15. This is because they are under the age of criminal liability and therefore the crimes are not accounted for in the same way as for offenders above the age of criminal liability. About half of the reported crimes with offenders under the age of 15 were assaults, with almost no cases of second-degree assault. Second most common were unlawful threats and harassments.

IV. DEVELOPMENT

The discussion about gangs and the recruitment and exploitation of children and youths has been lively in Sweden during the past few years and is still ongoing. Last year, 2025, the law about young offenders was updated to better deal with the growing problem of offenders under the age of 18 and under the age of criminal liability. The law applies to offenders under the age of 18 and includes a special chapter on offenders under the age of 15. (Ds 2025:4).

In 2021, the Swedish criminal code was changed to better fit the current criminal climate of aggressive criminal gangs that largely have taken over the criminal market in Sweden. One of the important changes to the law was the introduction of provision 5 a § in chapter 16, which stipulates that a person who recruits, hands over property, pays, instructs or in other similar ways involves a person under 18 in a crime or other criminal activity shall be sentenced to a maximum of four years in prison for involving a minor in criminal activity. Before this there was no provision on recruiting and actively involving minors in criminal activity. (SOU 2021:68).

To deal with the problem of young offenders getting milder sentences due to the current rules on criminal liability, further changes to the criminal code have been proposed. According to the proposal, a person of the age of fourteen can be tried if 1) the crime committed is punishable by no less than four years' imprisonment, or 2) the offence constitutes an attempt, preparation or conspiracy to commit an offence of the type described in 1). The provision is supposed to come into force on the 1st of July 2031. Whether the provision will have any effect on the nature of gang crimes committed by children under the age of 15 remains to be seen. (SOU 2025:11).

Further work has been done to deal with the problem of crimes related to gangs. For example, another update to the law about young offenders is proposed to change the measures the police are allowed to take when suspecting that a minor under the age of 15 has committed a crime. This includes covert interception of electronic communications, covert monitoring of electronic communications and covert CCTV surveillance. These covert investigative measures are allowed when the child is suspected of participating in a criminal organization or associating with a criminal organization. (SOU 2026:13). New provisions on what the police and prosecutor are allowed to do during the investigation and how they can utilize detention, interrogation as well as the use of covert investigative measures when it comes to offenders under the age of 18 and 15 have been included in the criminal code, the law about young offenders and the procedural code alongside many special laws. These changes will come into force in stages during the years 2026-2031. (SOU 2024:93).

Furthermore, the government has commissioned Kriminalvården, the authority in charge of prisons, detention centers and the probation service, with preparing the constitution of special units for offenders between the ages 15-17 in prisons and detention centers. The aim is to promote the social and educational development of young offenders in an environment that is safe for staff and detainees. The units are supposed to be taken into use by the 1st of July 2026. The units will replace the current system of placements at SiS homes run by the Swedish National Board of Institutional Care (Statens institutitonsstyrelse). (Ju2023/02157). As noted, children may be recruited through connections they get at SiS homes and equivalent institutions, which means that this change could have a positive effect on the number of troubled children that are recruited to gangs via these channels. However, the new system somewhat deviates from the former stringent stance that youths should be sentenced to care rather than prison-like sentences, which begs the question, whether these new facilities align with the liberal legal doctrine on criminal law that has ruled in Sweden for many years.

Globally, the European Crime Prevention Network (EUCPN) has presented three scientifically proven effective strategies to prevent and reduce crimes committed by gangs. The first strategy focuses on reducing the recruitment of young people, the second strategy focuses on preventing young members from committing violent acts, and the third strategy focuses on supporting members who want to leave or have left a gang. (Saarholm & Turkka 2023). The development in Sweden can be considered as a step in the right direction, especially when it comes to the first strategy, but the second and third strategies still need to be better implemented.

V. CONCLUSION

The use of minors and youths by criminal gangs in Sweden is a broad and multifaceted problem. Swedish authorities have put a lot of resources on updating laws and the penalty system to tackle the ever-growing problem of gang crime. So far none of the updated laws mentioned have come into force. They can however already be deemed as a sign of positive development, for example

focusing on creating safe spaces for kids at the risk of being recruited, to prevent them from falling victim to courting. The penalization of recruiting minors to commit crimes is an especially good update, which also aligns with the first strategy presented by the EUCPN. Criminalizing the act of recruitment might make the gangs more cautious. However, the second and third strategies haven't really been considered enough in the legal updates. The second strategy is mainly reflected in the update to the criminal code, which allows sentencing a person of the age of fourteen if the crime committed or attempted, prepared or conspired to commit would lead to minimum four years in prison. Whether stronger punishments are the way to go can be and has been heavily debated, especially regarding children, and it is uncertain whether this update will yield the desired results. The third strategy isn't mentioned at all in the updated legal texts and needs to be included in the work of the authorities.

Whether the proposed legal updates will have any effect on the system, or whether the gangs will find new loopholes, remains to be seen. How far the Swedish legal system is willing to stretch away from its previous core principles of criminal law and liability to tackle these problems is also a major question for the future.

REFERENCES

Brottsförebyggande rådet. (2016). *Kriminella nätverk och grupperingar: Polisens bild av maktstrukturer och marknader* (Brå 2016:12).

Brottsförebyggande rådet. (2023). *Barn och unga i kriminella nätverk: En studie av inträde, brott, villkor och utträde* (Brå 2023:13).

Brottsförebyggande rådet. (2024). *Ökningen av skjutvapenvåld i Sverige: En studie av skjutvapenvåldets utveckling i kriminell miljö sedan mitten av 00-talet* (Brå 2024:7).

Justitiedepartementet. (2023). *Uppdrag att förbereda inrättandet av särskilda enheter för unga i åldern 15–17 år inom Kriminalvården* (Ju2023/02157).

Krohn, M. D., Lizotte, A. J. & Hall, G. P. (Ed.). (2009). *Handbook on crime and deviance*. Springer.

Melander, S. (2019). *Allmänna förutsättningar för straffansvar*. University of Helsinki Digital Repository HELDA.

Regeringskansliet, Justitiedepartementet. (2025). *En ny lag om unga lagöverträdare* (Ds 2025:4).

Saarholm, J., & Turkka, H. (Ed.). (2023). *Lasten ja nuorten rikokset: Opas ennaltaehkäisyyn ja rikoskierteiden katkaisuun*. PS-kustannus & Santalahti-kustannus.

Shaw, C. R., & McKay, H. D. (1969). *Juvenile delinquency and urban areas* (2nd ed.). University of Chicago Press.

Statens offentliga utredningar. (2014). *Organiserad brottslighet – förfälts- och underlåtenhetsansvar, kvalifikationsgrunder m.m.* (SOU 2014:63).

Statens offentliga utredningar. (2021). *Skärpta straff för brott i kriminella nätverk* (SOU 2021:68).

Statens offentliga utredningar. (2024). *En statlig ordning med brottsförebyggande åtgärder för barn och unga* (SOU 2024:30).

Statens offentliga utredningar. (2024). *Effektivare verktyg för att bekämpa brott av unga lagöverträdare* (SOU 2024:93).

Statens offentliga utredningar. (2025). *Straffbarhetsåldern* (SOU 2025:11).

Statens offentliga utredningar. (2026). *Straffansvar för deltagande i och samröre med kriminella sammanslutningar* (SOU 2026:13).

Clan Criminality in Germany

The Issue of Clan Criminality in Germany and its Portrayal in the Media

Lena Janhoff

Abstract — **In recent years, clans, and in particular clan criminality, have frequently been a topic of discussion in the German media. This paper aims to analyze the relationship between the actual extent of clan criminality in Germany and how it's portrayed in the media. In order to be able to understand this relationship, the terms "clans" and "clan criminality" are defined, as well as their relationship. Even though there is a connection between the two, it is important to recognize that not all clan members are engaged in criminal activities and clans are not inherently criminal organizations. Qualitative research for this paper revealed that the extent of clan criminality in Germany is exaggerated in the media. Although clan criminality is a significant issue and the most prevalent form of organized crime in Germany, the media still tends to disproportionally focus on the topic.**

I. INTRODUCTION

The terms clans and clan criminality are widely recognized and familiar in Germany. That is partly due to the German media frequently discussing these topics, especially in recent years. The Dresden Green Vault heist and the Berlin Bode Museum heist are two crimes that have received extensive attention by the German media. The main reason for this is the involvement of clan members in both crimes. Given how frequently the media focuses on these topics, it seems as though clans and clan criminality are one of Germany's biggest issues and security risks.

This paper aims to examine the extent of clan criminality in Germany, and to determine whether it is as significant an issue as the media portrays, or whether the threat it poses is exaggerated. To achieve this, the terms clan, clan criminality and their connection need to be examined as well as the current situation regarding clan criminality in Germany and its portrayal in the media.

II. CLANS AND CLAN CRIMINALITY

A. Definition Of the Term Clan and Clan Criminality

The term clan is very difficult to define, as a uniform and clear definition has yet to be established (Wollinger, 2025). Furthermore, the term clan is associated with several meanings. It is used to describe both family structures, as well as groups carrying out criminal activities (von Lampe, 2022). It is important to distinguish between these two meanings, since not all clans and not all clan members engage in criminal activities.

However, there have been several attempts to define the term clan. One widely accepted definition among the police in most German states of the term clan, describes them as "informal social organizations defined by a shared sense of descent among its members […] characterized by a hierarchal structure, a strong sense of belonging, and a common system of norms and values" (Wollinger, 2025, p. 5). Members of clans come to a similar conclusion in a self-assessment. They describe clans as "family associations that […] share a homogenous culture, common traditions and roots, their own dialect and a special social cohesion" (von Lampe, 2025, p.49). Another common feature of many, but not all clans, is their refusal to integrate into the German culture and legal systems. Instead, they mainly keep to themselves and exclude themselves from German society voluntarily (von Lampe, 2025).

The fact that a uniform definition still does not exist to this day, can be traced back to the complexity of the topic, which is often disregarded (Jaraba & Rohe, 2025). Most definitions are established based on the presumption that clans have a clear hierarchical structure and centralized leadership, as demonstrated by the definition agreed upon by the German police in most states. However, this is not always the case. The reality is much more complex and intricate than that, as illustrated by an interview with a clan member who did not reference a hierarchical structure in his understanding of a clan at all.

A similar issue arises when attempting to define the term clan criminality. One general definition describes it as criminal activities carried out by groups or individuals from an Arabic descent, mainly from Turkey or Lebanon (Wollinger, 2025). The German police has attempted to define the term on multiple occasions, coming up with various definitions that all share the same understanding of clan criminality as "crimes committed within immigrant communities that are linked by kinship and held together by family ties and networks […] have a common ethnic origin and a patriarchal-hierarchical structure in which conflicts are mediated internally by family elders" (Jaraba, 2023, p. 87). The term has frequently been criticized for being discriminatory and oversimplifying what is a quite broad and complex topic (Wollinger, 2025). One of the reasons for this is the fact that it predominantly refers to crimes committed by members of Arab families, which leads to negative repercussions for these families (Jaraba, 2023). This is not the case for other criminal organizations, such as the Russian or Italian mafia. Even though they rely on similar structures and connections, they are not referred to as clans or as engaging in clan criminality and therefore often do not face the same negative repercussions associated with the two terms.

B. Connection Between Clans and Clan Criminality

As already mentioned above, it is important to distinguish between the two terms clans and clan criminality. Equating family structures with criminal organizations does not accurately reflect the reality, as not all clan members commit crimes, and not all criminal behavior attributed to clans is carried out solely by clan members (von Lampe, 2022). Furthermore, clan criminality does not look the

© 2026 Lena Janhoff. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

same in all cases (Wollinger, 2025). Instead, it varies between clans, ranging from ordinary crime to organized crime, which may be carried out either individually or collectively.

The connection between the two terms is quite controversial and difficult to establish (von Lampe, 2025). Three different assumptions about this connection are prevalent in academic literature. The first assumption is that clans are families that act together as criminal organizations and commit crimes together as a group. The second theory is that clans are families that provide the structure and organization that enable a few members to commit crimes, but the majority of the members do not incite or support those activities. The third theory suggests that there is almost no connection between clans and criminal activity, rather, clans are families that aim to prevent members from carrying out criminal activities.

The reality lies somewhere in between, depending on the individual clan (von Lampe, 2022). Most of the time, it is only individual clan members who carry out criminal activities, detached from the clan structure. Additionally, the clan itself usually looks down on and condemns its criminal members, demanding them to stop and be held accountable by the state. Interviews with clan members revealed that there are stark differences in their opinion on clans and clan criminality (Jaraba, 2023). Some view it as their profession, while others reject the idea of equating clans with clan criminality and criticize clan members who carry out criminal activities. Most clans are also divided into sub-clans, with non-criminal members separating themselves from those members that commit crimes. However, the fact that they all share the same surname and occasionally attend the same family functions, such as funerals or weddings, leads to the public viewing them as one big clan.

III. CLANS AND CLAN CRIMINALITY IN GERMANY

A. Historical Development

The existence of clans can be traced back to the period of migration to Germany from the 1970s to the 1990s. In this period most clans immigrated to Germany, primarily from Turkey and Lebanon (Lauber, 2025). However, this immigration story into the German society is not entirely successful.

The German policy has always been negatively stigmatized towards immigrants and xenophobia and anti-foreigner sentiments have and continue to be part of the German society's attitude towards immigration (Lauber, 2025). The fact that many non-European migrants were seeking asylum during the Lebanese civil war, did not help the debate at all. Instead, it reinforced the idea that Germany had reached its maximum capacity for foreigners and immigrants. By the end of 1998, 54,074 Lebanese migrants were living in Germany, many of whom were not granted a residence permit.

The integration process was not made easy for asylum seekers (Lauber, 2025). At that time, work permit laws changed frequently. In 1980, asylum seekers were not permitted to work for the first five years of their stay in Germany, exacerbating stereotypes about their exploitation of the country's social system. Furthermore, the integration of children of asylum seekers into the German education system was also rather unsuccessful. Around 20% of all school-aged children of asylum seekers were not attending school at all, and over 50% did not graduate from secondary school. Immigrants and asylum seekers also struggled to find housing in Germany. They were often not granted housing in areas other than those already associated with high concentrations of foreigners, which furthered their social exclusion and hindered their integration. These facts all show that the integration of asylum seekers cannot be regarded as a success. Instead, German policies conveyed the message, that foreigners were not welcome and were excluded from social life. This has contributed to the existence of clans and clan criminality.

According to several interviews with clan members, the origins of clan criminality after the migration to Germany in the 1980s consisted of simple theft (Jaraba, 2023). Later, this expanded to include fraud, extortion, drug trafficking, money laundering and robbery. However, these crimes were rare and were usually carried out by small groups. They can be traced back to clan members being refused asylum and not being permitted to work but still needing to provide financial stability for their families. The fall of the Berlin Wall in 1989 led to an increase in criminal activity and drug trafficking, which in turn led to many clans seizing the opportunity to extend and professionalize their criminal activities, resulting in the clans, or rather fractions of clans, that we know today.

B. Current Situation

It is impossible to say with absolute certainty how many clans exist in Germany, how many members they have, or where exactly they are located (von Lampe, 2025). However, it is assumed, that the amount of Arabic speaking clans stays in the lower three digits, with the largest of them having mid to upper four digit members. As previously mentioned, not all clans or clan members are involved with criminal activities. Recent studies show that only 10-50% of all clan members have been connected to criminal activities, either as suspects of crimes registered by the police or as subjects of a criminal investigation. This figure does not fully reflect the reality, as crimes committed by people with a migration background are more likely to be reported by either the victim or a witness.

Reports about clans carrying out crimes typically classified as organized crimes, such as extortion, are rare (von Lampe, 2025). In 2022, 15 cases of typical organized crimes carried out by clans were reported in Lower Saxony, and 24 cases were reported in North Rhine-Westphalia. However, severe cases of clan criminality do exist. Examples include street shootings and the heist of the Saxonian crown jewels from the Green Vault museum in Dresden in 2019, which was carried out by members of the Remmo-clan. A report from the Bundeskriminalamt, which is the Federal Criminal Police Office of Germany, revealed that, in 2024 36 clans were engaged in criminal activities (Bundeskriminalamt, 2026). In 16 out of 36 cases, the criminal activities were drug related, which makes that field of crime, the field clans were the most engaged in. Other criminal activities in which the clans were involved include crimes related to economic activity and smuggling-related crimes. While clans are indeed the biggest part of organized crime in Germany, other criminal organizations

exist as well and are also active in areas such as drug- or smuggling-related crime.

IV. MEDIA DISCOURSE

Recently, the German media has been focusing strongly on the topics of clans and clan criminality (Wollinger, 2025). Discourse on these topics increased significantly after the German newspaper Der Spiegel aired several documentaries starting in 2015, about Arab clans and their crimes. Numerous books, newspaper articles and other pieces of media on that particular topic have been published since.

Even though clan criminality is an issue in Germany, with members of clans carrying out crimes such as the Green Vault heist in Dresden and the theft of gold coins from the Berlin Bode Museum, the media tends to exaggerate this issue by focusing on it disproportionately (Jaraba, 2023). Additionally, the media often portrays clans as criminal organizations with strong hierarchies that collectively carry out criminal activities for their economic benefit (von Lampe, 2022). The media portrays clans like the Miri, Remmo and Abou-Chaker clans, who are of Lebanese and Palestinian decent, exclusively as Arab clans (Özvatan et al., 2023). These Arab clans are then villainized, while the German population is portrayed as either victims or the heroes standing up to them. In addition to that, the media constantly pushes the narrative that immigration from Arab countries to Germany is one of the country's biggest issues. According to the media, these immigrations need to be stopped in order to return to what they portray as a pure and moral past of the German society. This contributes to the idea that clans and clan criminality are the same topic, as well as reinforcing the hatred and stereotypes surrounding Arab immigrants.

The German media's intense focus on clan criminality led to the topic becoming more politically charged (Wollinger, 2025). An example of that is the coalition agreement of North Rhine-Westphalia in 2017, which declared clan criminality as a key issue. Germany's far-right party, the Alternative für Deutschland (AfD), has focused particularly on this issue, framing it as a security issue that needs to be prioritized. Additionally, political debates focus on the typical gender roles and culture of Arab clans, because they help frame the clans as evil (Özvatan et al., 2023). This is done by stating that daughters born into the clans and into Arab families in general, are helpless and at the mercy of their male relatives, who are said to be sexist, violent and criminal.

In addition to the media's tendency to exaggerate, oversimplify and stereotype the issue, many recent publications dealing with clans and clan criminality perpetuate this narrative instead of attempting to understand the root of the problem and examining it from a nuanced perspective (Jaraba, 2023).

V. CONCLUSION

To conclude, clans have existed in Germany for a long time. Since the period of migration in the 1970s to the 1990s took place, Lebanese and Turkish people have lived in Germany. They were treated unfairly and unkindly after their arrival. For example, just as all other immigrants, they were not permitted to work for the first few years after their arrival and were not able to live in areas other than those already associated with immigrants. This pushed them towards crime in order to be able to secure financial stability for their families. While clan criminality developed slowly and started with ordinary thefts, it slowly developed into the situation we know today. Clans currently make up the largest part of organized crime in Germany. However, it is important to consider the situation not solely from a one-sided and stereotypical perspective but instead to look at it from a differentiated point of view and take into account the multiple layers and diverse nature of clans. Other criminal organizations exist and not all clan members or clans are involved in criminal activities. The German media, however, likes to portray all clans as criminal organizations and as evil and villainous. They tend to disproportionately focus on clan-related crimes compared to other organized crime groups, repeatedly discussing the issue and framing it as one of Germany's biggest security issues.

While it is indeed a topic worthy of discussion, the media's tone and intensity when discussing the topic, is exaggerated. The majority of the reports and other pieces of media do not investigate the clans themselves. Instead, they perpetuate a stereotypical image of them, which only worsens the situation for everyone involved. A better approach to the issue of clans and clan criminality, would be to examine the origins of them and to differentiate between the criminal members and the non-criminal members, when reporting on clan criminality.

REFERENCES

Bundeskriminalamt. (2026). Bundeslagebild Organisierte Kriminalität. Bundeskriminalamt. https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/OrganisierteKriminalitaet/organisierteKriminalitaetBundeslagebild2024.html?nn=27988

Jaraba, M. (2023). "Clan Crime" in Germany: Migration Politics, Socio-Economic Conditions, and Intergenerational Transmission of Criminal Behavior. In H. Nelen, & D. Siegel (Eds.), Organized Crime in the 21st Century: Motivations, Opportunities, and Constraints (pp. 85-101). Springer. https://doi.org/10.1007/978-3-031-21576-6

Jaraba, M., & Rohe, M. (2025). Criminal Networks and Family Ties: Understanding the "Dynamics of Clan Crime" in al-Rāshidīyah. In A. Wollinger (Eds.), Critical analyses of so-called "clan crime": Phenomenological observations and the constitution of a social problem (pp. 139-155), Springer. https://doi.org/10.1007/978-3-658-48865-9

Lauber, K. (2025). The Development of Clan Crime as a History of (West) German Immigration Law. Considerations on Temporary Social Integration. In A. Wollinger (Eds.), Critical analyses of so-called "clan crime": Phenomenological observations and the constitution of a social problem (pp. 117-136), Springer. https://doi.org/10.1007/978-3-658-48865-9

Özvatan, Ö., Neuhauser, B., & Yurdakul, G. (2023). The "Arab Clans" Discourse: Narrating Racialization, Kinship, and Crime in the German Media. Social Sciences, 12(24), https://doi.org/10.3390/socsci12020104

Von Lampe, K. (2022). "Clans", "Clankriminalität" und "organisierte Kriminalität" – Eine Betrachtung aus Sicht der internationalen OK-Forschung. Forschungsinstitut für öffentliche und private Sicherheit Digital der Hochschule für Wissenschaft für Wirtschaft und Recht Berlin, 9. https://doi.org/10.4393/opushwr-3853

Von Lampe, K. (2025). The Complexity of the Relationships between "Clans" and Crime: Four Scenarios. In A. Wollinger (Eds.), Critical analyses of so-called "clan crime": Phenomenological observations and the constitution of a social problem (pp. 47-73), Springer. https://doi.org/10.1007/978-3-658-48865-9

Wollinger, A. (2025). A Contested Subject in the Tension Between Scientific Knowledge and Discursively Disseminated Assumption. In A. Wollinger (Eds.), Critical analyses of so-called "clan crime": Phenomenological observations and the constitution of a social problem (pp. 3-18), Springer. https://doi.org/10.1007/978-3-658-48865-9

Transnational bride trafficking to China

A peculiar phenomenon rooted in History and Culture within Asia

Chen Chen Ji

Abstract — **This paper provides an overview of the phenomenon and of the distinct characteristics of bride trafficking within the realm of human trafficking in China. It analyses the different historic, cultural, and socio-economic conditions that have led and fostered such practice, taking into consideration different transnational borders, the perspectives of the different actors involved in bride trafficking, and the role of a patriarchal understanding of marriage; it follows a case study on the China-Vietnam border to make a distinction between bride and sex trafficking; and finally, the paper presents some considerations on the effectiveness of enforcement of the present legal frameworks.**

I. INTRODUCTION

According to the World Report 2019 (Human Rights Watch, 2019) China is the nation with the largest number of trafficked victims around the world due to its huge population; women are the most impacted.

The trafficking for marriage has a long history in China; it was stamped out in the 1950s following the Communist Party's plans for the emancipation of women. However, due to substantial socio-economic transformations, the trafficking of women for marriage re-emerged in the 1980s and continues today, notwithstanding domestic and international joint efforts to eradicate it (Zhao, 2003).

The bride trafficking phenomenon is an underresearched topic within criminal literature, and it has yet to produce systematic studies, which are necessary to better understand the reasons why it happens, how to fight against it, and how to better provide for the needs of bride trafficking victims. This paper seeks to provide an overview of what bride trafficking is, what the characteristics that distinguish it from other forms of exploitation are, and an analysis of the historic, cultural, and socio-economic conditions that have fostered the development and re-emergence of the phenomenon of bride trafficking across Chinese borders, focusing on the role of a patriarchal understanding of marriage. It considers the perspectives of the actors involved, such as the female victims, the male buyers, and it analyses the role of middlemen, traffickers, and organised crime groups in sustaining the criminal activity. The paper also provides a case study following Liang (2023)'s study of the China-Vietnam border to distinguish between bride and sexual trafficking, providing an account of women's abusive experience within their coercive marriage situation. Finally, it briefly touches upon the legal framework under which bride trafficking operates and its effectiveness in fighting against the criminal activity.

II. DEFINING BRIDE TRAFFICKING

© 2026 Chen Chen Ji. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), also known as the Trafficking Protocol or Palermo Protocol, creates an international standard for States to pass legislation on human trafficking and what constitutes the global crime of human trafficking (Hackney, 2015). Under article 3(a), titled 'use of Terms', the Trafficking Protocol includes the forms of exploitation and violence that victims of bride trafficking are subject to, such as 'sexual exploitation, forced labour or services, slavery or practices similar to slavery'; in 2008 the People's Republic of China has responded to growing concerns over human trafficking by establishing a National Action Plan and by concluding bilateral Memorandums of Understandings with bordering countries. However, neither the Trafficking Protocol nor China's laws provide for effective normative tools to prevent bride trafficking (Hackney, 2015; Lhomme et al., 2021).

There is no universal definition of bride trafficking. For this paper, it shall be defined as 'the illegal trade and transportation of commodified women for the purpose of marriage which can generate tangible and intangible benefits to the buyers, traffickers and/or others.'(Hung, 2023; Wei et al., 2025). Bride trafficking sells women for the purpose of fulfilling the 'need of male buyers to arrange a wife who can function as a sex object, a birth-giving machine, and a domestic worker' (Lhomme et al., 2021).

III. MARRIAGE IN CHINESE CULTURE AND SOCIO-ECONOMIC CONDITIONS THAT FOSTER BRIDE TRAFFICKING

A local society's culture and norms on marriage, usually rooted in patriarchy, may facilitate and even promote exploitation in the form of marriage trafficking.

In Chinese culture, marriage is not an affair limited to two individuals; it involves whole families and is a matter at the very foundation of the social structure. Thus, it carries heavy responsibilities and family expectations. By contextualising bride trafficking in most Asian cultures, we find a deep relationship with forced marriage and arranged marriage, which are connected to the tradition of matchmaking (Lhomme et al., 2021).

Today in People's Park, Shanghai, one can often find parents trying to find suitable partners for their children. For that purpose, especially for those seeking a bride for their sons, demonstrating a high pedigree and financial stability is fundamental to a successful 'match.'

A. Demand and Supply

The 1978 Chinese 'one child policy' produced a sex ratio imbalance among the population. This was due to families'

preference for a son who would continue the family name and legacy, which has led to widespread selective abortions of girls (Lhomme et al., 2021).

Males' families are required by culture to pay an extraordinary 'bride price', also called 'bridewealth', to compensate females' families for raising a daughter who will be married off to another family (Zhao, 2003). Not all men can afford such expenses; some subsequently turn to cheaper options, and this has fostered illegal trafficking businesses across borders (Hung, 2023; Qiu et al., 2019). Female victims from neighbouring countries with lower economic development, from poorer backgrounds, and seeking better living conditions are at a higher risk of being lured by traffickers through fraudulent job opportunities or enticing marriage proposals. Unfortunately, many of these women end up deceived and in poor suburban families (Chen, 2024; Wei et al., 2025).

B. The Social Demand for Brides

The Chinese sex-ratio imbalance has disproportionately impacted poorer rural villages, where women would migrate for better living conditions and marriage prospects (Jiang & Sánchez-Barricarte, 2011), and it has specifically affected men at the very margins of society, because they were from lower-income families, with disabilities making them incapable of heavy work, or considered physically unattractive. These men, already discriminated against, are unlikely to find wives, which further lowers their social standing and hinders their careers. Marriage is 'a social demand, a matter of conforming to social norms and receiving recognition, which is closely related to men's social status.'(Liang, 2023; Nguyen, 2021)[1].

This produces a sense of necessity to buy women from the trafficking market for the already marginalised men, and it provokes feelings of sympathy in other villagers.

Ordinary marriage also embeds and implies an 'assumption of men's ownership of women' (Liang, 2023). Quek (2018) argues that 'patriarchal traditions and gender norms have shaped the traditions associated with marriage to include some characteristics of marriage trafficking. Moreover, the underlying premises that enable trafficking are often implicit in the perceptions of practices associated with the institution of marriage' (Liang, 2023). As a matter of fact, in China, before the Communist Revolution, one feature of the patriarchal system was that of male property over females, of fathers before marriage and subsequently of the husbands (Zhao, 2003).

C. Collective Social Acceptance and Tolerance

Bride trafficking is a crime under Chinese Criminal Law, and it can lead to three years in prison. Despite its criminalisation, bride trafficking persists through 'collective social normalisation.' Buying a bride in China is regarded as 'mala prohibita', a wrong because the law is violated and not because it is morally so, and this is shared not only among buyers, families, neighbours, but also among local police and governmental authorities who show tolerance in light of cultural bias and traditions, consistent with the practice of 'bridewealth' (Hung, 2023).

The large surplus of men arising from the severe sex-ratio imbalance is a cause of social instability (Qiu et al., 2019). Thus, there is a general perception, especially in rural areas, that the governmental policies do not align with the fundamental social interests of local communities.

IV. THE ACTORS OF THE BRIDE TRAFFICKING MARKET

There are three main components to the process of bride trafficking: the trafficked women, the traffickers and the buyers.

A. Trafficked Women

Trafficked women tend to be on the younger side, usually from poverty-stricken and rural regions, looking to improve their living conditions through marriage. They lack the educational preparation to migrate outside their hometowns, and the lack of life experience makes them vulnerable to human traffickers and puts them at risk of exploitation. They usually come from neighbouring countries of the Indochinese peninsula and North Korea, amid political conflicts and financial hardship; for them, China can be regarded as a relatively better choice (Wei et al., 2025). Thus, victims exist within a continuum between varying degrees of voluntary willingness: between human trafficking and consensual migratory marriage. This adds a layer of complexity to the identification of victims of human trafficking, even under the 'principle of irrelevance of consent' (Lhomme et al., 2021) set out in the Trafficking Protocol under article 3(b).

After being trafficked, some women willingly choose to stay in China for different reasons: the buyer gives them enough goodwill to win their trust, traditional family values impose that they take responsibility and feel content, especially in the presence of children, and the conditions in their home countries, which could be that of conflict and instability, compared to the relatively safe conditions in China (Lhomme et al., 2021).

B. Male Buyers

The one-child policy, the sex-selective abortions, and female infanticide caused the huge unbalanced ratio between males and females in China's population. This has led to involuntary bachelors unable to compete for the already scarce pool of females, whose families demand increasing marriage costs. Compared to such staggering prices, which often amount to many times their yearly salaries, buying brides from bordering Southeast Asian countries becomes an 'economical and practical option.'

Another relevant element to take into account is also the appeal to many Chinese men of having a 'submissive, easily controlled wife' as opposed to the development of modern Chinese society in the field of gender equality and women's independence. In light of such considerations, they will seek 'illiterate, docile, and obedient foreign women who are accustomed to poor living conditions' (Lhomme et al., 2021).

[1] 'The need for marriage is, first and foremost, a biological and cultural one, for the transmission of patrilineal family lineage, surname, and property. It is also an economic strategy, where the men who acquire brides buy available labour, old security through their wives and children. This last point is particularly relevant considering Chinese culture and legal framework where 'children are legally obliged to support their parents, as per article 15 of the PRC Marriage law.' (Liang, 2023)

C. The Role of Organised Crime Groups, Middlemen, and Traffickers

One of the most important elements to the creation of an environment conducive to bride trafficking is criminal networks. Organised crime networks manipulate the push and pull conditions of bride trafficking to recruit and traffic women and young girls due to its high profitability, only behind the profits of narcotics and arms sales, due to the high prices male buyers are willing to pay. The weak enforcement of laws in many countries, especially in cases of cross-border victims who are in an unfamiliar context and live through language and cultural barriers, further amplifying their vulnerability, fosters an environment for traffickers to thrive (Nguyen, 2021). However, to cope with the persistent high risk associated with the activity itself, traffickers have developed a complex web of intrapersonal relationships to facilitate the illegal activity.

Traffickers operate on a trust-based and informal system of connections through previous joint operations. This lowers moral barriers to participation in trafficking and eliminates the need for a centralised leader among traffickers of diverse backgrounds. Nevertheless, cross-border bride trafficking networks are shaped by 'overlapping social connections among traffickers, victims, and their families, which facilitate the recruitment process' (Wei et al., 2025).

V. CASE STUDY OF THE CHINA-VIETNAM BORDER TO DISTINGUISH BETWEEN BRIDE AND SEX TRAFFICKING

Marriage trafficking involves different layers of abuse. To expand on this, this paper shall follow Liang (2018)'s case study of the China-Vietnam border and some Vietnamese women's experience of bride trafficking.

There are three dimensions to marriage trafficking: domestic violence, both sexual and physical, labour servitude, and reproductive slavery.

Sex trafficking exploitation is public and commercial, whereas marriage trafficking exploitation is private and intimate in nature. There is reluctance for bystanders, especially fellow villagers, to interfere with what they perceive as a private and domestic matter, which they do not recognise as exploitative, but rather as 'wifely duty' (Liang, 2023).

The first dimension of domestic violence is not considered at the international level when dealing with human trafficking. The Trafficking Protocol does not include it; however, it may overlap with threatening actions, sexual exploitation, and physical violence, which, as testified by the victims in Liang's paper, were common among trafficked women. These may be included in 'Forms of physical violence, such as threats, the use of force, or coercion' which 'are recognised by the Protocol as means of trafficking in person' (Liang, 2023). For women trafficked into marriage, these usually last a lifetime with no possibility to break free, and they remain unable to choose their sexual partners, unlike in the case of sexual trafficking.[2]

The second dimension is labour servitude. Trafficked women must also participate in agricultural labour and sometimes even become the main labour force.[3]

Trafficked brides are subject to a 'double burden': they must provide both domestic services and earn income for the family. These women are far from home and have no connection outside their husbands. Therefore, their survival and means of production are completely dependent on the husbands, which, coupled with the traditional patriarchal understanding of the subservient role of women, will foster relevant yet invisible forms of labour exploitation (Liang, 2023).

Finally, the third dimension is the reproductive slavery these women are subject to. International law does not explicitly identify the reproductive exploitation of women as an outcome of the trafficking process, nor does the Trafficking Protocol consider reproductive exploitation as a form of exploitation in trafficking. However, as argued by Liang, it may be the most severe aspect of their trafficking experience. They have no control over their fertility, pregnancy, or the number of children they will have. 'Moreover, children create emotional and moral barriers to the trafficked women's escape attempts'(Liang, 2023)[4].

VI. THE LEGAL AND FACTUAL FRAMEWORK SURROUNDING BRIDE TRAFFICKING

The Chinese government regulates the abduction and trafficking of women and children within the Criminal Code severely under Article 240, with punishments of up to 5 to 10 years of imprisonment. Article 241 specifically criminalises the purchase of trafficked women, up to three years' imprisonment, providing leniency on penalties for those who do not abuse their victims (Nguyen, 2021).

However, few are the Chinese men who were effectively prosecuted; this was due to the protection provided by the normalisation of bride trafficking; instead, law enforcement authorities usually prosecute the trafficked victims as illegal immigrants (Hung, 2023).

Chinese law requires a valid passport and international travel documents for marriage registration, but because many victims enter the country through illegal smuggling routes without proper documentation, they suffer a double victimisation, by the traffickers and by the law, which not only does not offer protection to their 'de facto' marriages, but prosecute them as 'sanfei (三非)' which defines 'people who are guilty for entering, residing, or working in China illegally'[5] (Lhomme et al., 2021). Thus, victims are fearful and discouraged from seeking help because of the complicity of the whole community, law enforcement officers included, who accept bribes and seek personal profit (Nguyen, 2021), in the upholding of their captivity.

[2] 'The trafficker told me that prostitution is better than being sold into marriage because if she is sold into prostitution, she can go back to Vietnam after a year. But if she married into the deep woods, she would have to have two or three children and stay with that man for the rest of her life. I was terrified by the latter, so I said I would like to be sold into prostitution. (Trafficked woman 9)' (Liang, 2023)

[3] 'Now my husband is 58 years old. He didn't finish primary school. He consumed alcohol a lot, has gout, and cannot do farm work. So, I have to take care of him and do all the farm work and take care of the children. (Trafficked woman 5)' (Liang, 2023)

[4] 'When I returned to Vietnam, I was alone without my husband and children to follow me. I stayed in Vietnam for four months and didn't want to come back. But I eventually went back to China because I thought of my children. I couldn't leave my children behind'. (Liang, 2023)

[5] This was before 2015. In 2013 the 'Exit and Entry Administration Law' was passed for illegal entry, stay, or employment.

In many cases, they may face repercussions and prosecution even in their native States because of the legal prohibition of escaping, like in North Korea, or because of the social stigma of breaking patriarchal norms surrounding women's duties once married (Nguyen, 2021; Wei et al., 2025).

VII. CONCLUSIONS

Bride Trafficking is a peculiar phenomenon and category of human trafficking that deserves more literary and stronger legal recognition. It stems from deeply rooted cultural and historical perceptions of patriarchy and gender norms, and it finds fertile grounds in specific socio-economic conditions. In the Chinese case, it stems from gender imbalance and a cross-border convergence of supply and demand interests. It blends elements from other forms of abuse, such as sex trafficking and labour exploitation; however, it does not share their public dimension. This makes its recognition tricky. It is further exacerbated by the lack of cooperation among countries, poor awareness and understanding of the rights and legal frameworks available to victims, a dysfunctional system for identifying such victims, the moral complicity of the societies within which the victims live, and people's general understanding of the criminal activity. It is a form of exploitation that can blend in with other forms of abuse, such as domestic abuse; this hinders the recognition of victims' need for higher and stronger protection.

I believe that in cases like this, purely formal legal actions are not enough even to scratch the surface of these illegal activities. There needs to be a comprehensive, long-term, large-scale, and capillary re-education of the entire population, focusing especially on rural communities where traditional values and a sense of solidarity towards men and fellow villagers are strongly embedded in their society. Women who become victims of bride trafficking need a system of support which grants them far more than recognition, damages, and imprisonment of their captors and criminal perpetrators. They should be empowered with rights and factual webs of security to fight for their emancipation, without fear of leaving their children behind and of facing social repercussions.

REFERENCES

Chen, X. (2024). *Border brides from Southeast Asia to China: Is the hidden trafficking crime being rationalized* [Independent Study Master of Arts, Chulalongkorn University]. Chulalongkorn University Intellectual Repository (CUIR). https://doi.org/10.58837/CHULA.IS.2024.254

Hackney, L. K. (2015). Re-evaluating Palermo: The case of Burmese women as Chinese brides. *Anti-Trafficking Review,* (4). https://doi.org/10.14197/atr.20121546

Human Rights Watch (A c. Di). (2019). *World report 2019: Events of 2018*. Human Rights Watch.

Hung, A. H.-C. (2023). Tortured between Two Hells: A Qualitative Analysis of the Collective Social Normalization of the Trafficking of Brides from Myanmar to China. *Journal of Human Trafficking,* 9(3), 363–375. https://doi.org/10.1080/23322705.2021.1934310

Jiang, Q., & Sánchez-Barricarte, J. J. (2011). Trafficking in Women in China. *Asian Women*, 27(3), pp. 83-112. https://hdl.handle.net/10016/13842

Lhomme, L., Zhong, S., & Du, B. (2021). Demi Bride Trafficking: A Unique Trend of Human Trafficking from South-East Asia To China. *Journal of International Women's Studies,* 22(3), 28-39. https://vc.bridgew.edu/jiws/vol22/iss3/4

Liang, X. (2023). Marriage Trafficking: Demand, Exploitation, and Conducive Contexts—A Study in China–Vietnam Border Areas. *Violence Against Women,* 29(3–4), 548–579. https://doi.org/10.1177/10778012221094064

Nguyen, H. (2021). Justice and development: The transnational bride trafficking from Vietnam to China. *Journal of Money Laundering Control,* 24(3), 621–632. https://doi.org/10.1108/JMLC-08-2020-0087

Qiu, G., Zhang, S. X., & Liu, W. (2019). Trafficking of Myanmar women for forced marriage in China. *Crime, Law and Social Change,* 72(1), 35–52. https://doi.org/10.1007/s10611-019-09826-9

Quek, K. (2018). *Marriage trafficking: Women in forced wedlock.* Routledge.

United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, 15 November, 2000, https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons

Wei, S., Jiang, S., & Pan, F. (2025). Dissecting Cross-Border Bride Trafficking to China: A Crime Script Analysis Approach. *The British Journal of Criminology,* azaf058. https://doi.org/10.1093/bjc/azaf058

Zhao, G. M. (2003). Trafficking of women for marriage in China: Policy and practice. *Criminal Justice,* 3(1), 83–102. https://doi.org/10.1177/1466802503003001457

Trafficking in Women and State Failures to Investigate

An Analysis of B.B. v. Slovakia

Olívia Keményová

Abstract — **This article analyzes trafficking in women as a form of organized cross-border crime through the case B.B. v. Slovakia (No. 48587/21). It relies on the Palermo Protocol and the European Court of Human Rights' interpretation of Article 4 ECHR to assess whether the facts meet the legal criteria of trafficking in human beings and whether Slovakia complied with its investigative obligations. The analysis shows that key elements of trafficking, including abuse of vulnerability, cross-border transportation and systematic sexual exploitation for financial gains, were present, yet the conduct was classified only as pimping and was not effectively investigated. The judgment finding a violation of Article 4 highlights states' positive duties to correctly identify trafficking, to investigate such cases with due diligence, and to ensure victim-centred protection in the fight against organized transnational crime.**

I. INTRODUCTION

Trafficking in women is currently one of the most serious forms of organized crime, predominantly committed across national borders. This phenomenon is closely linked to globalization, which, while facilitating the movement of people across borders, also creates opportunities for organized criminal groups to operate more easily.

Human trafficking involves the recruitment, transportation, and subsequent exploitation of victims. For women, the most common form is sexual exploitation, which constitutes a serious violation of fundamental human rights, particularly the prohibition of slavery and forced labor. These rights are enshrined in Article 4 of the European Convention on Human Rights, as confirmed by the European Court of Human Rights in the judgment Rantsev v. Cyprus and Russia.

An important aspect of this phenomenon is its cross-border nature, as victims are transported to destination countries, where they are then systematically exploited. This process is often carried out by organized groups that exploit the victims' vulnerable position and gaps in existing protection mechanisms.

International instruments define human trafficking through three elements—conduct, means, and purpose of exploitation—in accordance with Article 3(a) of the 2000 UN Palermo Protocol. This definition has subsequently been adopted by the case law of the European Court of Human Rights (ECHR), for example, in the judgment S.M. v. Croatia.

This paper aims to analyze whether the case of B.B. v. the Slovak Republic (No. 48587/21), decided by the European Court of Human Rights, constitutes an example of trafficking in women as a form of organized cross-border crime, and at the same time to assess whether the Slovak Republic fulfilled its obligations in investigating and protecting the victim.

Based on this objective, the paper poses the following research question: Does the case of B.B. v. the Slovak Republic constitute an example of organized cross-border crime in the form of trafficking in women, and to what extent did the Slovak authorities fail in their investigation of it?

In the following sections, the article first briefly outlines trafficking in women as a form of organized crime and then focuses on the analysis of the B.B. v. Slovakia judgment and its significance for practice.

II. TRAFFICKING IN WOMEN AS A FORM OF ORGANIZED TRANSNATIONAL CRIME

Trafficking in women is one of the most serious forms of organized crime with a transnational element. It involves the systematic exploitation of victims for financial gains or other benefits for the perpetrators. This type of crime is typically committed by organized groups operating across multiple countries and managing each stage of the process—from recruitment to the actual exploitation.

From a legal perspective, human trafficking involves three basic elements: conduct (e.g., recruitment, transportation, or receipt of a person), means (primarily the abuse of a vulnerable position, threat, or use of force), and purpose (exploitation). In the case of women, this most often involves sexual exploitation, which is among the most profitable forms of this criminal activity. This three-element model, enshrined in Article 3(a) of the Palermo Protocol, has also been adopted by the ECtHR's case law in interpreting Article 4 of the ECHR.

Victims of trafficking are often transported from their country of origin to destination countries, where they are isolated and tightly controlled by the perpetrators. This process results from the coordinated action by multiple individuals who perform specific roles within an organized structure, which corresponds to the definition of an organized criminal group under Article 2 of the Palermo Convention (2000).

There are three basic stages typical of trafficking in women. The first is recruitment, which often exploits the victim's vulnerability and frequently takes advantage of a crisis, for example, through personal relationships or false promises. This is followed by transport to another country, where the victim is isolated. In the final stage, the victim is forced to perform activities that serve the perpetrators' financial gains.

These characteristics are also present in B.B. v. the Slovak Republic, which I will analyze in the following chapter.

© 2026 Olívia Keményová. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

III. CASE ANALYSIS: B.B. V. SLOVAKIA

A. Facts of the Case

The case of B.B. v. the Slovak Republic concerns a woman from Slovakia who grew up in a socially disadvantaged environment, specifically in a children's home and later as a homeless person. This life situation made her particularly vulnerable to abuse.

The perpetrator exploited this situation and established contact with the victim, which gradually developed into a relationship of dependency and control. He subsequently arranged for her to be brought to the United Kingdom around 2010.

Upon arrival, the victim was subjected to forced prostitution. At the same time, she was forced to hand over all her earnings to the perpetrator and perform other tasks, such as household chores. The financial benefit thus went exclusively to the perpetrator.

The circumstances of the case indicate that the victim had no real opportunity to freely determine her own conduct. She was economically and socially dependent on the perpetrator, and this relationship was based on control and the exploitation of her situation. The ECtHR emphasized that the exploitation of a vulnerable position and the restriction of the victim's freedom of action constitute one of the key elements of human trafficking.

B. Elements of Trafficking in Women in the Case

In the case analyzed, all the essential elements of trafficking in women under Article 3(a) of the Palermo Protocol can be identified.

The first element is the act of recruiting and subsequently transporting the victim from Slovakia to the United Kingdom. This transfer was part of a process aimed at her exploitation.

The second element is the abuse of the victim's vulnerable position. The victim was in an unfavorable social situation, which the perpetrator exploited to establish control over her behavior.

The third element is the purpose, namely sexual abuse through forced prostitution. The fact that the victim handed over all financial resources to the perpetrator points to the economic nature of this activity.

Based on the foregoing, it can be concluded that the case meets all the criteria for trafficking in women, including its cross-border nature.

C. Elements of Organized Crime in the Case

The case also exhibits several elements of organized crime, even though the judgment does not explicitly identify a large-scale organized criminal group. Based on the circumstances of the case, it can be inferred that multiple individuals were involved in the various stages of the trafficking process. This is indicated in particular by the method of recruiting the victim and her subsequent "handing over" to another person, which points to the existence of a chain of persons involved in trafficking within the meaning of the definition of an organized criminal group under Article 2 of the UN Palermo Convention (2000).

The victim's forced prostitution further supports this argument. In the context of human trafficking for sexual exploitation, clients and customers may be considered part of the broader economic chain of organized crime—it is their payments that finance the operation of trafficking networks. Hughes's (2005) research emphasizes that clients in the context of organized prostitution are generally aware of the women's involuntary status. Yet, they still use the services, thereby becoming an active part of the demand that economically enables and sustains organized sex trafficking. This aspect of the case corresponds with the OSCE's conclusions, according to which "the money paid by clients goes to traffickers—and is paid for the victims of trafficking."

Another characteristic is the victim's transportation abroad, which requires a certain degree of coordination and planning. The cross-border element therefore reinforces the conclusion that the activity was organized in nature.

The economic motive is also significant, as the perpetrator systematically derived financial gains from the victim's activities. This profit motive is a fundamental characteristic of organized crime.

Based on the foregoing, it can be concluded that the case contains essential elements of organized criminal activity, particularly the cooperation of multiple individuals, the division of roles, and the systematic pursuit of profit.

D. Actions of the Slovak Authorities

Although the case exhibits several characteristics of human trafficking, Slovak law enforcement authorities classified the act as the crime of pimping under Section 367(1) of the Criminal Code. According to the relevant provision: "Whoever procures, induces, lures, exploits, obtains, or offers another person for the purpose of prostitution, or whoever profits from prostitution performed by another person, or facilitates its performance, shall be punished by imprisonment for up to three years."

The elements of this offense focus on the facilitation of prostitution. However, it does not fully encompass the broader elements typical of human trafficking, particularly the abuse of the victim's vulnerable position, control over the victim, dependence on the perpetrator, or cross-border movement for the purpose of systematic exploitation.

On the contrary, the elements of the crime of human trafficking under Section 179(1) of the Criminal Code explicitly include coercion, abuse of vulnerability, and exploitation. The provision in question states: "Whoever, by using fraudulent conduct, deceit, restriction of personal liberty, abduction, violence, threats of violence, threats of other serious harm, or other forms of coercion, or by accepting or providing monetary compensation or other benefits to obtain the consent of a person on whom another person is dependent, or by abusing their position or exploiting the defenselessness or otherwise vulnerable position of that person, lures, transports, harbors, transfers, or receives another person, even with their consent, for the purpose of their prostitution or other forms of sexual exploitation, including pornography, forced labor or forced services, including begging, slavery or practices similar to slavery, servitude, forced marriage, exploitation for the commission of criminal offenses, the removal of organs, tissues, or cells, or other forms of exploitation,

shall be punished by imprisonment for a term of four to ten years."

The case under analysis exhibits several characteristics consistent with the elements of the crime of human trafficking. The victim was in a difficult social situation, was economically and psychologically dependent on the perpetrator, the perpetrator transported her to the United Kingdom and forced her to engage in prostitution there, with the financial benefit from this activity accruing exclusively to the perpetrator. It can therefore be concluded that this constituted sexual exploitation involving the abuse of the victim's vulnerable position and her transportation abroad.

However, the Slovak authorities did not sufficiently address the question of whether the act met the criteria for human trafficking, and focused the investigation primarily on the prostitution itself. They thus failed to adequately assess the broader context of control over the victim, her dependence on the perpetrator, and the organized nature of the activity. Similarly, they did not pay adequate attention to the cross-border dimension of the case or the possible involvement of multiple individuals at various stages of the exploitation.

This approach was also problematic from the perspective of international law. The definition of human trafficking under Article 3(a) of the Palermo Protocol includes the recruitment, transportation, and exploitation of persons through coercion or abuse of a vulnerable position. These elements were present in the case of B. B. v. Slovakia; nevertheless, the Slovak authorities did not sufficiently take them into account. The incorrect legal classification therefore not only led to an inadequate investigation of the offense but also weakened the protection of the victim and diminished the gravity of the entire criminal activity, since the maximum sentence for the crime of pimping is 3 years, which is significantly less than for the crime of human trafficking, where the maximum is 10 years. This problem is also repeatedly highlighted in GRETA reports, which draw attention to a systematic tendency to classify human trafficking as a less serious crime.

E. Decision of the European Court of Human Rights

The European Court of Human Rights found a violation of Article 4 of the Convention, which prohibits slavery, servitude, and forced labor.

The Court emphasized that human trafficking falls within the scope of protection of this provision and that states have a positive obligation to effectively investigate such cases.

It criticized, in particular, the fact that the Slovak authorities failed to identify the case as human trafficking and did not give it sufficient attention. The investigation was not comprehensive, and not all relevant evidence was secured.

The decision also highlights the importance of the European human rights protection system in cases where national authorities fail to effectively ensure the protection of individuals' fundamental rights. Following the inadequate handling of the case by Slovak law enforcement authorities, the victim turned to the European Court of Human Rights, which assessed the conduct of the Slovak Republic in light of its obligations under the European Convention on Human Rights.

The case thus represents a shift from the domestic criminal law sphere to a broader European framework for the protection of human rights, in which emphasis is placed primarily on the positive obligations of states in identifying, investigating, and preventing human trafficking. The decision also confirms the importance of the European Court of Human Rights as a supervisory mechanism in situations where national authorities fail to provide victims with adequate protection or to conduct effective investigations into serious human rights violations.

The decision also confirms that a state's obligations do not end with the initiation of an investigation, but also include its effective conduct and the protection of the victim throughout the entire process.

F. Assessment

The case of B.B. v. the Slovak Republic illustrates the failure of law enforcement authorities to properly investigate and classify human trafficking. Despite the existence of elements constituting the elements of the crime of human trafficking, the act was classified only as pimping, which had a negative impact not only on the protection of the victim but also on the effectiveness of the fight against human trafficking as a form of organized cross-border crime.

The decision of the European Court of Human Rights also emphasizes that states have a positive obligation to actively identify the elements of human trafficking and effectively investigate cases of exploitation. It is therefore insufficient to examine prostitution in isolation; rather, it is necessary to assess the broader context of the victim's dependency, the exploitation of their vulnerable position, control by the perpetrator, and any cross-border element.

The significance of the judgment also lies in reinforcing the so-called victim-centered approach in investigating human trafficking. Women in socially vulnerable situations may, in practice, be incorrectly perceived merely as individuals engaged in prostitution, whereas law enforcement authorities must also adequately assess elements of coercion and exploitation. The judgment therefore emphasizes the need for a more sensitive assessment of the victims' situation and more thorough protection of their fundamental rights.

The case also highlights the broader problem of the misclassification of human trafficking in European practice. If human trafficking cases are classified as less serious crimes, this can lead to a misjudgment of the extent of this crime, a weakening of criminal prosecution of perpetrators, and a reduction in the effectiveness of international cooperation in the fight against organized crime.

The decision in B.B. v. Slovak Republic therefore transcends the significance of the individual case and sets an important precedent for future investigations into human trafficking in the context of human rights protection and the fight against organized cross-border crime.

IV. CONCLUSION

This paper aimed to analyze whether the case of B.B. v. the Slovak Republic constitutes an example of trafficking in women as a form of organized transnational crime and to assess the actions of the Slovak authorities.

Based on the analysis, it can be concluded that the case meets all the criteria for trafficking in women. The victim, who was in a vulnerable position, was recruited, transported abroad, and systematically sexually exploited.

At the same time, elements of organized crime were also identified, particularly the collaboration of multiple individuals, planning, and the economic motive behind the actions.

However, the Slovak authorities did not act in accordance with their obligations in this case. Incorrect legal classification led to an inadequate investigation and weakened victim protection.

The answer to the research question is therefore unequivocal: the case constitutes organized cross-border crime in the form of trafficking in women, and the Slovak authorities failed in their investigation of it.

In the future, it is essential to ensure a more thorough investigation of such cases and the correct legal classification of the facts in accordance with international human rights standards.

REFERENCES

United Nations. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. United Nations Treaty Series, vol. 2237. https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons

United Nations. (2000). *United Nations Convention against Transnational Organized Crime*. United Nations Treaty Series, vol. 2225. https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html

Council of Europe. (2005). *Council of Europe Convention on Action against Trafficking in Human Beings*. Council of Europe Treaty Series No. 197. https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197

European Parliament and Council. (2011). *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*. Official Journal of the European Union, L 101/1. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0036

Zákon č. 300/2005 Z. z., Trestný zákon Slovenskej republiky, § 179 (Obchodovanie s ľuďmi) a § 367 (Kupliarstvo).

European Court of Human Rights. (2024, October 24). *B.B. v. Slovakia*, Application No. 48587/21. https://hudoc.echr.coe.int

European Court of Human Rights. (2010, January 7). *Rantsev v. Cyprus and Russia*, Application No. 25965/04. https://hudoc.echr.coe.int

European Court of Human Rights. (2020, June 25). *S.M. v. Croatia* [Grand Chamber], Application No. 60561/14. https://hudoc.echr.coe.int

European Court of Human Rights. (2023). *Krachunova v. Bulgaria*, Application No. 18269/18. https://hudoc.echr.coe.int

Forster, M. (2013). Human trafficking and the demand for domestic servitude. *International Journal of Law and Information Technology, 21*(3), 223–245. https://doi.org/10.1093/ijlit/eat003

Pati, R. (2011). States' positive obligations with respect to human trafficking: The European Court of Human Rights breaks new ground in *Rantsev v. Cyprus and Russia*. *Boston University International Law Journal, 29*(1), 79–142.

Stoyanova, V. (2020). The obligation to investigate trafficking in human beings under the ECHR: The *Rantsev* model reconsidered. *Human Rights Law Review, 20*(2), 275–304. https://doi.org/10.1093/hrlr/ngaa013

Simmons, B., Lloyd, P., & Stewart, B. (2018). The global diffusion of law: Transnational crime and the case of human trafficking. *International Organization, 72*(2), 249–281. https://doi.org/10.1017/S0020818318000036

Hughes, D. M. (2005). *The demand for victims of sex trafficking*. University of Rhode Island. https://www.uri.edu/artsci/wms/hughes/demand_for_victims.pdf

Liberal Institutions in the New World Disorder

The Case of INTERPOL's Red Notices

Panlaphat Leelittigoonchai

Abstract — **INTERPOL is the leading organization in combating transnational organized crime. However, there have been cases of weaponizing the Organization's Red Notices, which is a mechanism to request for cooperation from police forces worldwide to locate and arrest an individual. In a world system which is shifting towards multipolarity, this extremely effective mechanism is then weaponized by States with political agendas. This paper will examine the misuse of INTERPOL's Red Notices through the lens of Hegemonic Stability Theory, and Liberal Institutionalism. The cases of Bill Browder, and Hakeem al-Araibi will be examined, utilizing the aforementioned theories to analyze the undermining forces present in the case in connection with the shifting world order. Though this study highlights INTERPOL's institutional limitations it does not find the Organization in complete dysfunction in any way.**

I. INTRODUCTION

The sudden increase of Red Notices in recent years demonstrates a concerning pattern of misuse for the sake of political interest. In 2020, INTERPOL released 11,094 Red Notices while releasing only 1,277 in 2002 (San, 2022). A large percentage of these Notices are for political dissents of the requesting countries (Lemon, 2019). This paper examines how the weaponization of Red Notices by member states demonstrates INTERPOL's institutional strain through the perspective of Hegemonic Stability Theory (HST) and Liberal Institutionalism (LI).

The misuse of INTERPOL's Red Notices reflects how liberal institutions are becoming increasingly strained in the "New World Disorder." The shifting power dynamics, and weak enforcement are being exacerbated by the limitations typical of liberal institutions which focus on facilitating cooperation. These rising global dynamics and institutional limitations undermine INTERPOL's neutrality and the Red Notice's efficiency, but they do not render neither the organization nor its mechanism ineffective.

II. CONTEXTUAL BACKGROUND

A. American Hegemony: The Old "New World Order"

The "New World Disorder" referred to in this paper is a direct response to the period of history often referred to as the "New World Order." Though there are no definitive dates as to when the new world order started, or ended, it is typically characterized by the rise of the U.S.-led global governance. The rise of American unipolarity stemmed from its foreign policy during, and after the Cold War (Ikenberry, 2012). During the Cold War, America employed a tactic of containment against Soviet-aligned states by surrounding them with liberal democracies. The American tactic at the time was to spread liberalism—namely elements of multilateralism, and economic interdependence—and democratize states which will serve as buffer zones. The reasoning was that liberal democratic societies are less likely to solve conflicts with war, and the more states were liberal, the larger the zone of peace will be (Russett, 1995). What truly solidified America's position as a superpower state, aside from the wide sphere of influence was the disappearance of other rising, and pre-existing powers namely Japan, Western Europe, and the Soviet Union (Ikenberry, 2012). By the end of the Cold War, the United States was the only state which had the capacity to become a hegemonic state with its dominance in economic, military, and technological capabilities (Ikenberry, 2012).

America's significant contribution to this new world order was its advocacy for multilateral cooperation facilitated by an international institution, first seen in Woodrow Wilson's 14 Points speech and the attempt of a global governing body of the League of Nations. Though its predecessor failed, the United Nations was created post-WWII. This inclination towards cooperation then contributed to the creation of INTERPOL in 1923 as multilateralism became mainstream ("How our history started," n.d.).

B. Shift to Multipolarity: The "New World Disorder"

In the same way as the "New World Order," the "New World Disorder" does not have a definite start date. Multiple scholars debate amongst each other, unable to conclude when truly the American unipolarity started declining. The world in its current state is no longer under an American-led global governance system. In fact, China has gained regional dominance, while Russia successfully regained its stability and influence (Bang & Kang, 2017; Mankoff, 2017). It is also impossible to argue against the notion that the world has shifted into a multipolar global system. The formation of multiple non-liberal aligned regional organizations, such as BRICS, the Shanghai Cooperation Organization, and the Bolivarian Alliance for the Peoples of Our America, reflects not only multipolarity but the fragmentation of power. The fragmentation is further highlighted by the decline of the liberal ideology on the international stage and the deterioration of liberal institutions. Thus, creating a chaotic environment in global politics, and giving rise to the "New World Disorder."

Though INTERPOL has not deteriorated to the point of dysfunction, the fragmentation of norms has already begun to show in the multiple cases of misuse of the Red Notices where states are more inclined to utilize the organization's mechanism for political incentives. This deterioration of norms and the disappearance of hegemonic oversight have manifested in lower trust of the institution's mechanisms as

© 2026 Panlaphat Leelittigoonchai. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

demonstrated by the CJEU's ruling regarding the Red Notices.

III. THEORHETICAL FRAMEWORK

A. Hegemonic Stability Theory

The Hegemonic Stability Theory (HST) was first coined in 1980 by Robert Keohane who built upon the ideas of Charles P. Kindleberger. Keohane argues that "hegemonic structures of power, dominated by a single country, are most conducive to the development of strong international regimes whose rules are relatively precise and well obeyed" (Keohane, 1980, as cited in Cohen, 2008). "Regimes" in this case refers to the set of rules and norms which states were expected to follow. The theory, though developed as an economic theory, has roots pertaining to Realism. Relist core assumptions include assumptions that the natural state of the world is perpetually anarchic, that states are driven by self-interest in survival (Jackson & Sørensen, 2013), and that the acquisition, and utilization of power is the central to the politics on the international stage (Jackson & Sørensen, 2013). In order to guarantee survival, states "strive for hegemony" or the dominance or control over other states but, typically, one singular state (Mearsheimer, 2014). Hegemony is a position of power, and once a state solidifies its position as a hegemony, it functions as a central government of the international system (Pevehouse & Goldstein, 2017). A hegemon often acts as an overseer and enforcer over the workings of institutions and regimes established. IR Realism can also trace its roots back to Thomas Hobbes' *Leviathan,* in which he states "covenants, without the sword, are but words, and of no strength to secure a man at all" (1998). Once applied in the context of HST, the hegemon acts as the "sword," the enforcer of rules, ensuring that all under its influence follow the "covenants," the rules and norms which have been agreed upon.

B. Liberal Institutionalism

Liberal Institutionalism (LI) is a strand of Liberalism associated with Robert Keohane, who laid the groundwork for its development in his book *After Hegemony.* The basic assumptions of Liberalism are the complete opposite of the ever-anarchic Realism. Instead, Liberalism assumes that cooperation is the natural state of affairs (Jackson & Sørensen, 2013). Liberal Institutionalism, a strand of Liberalism, however, places focus on the nature of cooperation between states. It claims that cooperations do not pertain to only bilateral agreements with short-term interests but rather multilateral collaboration between states to establish and follow mutually advantageous rules while international institutions enforce, and monitor them (Pevehouse & Goldstein, 2017). The term international institutions in this context refers to either an international organization or a set of rules and norms, which are also referred to as regimes, which governs state actions in particular areas (Jackson & Sørensen, 2013). The liberal system also presents the concept of public goods; goods and services which are mutually beneficial and are non-excludable, typically provided by an international organization (Jackson & Sørensen, 2013). These international institutions are created with aims of facilitating collaboration by increasing transparency and communication between states (Pevehouse & Goldstein, 2017). This allows cooperation to be possible despite the anarchic state of the world system and possibilities of a security dilemma.

IV. INTERPOL

A. The Organization

The International Criminal Police Organization or INTERPOL is an independent international organization focused on the coordination of police forces between member states. Originally known as the International Criminal Police Commission (ICPC) upon its creation in 1923, with the initial incentive of multilateral cooperation in "solving crimes, identification techniques and extradition" ("How our history started," n.d.). Then in 1956, the INTERPOL Constitution was adopted and came into force. The Constitution outlines the organization's structure and further emphasizes the aims of collaboration with "widest possible mutual assistance" (International Criminal Police Organization (INTERPOL), 1956, art. 2). In order to reinforce INTERPOL's stance as a neutral actor in the international system, the third article of the Constitution states that "[i]t is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character" (INTERPOL, 1956). INTERPOL's main mechanisms to facilitate police coordination comes in mainly three forms: the shared flow of information in the form of databases, coordination centers, and international notices.

B. The Red Notices

Red Notices is part of an international notice system for the aim of the coordination to locate and provisionally arrest a person pending extradition, surrender, or similar legal action (INTERPOL, 2011). However, a Red Notice is not an international arrest warrant, any action taken based on the Notice is voluntary but states are highly compelled to take action (Lemon, 2019). There is another mechanism of similar effect called diffusions. Diffusions are not Red Notices issued officially by INTERPOL but instead it is communicated directly from state to state bypassing bureaucracy (INTERPOL, 2011).

(1) Russia: Bill Browder

One of the most prominent cases of Red Notice misuses is the case of Bill Browder. Bill Browder is the CEO and co-founder of Hermitage Capital Management who once was the largest foreign investor in Russia. In 2007, his firm was raided which prompted his lawyer, Sergei Magnitsky, to continue investigating (Gibson, 2013). However, this would lead to Magnitsky's arrest after he came out as a whistleblower, and his subsequent death in 2008 ("Magnitsky wins Russian rights battle," 2019). Browder narrowly escaped, but he was branded as a threat to Russian national security ("Political activist Bill Browder," 2024). In 2018, Browder was detained by the local police while on a work trip to Spain. The exact circumstances remain unclear; there are some sources which claim there was an active Red Notice for Browder on which the Spanish authorities acted upon (Nemets, 2018). INTERPOL denied ever approving a Red Notice against

Browder, citing the Organization's many rejections to issue one in the past (Nemets, 2018), and participating in assuring Browder's release from detainment in Spain. However, there has never been confirmation that a diffusion was never issued either (Nemets, 2018). This points to Russia's willingness to bypass the system and weaponize an emergency mechanism for its own political gains.

(2) Russia: Bill Browder

Another high-profile misuse case is of Hakeem al-Araibi, an Australian-Bahraini footballer. He was a refugee who sought asylum, and was granted it, in Australia after his escape from Bahrain in 2014. In 2018, Hakeem arrived in Bangkok and was arrested due to a Red Notice ("Al-Araibi's extradition case dropped," 2021). He was then detained for almost three months in a Thai prison, facing extradition to Bahrain (Davidson, 2019). Further, the Thai authorities refused to release him even when the charges were dropped claiming that the immigration authorities were confused by al-Araibi's refugee travel papers as he was not an Australian citizen at the time (Davidson, 2019). Al-Araibi was safely released, and returned to Australia in February of 2019 ("al-Araibi returns home," 2019). INTERPOL once again releases a statement reiterating its principle of non-refoulement which "ensure no country can issue a red notice for someone who fled it and gained refugee status elsewhere" and prohibits sending them back to the state where they are likely to be persecuted (Davidson, 2019; Lemon, 2019).

V. WITHIN THE CONTEXT OF THE THEORIES

Neither Hegemonic Stability Theory nor Liberal Institutionalism alone can fully capture the dynamics of cooperation and contestation within INTERPOL, necessitating a synthesized approach. The misuse of the Red Notices by member states is a direct reflection of the flaws that HST has pointed out. There is a blatant lack of accountability within the INTERPOL system which stems from the fact that the organization was not founded on an intergovernmental treaty (Lemon, 2019). Therefore, the organization does not have the mechanisms or legal grounds to hold member states which violates its rules or constitutions accountable. Furthermore, the organization is "opaque, [and] secretive" which may be understandable as its databases contain sensitive information (Lemon, 2019). However, its very secretive nature is another obstacle to transparency as investigations can only be performed by the organization itself which raises the question of objectivity. This is directly reflected in the aforementioned cases when the reasons for Browder's initial detention and al-Araibi's prolonged detention were never revealed. Even when there are requests for the release of specific documents, INTERPOL statements are kept vague (Brown, 2026).

INTERPOL is a liberal institution; it is essentially impossible to claim otherwise as the organization's main aim and function is to facilitate cooperation and communication between each state's police forces (Deflem, 2015). The public goods which INTERPOL provides to member states includes both the mechanism of Red Notices and diffusions. The procedure of issuing a diffusion allows for states to bypass the bureaucracy and internal procedures of issuing a Red Notice (INTERPOL, 2011). This mechanism is made possible due to INTERPOL's facilitation of communication between states according to its liberal principles. However, not all states utilize the mechanism with respect to the organization's rules and regulations. While other states, placing credibility in the organization's regime act according to the INTERPOL constitution. The combination of bureaucratic bypass and the norms which were upheld by the organization was what allowed for Browder's detention in Spain despite the lack of any Red Notices issued. In the case of al-Araibi, a Red Notice was issued. Despite the Notice not necessitating an arrest, the requests made by INTERPOL still hold inherent credibility and require adherence by member states (INTERPOL, 1956; Lemon, 2019). The Thai police in this case initially acted according to what was expected of them. With the multiple cases of misuses of both Red Notices and diffusions, it is no argument that the "public goods," which in this case refers to the streamlined communication and expected cooperation, have also been weaponized.

It is the established regime, based on LI principles, which allows the cooperation and mutual trust between member states. However, state actions weaponizing the organization's mechanisms for its own gains not only reflects the characteristics of expected behaviors in Realism but also the necessity for a hegemon as a state with a concentrated hold of power facilitates a strong regime (Keohane, 1982). This pattern of state behavior reflects the multipolar state of the world order leading to the fragmentation of the once concentrated power, and is a symptom of regime collapse (Keohane, 1982). Despite INTERPOL continuing to be functional, as it is designed to be, without a hegemon, it arguably has deteriorated. The lack of, not only an efficient oversight mechanism, but also the lack of any enforcement mechanism which ensures that INTERPOL complies with its own constitutions. Therefore, pointing to the necessity of a hegemon acting as an enforcer of the rules which have been agreed upon and have now been violated in the international stage.

VI. CONCLUSION

The cases of misuse of INTERPOL's Red Notices clearly highlights the strain of a liberal institution adapting to the "New World Disorder." While Liberal Institutionalism highlights the Organization's continued role of facilitation, Hegemonic Stability Theory highlights the limitations of the Organization in the absence of an oversight mechanism or enforcement by a consistent leader.

Though these Red Notice cases may focus on the Organization's limitations and the forces undermining its principles, it must also be acknowledged that INTERPOL is still at the forefront of coordinating between international police forces, and tackling transnational organized crime. Reforms and adaptations of the organization are arguably necessary, but it is undeniable that INTERPOL, even in the face of the New World Disorder, is a functioning mechanism.

Therefore, INTERPOL is best understood as selectively strained—operationally effective, yet vulnerable to political

misuse with tangible consequences for transnational crime enforcement.

REFERENCES

Bang, J., & Kang, D. C. (2017). China's rise: counterproductive fearmongering. In *Routledge Handbook of Security Studies*. essay, Routledge, Taylor et Francis Group.

BBC. (2019a, February 12). *Hakeem al-Araibi returns home to Australia after thai detention*. BBC News. https://www.bbc.com/news/world-australia-47206554

BBC. (2019b, August 27). *Magnitsky wins Russian rights battle 10 years after his death*. BBC News. https://www.bbc.com/news/world-europe-49481471

Brown, C. (2026, January 26). *Russia using Interpol's wanted list to target critics abroad, Leak reveals*. BBC News. https://www.bbc.com/news/articles/c20gg729y1yo

Cohen, B. J. (2008). *International political economy: An intellectual history*. Princeton University Press.

Davidson, H. (2019, February 12). *He's free, but who's to blame for Hakeem Al-Araibi's ordeal?* The Guardian. https://www.theguardian.com/sport/2019/feb/12/hes-free-but-whos-to-blame-for-hakeem-al-araibis-ordeal

Deflem, M. (2015). INTERPOL. The Encyclopedia of Crime and Punishment, 1–4. https://doi.org/10.1002/9781118519639.wbecpx031

Gibson, L. (2013). Reversal of fortune. *The University of Chicago Magazine*. https://mag.uchicago.edu/law-policy-society/reversal-fortune

Hobbes, T. (1998). *Leviathan* (J. C. A. Gaskin, Ed.). Oxford Univ. Press.

Ikenberry, G. J. (2012). *Liberal leviathan: The origins, crisis, and transformation of the American World Order*. Princeton University Press.

INTERPOL. (1956). *CONSTITUTION OF THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION-INTERPOL.*

INTERPOL. (2011). *INTERPOL'S RULES ON THE PROCESSING OF DATA.*

INTERPOL. (n.d.-f). *How our history started*. INTERPOL. https://www.interpol.int/en/Who-we-are/Our-history/How-our-history-started

Jackson, R. H., & Sørensen, G. (2013). *Introduction to international relations: Theories and approaches*. Oxford University Press.

Jones Day. (2021, May 21). *CJEU limits enforcement of Interpol Red Notices*. CJEU Limits Enforcement of Interpol Red Notices | Jones Day. https://www.jonesday.com/en/insights/2021/05/eu-court-limits-eu-and-schengen-nations-ability

Lemon, E. (2019). Weaponizing Interpol. Journal of Democracy, 30(2), 15–29. https://doi.org/10.1353/jod.2019.0019

Keohane, R. O. (1982). The Demand for International Regimes. *International Organization*, *36*(2), 325–355. https://doi.org/10.1017/s002081830001897x

Mankoff, J. (2017). Russia's Revival. In *Routledge Handbook of Security Studies*. essay, Routledge, Taylor et Francis Group.

Mearsheimer, J. J. (2014). *The Tragedy of Great Power Politics*. W.W. Norton & Company, Incorporated.

Nemets, Y. (2018, July 16). *Bill Browder's case highlights loopholes in relief Interpol grants victims of Red Notice Abuse - Red Notice Abuse Report*. Red Notice Abuse Report. https://www.rednoticeabuse.com/news/interpol-must-publicly-explain-why-russia-finally-succeeded-in-placing-bill-browder-on-the-international-wanted-list

Pevehouse, J. C., & Goldstein, J. S. (2017). *International relations*. Pearson Education Limited.

Political activist Bill Browder addresses the UN Human Rights Council. UN Watch. (2024, October 6). https://unwatch.org/political-activist-bill-browder-addresses-the-un-human-rights-council/

Refugee footballer Hakeem Al-Araibi's extradition case dropped. Amnesty International. (2021, August 13). https://www.amnesty.org/en/latest/news/2019/02/thailand-refugee-footballer-hakeem-al-araibi-extradition-case-dropped/

Russett, B. M. (1995). *Grasping the Democratic peace: Principles for a post-Cold War World*. Princeton University Press.

San, S. (2022). Transnational policing between national political regimes and human rights norms: The case of the interpol red notice system. *Theoretical Criminology*, *26*(4), 601–619. https://doi.org/10.1177/13624806221105280

How Steroids Trafficking and Abuse are impacting people's everyday life

Marco Migotto

Abstract — **Social media and the idea of perfection brainwashed the conception of a healthy body to the point where an incredibly muscular, athletic natural physique might be considered "too small" for some or "not enough" for others. This paper speaks about how the booming androgenic anabolic steroids illegal market irreversibly changed the common perception of a "healthy body" and how it led people to being attracted to it, profiting large international, but also little local, illegal black markets. Within this paper there will be a quick analysis of what steroids can really do to one's body or brain, evolving the discourse back to where the appeal towards these substances was born, and with it, the illegal market that provides the compounds for their production. Ultimately, the main and last focal point will be the criminal scheme that surrounds steroids' production and distribution.**

I. INTRODUCTION

Image and Performance enhancing drugs (IPEDs), contain a wide range of drugs, within which one of the both most famous and romanticized substances available are currently co-dominating the market: Steroids. Androgenic anabolic steroids (hereafter "AAS") are, essentially, synthetic derivatives mimicking natural hormones, already present in our body, that regulate and control how the body develops and maintains itself. The majority of them have a similar function to the male hormone testosterone and can improve: endurance, athletic performance, muscle growth, recovery and fat loss. One of the other main uses of AAS is the one mostly used by high-level professional athletes, hence their capacity to "speed up" the recovering process after an injury, especially the most traumatic and serious ones (Cox et al., 2025). Before diving into the topics of this paper a clarification is due: AAS are not illegal substances per se, they are first of all drugs created for medical use, meaning that medically prescribed doses are completely legal and available if needed, the point of discussion being, rather, the extreme difficulty of getting a prescription of this kind in the first place and, secondly, doses being very low. Most AAS used in the fitness industry are not meant for human consumption in the first place, a common example being Trenbolone, one of the most famous steroid compounds, which has been created and designated for cattle. The latter is among the reasons why, Trenbolone, as many other AAS, can lead to disastrous side effects, including death. The majority of people injecting AAS are partially or completely ignorant of the real effects that these substances have on the human body and brain, basing their knowledge on mainstream media and advice from friends, fellow consumers, personal trainers or, even worse, dealers. In recent years this illegal industry has skyrocketed, with people basing their idea of aesthetics on fake or "enhanced" social media contents, with people taking steroids just to "look in shape". For this reason, production and distribution of anabolic steroids has registered booming levels, which are consistently growing, the great majority of it coming from the black market, which entails poor hygiene and safety standards, mislabeling and unknown ingredients. Most AAS are produced in unsafe, non-sterilized environments, such as kitchen counters, garage benches, basement setups, from people often without a chemical degree, with compounds and ingredients obtained illegally through clandestine markets, from the Middle East and Southeast Asian countries, which have very poor regulations on the matter. This tendency has gained an appeal especially within teenagers and young adults, who start making use of steroids from an early age, even before their own body is completely developed. This has many causes but the most relevant are: growing social pressure derived from standards of beauty coming from social media, high competition in sports from a young age and, ultimately, the narrative that has been created around these substances, coming from social media as well. AAS dealing is far different from common drug dealing, these substances often circulate inside conventional gyms and training centers, with people and, sometimes, professionals, sneaking and dealing substances inside changing rooms.

II. THE NARRATIVE AND "FAIRYTALE" AROUND STEROIDS

The most efficient way in which AAS marketing, selling and retailing is done is certainly through social media platforms, especially two of them: Instagram and TikTok (Cox et al., 2024). Subtle advertising campaigns regarding AAS or similar substances have become a serious problem in recent years. This type of advertising is extremely efficient, the main reason being the emotional and motivational effect awakening in viewers when looking at such social media content, through which AAS get "advertised". The psychological factor in this discussion is crucial, most people approach steroid cycles with the conception of it being reversible and that it will "surely" get them "in better shape" without, most of the time, even considering any side effects or minimizing them. Motivational social media posts, videos, captions, descriptions, "transformation" pictures and fake informative videos are among the most used techniques to disguise AAS usage as a healthy progression towards a better physique or a better health (Hockin-Boyers et al., 2020), this is particularly relevant in female-dominated health and fitness environments. Disguising AAS consumption as "healthism", a social phenomenon characterized by a focus on individual responsibility for well-being and health, has become, in the latest years, the

© 2026 Marco Migotto. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

most efficient way to create unrealistic expectations on people getting into fitness, as well as one of the fiercest battle fought against misinformation on the internet. An average viewer, most of the times ignorant about the topic, might get confused about who or what to believe; TikTok videos, for example, in which any kind of IPED is often nominated, might be made both by professional, or non-professional bodybuilders, as well as extremely lean and fit influencers, showing their healthy routine and rejecting any steroids use allegations, followed by other creators who are absolutely not interested in hiding it, flashing needles during these short videos, making it clear that their physique has not been achieved in a traditional way. Confusion spread among viewers, up to creating a viral trend on social media: the "natty or not" trend, where fitness influencers analyze other creators' physiques just to assume if they are achieved naturally or with the use of steroids or other drugs (Buranyi, 2024). Healthism and emphasizing looks and aesthetics on social media is reportedly brainwashing younger generations into believing that appearance means everything and must be achieved at all costs, perhaps with some help, and here is where AAS enters the conversation. "fake natty" fitness influencers, disguising themselves as "natural", while taking steroids, started appearing more and more on social media algorithms, influencing people to buy products they advertise, such as supplements, diet and training programs, even basic merchandise such as clothing or training equipment, selling the illusion that people can be "just like them" without relying on AAS. This phenomenon, being not just an anti-trust issue, is reportedly creating a real threat to general public health, as AAS usage has highly increased since the 1980s (Beg et al., 2007; Borowiec et al., 2025), with growing cardiovascular issues, as well as many other health-related complications.

III. STEROIDS PRODUCTION AND SMUGGLING

What differentiates AAS production and smuggling and regular drug trafficking is the operation perpetrated by the related actors within the market: unless in the case of bigger international smugglers, minor perpetrators do not fully realize they are doing something extremely illegal, although perhaps knowing it, however not fully understanding the gravity of their actions. In a smuggler's mind, in the case of bodybuilders for example, the user is just finding a way to sustain their extreme fitness-related lifestyle in some unconventional ways, helping out friends, colleagues and themselves with getting substances necessary to look "big on stage", which would otherwise be extremely difficult to obtain with regular prescriptions (Kraska et al., 2010). People taking and smuggling AAS may only think they are just affecting their health when dealing with these substances, thinking they are dealing with a niche market, in restricted social environments, where everybody thinks they are part of a community, which might also be true. Although professional bodybuilders might be fully conscious of the damages they are inflicting to their bodies, sharing advice and experiences with fellow athletes nonetheless, the problem arises when such substances exceed this sphere of influence, ending up in the hands of teenagers, regular people, or not "professionals" whatsoever, who are completely blind to the monstrous consequences that taking AAS has. The main difference between a drug dealer and a bodybuilder playing the chemist in his kitchen counter is that, the latter, would not usually think that he'd ever be prosecuted, he might produce AAS for himself and a couple other people, comparing himself to a person growing marijuana on a balcony for personal use. Diving more deeply into this process: in the manufacturing steps of underground market AAS the raw materials used generally come from countries with low market regulation, especially Southeast Asia and China. These drugs and raw materials enter the borders of higher regulated countries, just like the US and Europe, using multiple routes, similar to regular drug trafficking, and are then delivered, for the manufacturing of the final products to sales units (Câmara., 2023). This process of smuggling of raw materials creates an enormous issue with underground illegal AAS, which is mislabeling. There are different reasons for which mislabeling and mistakes on dosage in steroids compounds might take place: ignorance or inexperience of the "cook", prioritizing profit, chemical incidents or miscarried chemical reactions, and so on. In every single one of these scenarios, safety is not a primary concern and good-faith intent does not equal safety. Producing steroids in unsafe, non-sterilized environments, without strict protocols is extremely dangerous, for many reasons, one of the most frequent being bacteria infecting the compound when packed into vials, causing infections. If a compound is not sterile, or it gets injected with reused or poorly cleaned needles, one would not only risk infections, but also life-threatening conditions (Ip et al., 2016). Quick examples of infections caused by contaminated steroid vials are sepsis, a severe systemic infection causing severe pain that, if not treated quickly, can lead to widespread organ failure, osteomyelitis, septic arthritis, necrotizing fasciitis and cellulitis, a cellulite infection. In the Underground market we observe the opposite of what happens in the pharmaceutical industry: raw materials coming from non-certified sources being used to produce drugs in backdoor labs, or even worse, at home, often without the necessary knowledge, without sterility, exponentially increasing the chances of irregularities in the final product, as well as contamination by heavy metals or microorganisms (Câmara, 2023). Worsening the process of production, underground compounds are often produced without a proper filtration, leaving impurities within the final product, which is inconsistent in its nature. Here comes the mislabeling problem, most dealers do not try the obtained product before putting it on the market, for this reason doses are mislabeled, containing higher or lower dosages than indicated, sometimes it is a different compound, sometimes there's no active compound at all, meaning there are actually no steroids inside the vial (Pellegrini et al., 2012). The most concerning aspect of the issue of mislabeling is that dealers, not being doctors, therefore having no obligations to tell the truth, will most certainly lie about quantities and qualities of their compounds. With this being said we can acknowledge that most AAS users are essentially playing the lottery with their health: they are consuming substances with no quality control, no safety standards, without doing any bloodwork before, and even after using them, no previous health check-ups

whatsoever, basically the perfect recipe for a hormonal and immune catastrophe (Cox et al., 2025). The next step is understanding how this market increased so rapidly, reaching an international sphere of trafficking, and how large-scale production of raw materials and finished compounds actually works and by whom it is carried. Until now we only focused on "little fishes", hence small dealers producing and selling AAS at local level. We will now dive into a bigger market, made of online marketplaces, huge production sites, shipping methods and criminal organizations taking care of this business. First of all, when thinking about AAS one would immediately think about needles and intramuscular injections, but those are not the only ways steroids can be consumed. AAS taken through pills is the most commonly used technique, although intramuscular injections are mostly used for non-medical high-dose use, hence the illegal one. Furtherly, we could also find less common and traditional methods such as transdermal crèmes, gels and patches, as well as implantable pellets. AAS users usually start buying steroids from fellow weightlifters or athletes at local gyms or training centers, only to later realize that they might need more, and at a cheaper price. The solution to this mentally destabilizing issue could be easily and not surprisingly found on the internet. A 15-months study from 2010 exposed 186 websites selling steroids or precursor chemicals on the internet and the number of such websites kept growing for the last 15 years (Kraska et al., 2010). In 2015 a joint operation between the Drug Enforcement Administration (DEA) and Europol called "Operation Underground" dismantled over 16 rogue steroid laboratories, working closely with law enforcement partners in 15 EU Member States, as well as partners from Australia, Iceland, Switzerland, Interpol and the World Doping Agency. This operation took place in conjunction with 36 US investigations in 20 States under Operation "Cyber Juice" (Drug Enforcement Administration, 2015; Europol, 2015). This joint operation uncovered a wide net of steroid illicit production and trafficking all around the world, with the seizure of 636 kilograms of raw materials of "Chinese origin" and 135,000 doses of AAS ready to be sold. The compounds and raw materials were commonly obtained over the internet from Chinese manufacturing companies and underground laboratories. Ultimately, what makes the fight against AAS trafficking extremely hard for law enforcement agencies is that this type of illegal market is mostly not connected through precise criminal networks in which different criminal organizations work internationally to achieve a monopoly, rather being composed by a decentralized network of international smaller criminal gangs, often operating through underground laboratories and specialized shipping networks. In 2019 "Operation Viribus", a Europol-coordinated operation in which Europol, Interpol, the Joint Research Centre, the European Anti-Fraud Office and the World Anti-Doping Agency joined forces, dismantled seventeen organized crime groups involved in AAS and counterfeit medicines trafficking, with an amount of 3.8 million doses of substances seized worldwide. During these operations nine underground labs were detected and closed in European countries, with almost 24 tons of raw materials seized and 234 people being arrested. (Europol, 2019) This particular operation confirmed what was previously said: AAS small dealers buy small amounts of steroids from Asia or Eastern Europe to traffic them at local gyms. Social media are being used to advertise, promote and sell these substances. Selling and production is mainly done by small organized groups and this phenomenon is continuously growing, especially on the dark-web. It is also worthy of being said that big international criminal groups, like 'Ndrangheta, Cosa Nostra or the Albanian Mafia might also be involved in this kind of trafficking, but with a more marginal role, although investigations are still ongoing. However in 2025 the Italian Guardia di Finanza seized 30.000 doses of AAS and counterfeit medicines in Caltanissetta during the operation "Pesi Massimi" in which the law enforcement authority uncovered a net of illicit traffic through the internet and social media in which members of the Caltanissetta's Campofranco and Rieti clans, famously involved in businesses with Cosa Nostra, were involved. In summary, although involvement from these huge criminal organizations is still to be confirmed, it is not to be excluded whatsoever. (Guardia di Finanza, 2025)

IV. WHY WOULD IT AFFECT MY EVERYDAY LIFE?

It is undoubtedly true that social media platforms have had, and keep having, a huge influence on the world's population as a whole, and with the latest fitness trends that started brainwashing people's perception of self-esteem, extremely dependent on looks and being always perfect, content creators and platforms themselves started paving the way for the advertisement and selling of all kinds of supplements, also illicit ones. In the most recent times social media networks started implementing within their platforms built-in marketplaces for the sale and advertisements of all kinds of products and, with the help of their algorithms, reacting to a couple of videos by liking or commenting on them can make advertisements "pop up" on the screen, even right under the playing video , most of the times with links to websites or to the platform's marketplace. Another marketing strategy adopted presented itself in the form of social media accounts putting links to online marketplaces on their bio where AAS and other substances were available for sale. (Cox et al., 2024). A weak, easily influenced mind is the perfect target for criminals and dealers selling steroids and other drugs online and, in the case of AAS, it is not necessary to dive into the dark-web to buy those substances, since they are mostly sold on common online websites or Telegram channels. People recently started to feel more frequently displeased with their body, wishing they could achieve a better, more athletic, fit or muscular physique, and AAS represent a sort of a cheat code for this, although the price for it does not always come in the form of money, rather health.

V. CONCLUSIONS

In conclusion, the influence of social media platforms on people's perception of fitness, sports and aesthetics is making them consider taking IPEDs almost normal, or not as bad as it is. This phenomenon made AAS production and sale increase during the most recent decades, creating

an actual issue for public health and safety. Although Anti-Doping agencies have proved themselves to be stricter and stricter in sports and athletic competitions, sending a clear message that these substances ought not to be taken, the market is still growing and what makes it difficult to eradicate it is the decentralization of the different networks putting these substances on the market. The criminal scheme behind IPEDs and AAS trafficking is rather fascinating for this reason, instead of a multi-headed snake, just like in the case or other drugs, where big criminal organizations try to achieve a monopoly on the production and sale of their products, the steroids market might seem more like a snake pit, with bigger and smaller actors in different environments, from gangs dealing internationally, to the local dealer making steroids in his basement. Finally, the AAS market is a peer-to-peer illegal industry in constant evolution, for this reason, it is rather important to realize that these illegal activities are closer to us than we would ever think, and that it is of the utmost importance to fight it before it gets out of control.

REFERENCES

Cox, L., Piatkowski, T., & McVeigh, J. (2025). "I would never go to the doctor and speak about steroids": Anabolic androgenic steroids, stigma and harm. Drugs: Education, Prevention and Policy, 32(5), 403–415.

Cox, L., Gibbs, N., & Turnock, L. A. (2024). "Emerging anabolic androgenic. Steroid markets; the prominence of social media." Drugs: Education, Prevention & Policy, 31(2), 257–270.

Hockin-Boyers, H., Pope, S., & Jamie, K. (2021). #gainingweightiscool: the use of transformation photos on Instagram among female weightlifters in recovery from eating disorders. Qualitative Research in Sport, Exercise and Health, 13(1), 94–112.

'Natty or not?': how steroids got big https://www.theguardian.com/society/article/2024/jun/06/how-steroids-got-big-bodybuilding-influencers?CMP=share_btn_url

Beg, T. (2000). Chromosomal Damage Induced by Androgenic Anabolic Steroids, Stanozolol and Trenbolone, in Human Lymphocytes.

Borowiec, A., Waluszewska, I., Jurkiewicz, M., & Szczurek-Wasilewicz, W. (2025). Impact of Anabolic-Androgenic Steroid Abuse on the Cardiovascular System: Molecular Mechanisms and Clinical Implications. International journal of molecular sciences, 26(22), 11037. https://doi.org/10.3390/ijms262211037

Kraska, P. B., Bussard, C. R., & Brent, J. J. (2010). Trafficking in Bodily Perfection: Examining the Late-Modern Steroid Marketplace and Its Criminalization. Justice Quarterly, 27(2), 159–185. https://doi.org/10.1080/07418820902814013

Câmara , L. C. (2023). Anabolic Androgenic Steroids from Underground Market: drug Quality and Implications for Research. Asian Journal of Research in Medical and Pharmaceutical Sciences, 12(3), 59–64. https://doi.org/10.9734/ajrimps/2023/v12i3221

Ip, E. J., Yadao, M. A., Shah, B. M., & Lau, B. (2016). Infectious disease, injection practices, and risky sexual behavior among anabolic steroid users. AIDS Care., 28(3), 294–299. https://doi.org/10.1080/09540121.2015.1090539

Pellegrini, Manuela & Rotolo, Mariaconcetta & Giovannadrea, Rita & Pacifici, Roberta & Pichini, Simona. (2012). A simple toxicological analysis of anabolic steroid preparations from the black market. Annales de Toxicologie Analytique. 24. 67-72. 10.1051/ata/2012011.

U.S. Drug Enforcement Administration. (2015, September 22). DEA busts steroid traffickers and dismantles laboratories across the nation. https://www.dea.gov/press-releases/2015/09/22/dea-busts-steroid-traffickers-and-dismantles-laboratories-across-nation

Europol. (2015, September 2). International law enforcement operations target underground manufacture of anabolic steroids. https://www.europol.europa.eu/media-press/newsroom/news/international-law-enforcement-operations-targets-underground-manufacture-of-anabolic

Europol. (2019, July 8). Keeping sport safe and fair: 3.8 million doping substances and fake medicines seized worldwide. https://www.europol.europa.eu/media-press/newsroom/news/keeping-sport-safe-and-fair-38-million-doping-substances-and-fake-medicines-seized-worldwide

Guardia di Finanza. (2025, March). Sequestrate 30.000 dosi di anabolizzanti e farmaci non autorizzati. https://www.gdf.gov.it/it/gdf-comunica/notizie-ed-eventi/comunicati-stampa/anno-2025/marzo/sequestrate-30-000-dosi-di-anabolizzanti-e-farmaci-non-autorizzati

The Fragility of International Cooperation Against Transnational Organized Crime in Times of Geopolitical Conflicts

Russo-Ukrainian War Case Study

Maddalena Marra

Abstract — **In a reality where criminal networks are increasingly operating across jurisdictions, the prosecution of their crimes extensively depends on states' ability and willingness to exchange evidence, extradite suspects and coordinate investigations. For this reason, international cooperation represents an essential pillar in the contemporary fight against organized crime. However, the effectiveness of these mechanisms depends on both legal commitments and political circumstances. Geopolitical conflicts substantially challenge this fragile balance: wars create opportunities for organized crime to enlarge its activities and, although they do not formally suspend mutual legal assistance frameworks, hostilities considerably weaken their effectiveness in practice by furthering distrust, politicizing cooperation, and intensifying refusals or delays in extradition and evidence sharing. Faced with raising questions about the resilience of multilateral collaboration in times of belligerence, the paper analyzes the effects of the Russo-Ukrainian war on international networks, highlighting a more complex dynamic in which cooperation is simultaneously weakened and reinforced.**

I. INTRODUCTION

In an increasingly interconnected world, transnational criminal organizations are becoming more invasive every day, leaving States unable to effectively tackle their activities on their own. To solve the issue, cooperation tools such as mutual legal assistance (MLA) agreements, extradition treaties and joint investigative frameworks have been established to enable states to exchange evidence, locate suspects, freeze assets and ensure cross border justice.

The functioning of these instruments is based on reciprocity, trust and political amity between states. However, in times marked by geopolitical instability these assumptions are put on the line. The outbreak of the Russo-Ukraine war profoundly altered the geopolitical landscape, causing relations between states to deteriorate to the point that MLA mechanisms, although still formally in force, are severely undermined in practice due to an overall politicization of legal cooperation (Betti, 2025).

Additionally, such an environment creates opportunities for organized crime to flourish, expand and exploit the gaps in the enforcement of cooperation instruments (Global Initiative Against Organized Crime, 2017).

Nonetheless, the Russo-Ukrainian conflict did not simply weaken cooperation, it transformed it: hostilities have intensified regional cooperation among like-minded states, as testified by the expansion of joint ventures involving Ukraine and the European Union.

© 2026 Juliette Breillat. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

Through a brief overview on how traditional international cooperation systems work in peace time, an analysis of how the Russo-Ukrainian conflict impacted both the criminal and institutional scene, and the presentation of emerging regional cooperation alternatives, this paper aims to analyze how conflicts transform international cooperation.

II. GENERAL OVERVIEW OF INTERNATIONAL COOPERATION IN PEACETIME

International cooperation is essential in the fight against TOC due to its inherent cross border nature, which makes it necessary for states to join forces in acts of mutual legal assistance, i.e. a form of cooperation between different countries in order to exchange information and carry on parts of criminal investigations and subsequent proceedings when certain aspects of the crime develop in a foreign country.

An additional instrument of cooperation is represented by extradition, that is, the legal process through which an individual is transferred from one state to another to face a trial or sentence (European Commission, n.d.).

When considering international cooperation, reference must be made to the United Nation Convention against Transnational Organized Crime (UNTOC), a multilateral treaty adopted in 2000 in Palermo by the UN General Assembly and currently ratified by 194 states, and its three additional Protocols targeting specific areas of organized crime, namely human trafficking, migrant smuggling and arm trafficking. The UNTOC is considered the principal international instrument in the fight against TOC, engaging signatories in a series of commitments such as the creation of domestic criminal offences, the establishment of new extradition systems (Article 16), MLA and law enforcement cooperation, and the endorsement of training and technical assistance to build or improve national authorities' efficiency (United Nations Office on Drugs and Crime, n.d.).

The MLA system of UNTOC is regulated by Article 18 of the Palermo Convention: member states must reciprocally assist in investigation, prosecution and judicial proceedings of offences covered by the Treaty.

Like any other international treaty, even the Palermo Convention is not exempt from reservations. Relevant for the purpose of this analysis are the ones presented by Russia and Ukraine.

The Russian Federation has placed, among others: a reservation to be the sole prosecutor of certain crimes if they occurred in its territories or in other circumstances allowed by the Convention; and one on Article 27 to prohibit foreign authorities from conducting investigation in Russian territory.

Ukraine, instead, declared that it would apply the Convention in manners compatible with its constitutional and fundamental legal principles. (United Nations Treaty Collection, n.d.) Still, it must be noted that, under Article 10 of the Criminal Code of Ukraine Article 10, Ukrainian law generally prohibits extradition of its citizens (United Nations Office on Drugs and Crime, 2026).

Finally, a cardinal example of international cooperation is the International Criminal Police Organization (INTERPOL), an inter-governmental organization supporting worldwide law enforcement agencies (LEA) through investigative support, training and tools which foster cooperation among national law enforcement bodies, such as criminal databases, notices (police forces' international requests for cooperation or alerts) and a communication system (Interpol, 2017).

III. CRIME-CONFLICT NEXUS

Although international cooperation against TOC works relatively well in peace time, the same cannot be said in times of geopolitical tension: "*divergences between states"*, which can range *"from verbal hostility to the suspension of diplomatic relations and resorting to armed conflict"* (Betti, 2025), significantly impact instruments such as extradition and MLA. Consequently, even states' ability to oppose TOC is hindered.

In fact, academia has long recognized the existence of a *"crime-conflict nexus"* (De Boer & Bosetti, 2015): criminal organizations stimulate armed violence, which in turn fuels instability and weakens state capacity, a situation which is then exploited by illicit networks to strengthen or expand their activities (Global Initiative Against Organized Crime, 2017).

After Russia's invasion of Ukraine in 2022, which prompted a still ongoing armed conflict, new and emerging organized criminal enterprises have developed in the areas of smuggling, cybercrime, human, drug and arms trafficking.

A. Impact of the Conflict on Ukrainian Organized Crime

As a result of the invasion president Putin launched against the Ukrainian territory four years ago, the three-decades-long ties existing between Russia and Ukrainian criminal networks have been mostly severed (Pope, 2023).

Although some groups still provide services to Russian agents, most chose to part ways from their Russian colleagues, adopting a patriotic stance of convenience in order to exploit the conflict to expand their interests (Global Initiative Against Transnational Organized Crime, 2023), and, at the same time, as a way to preserve their power against the potential attempts of Russian organized crime to assimilate or eradicate them if Russia's *"special military operation"* (Putin, 2022) succeeded in annexing Ukraine (Felbab-Brown & Paz García, 2024).

In fact, a report by the Global Initiative Against Organized Crime (GI-TOC) has revealed that the Ukrainian criminal ecosystem sees the conflict *"as an opportunity to claim a seat at the table previously controlled by their Russian counterparts"* (Pope, 2023).

Indeed, although in the first weeks of conflict the production of illicit goods witnessed a decline, soon criminal enterprises, such as cybercrime, human trafficking, drug trafficking and smuggling of people and goods, have expanded or remained stable, sometimes even adopting new forms, like transportation of goods disguised as humanitarian aid (Kupatadze, 2022).

B. Impact of the Conflict on Russian Organized Crime

In Russia, instead, the criminal landscape has been influenced by the sanctions which various countries have imposed after the invasion, and by the ban on some European products Russia has imposed in response. Due to these sanctions, some goods have been delivered to Russia by few Ukrainian groups which are still supporting Russia (Kupatadze, 2022), while for counterfeited goods or products subject to Western sanctions new smuggling routes have emerged, sometimes under the coordination of the Russian intelligence service, other times independently of the Kremlin (Felbab-Brown & Paz García, 2024).

The widest criminal efforts have emerged in the field of cybercrime, as cybercriminals, driven by patriotism or pressured by Russian law enforcement officers, have engaged in numerous cyberattacks targeting Ukraine and Europe. These offensives are usually aimed at *"data collection and espionage, disrupting the Ukrainian government and key industry activities, interfering with citizens' access to reliable information and critical life services, and discrediting the country's leadership through disinformation"* (Kupatadze, 2022).

IV. EFFECTS OF CONFLICTS ON TRADITIONAL FORMAL COOPERATION

An additional effect of geopolitical tension and subsequent armed conflicts, apart from the enlargement of criminal ventures, is undoubtedly the decrease or total suspension of formal tools of cooperation against TOC, which foster even further the undisturbed expansion of criminal networks.

This happens partly because contrasting TOC is obviously not prioritized after the outbreak of a war, partly due to the erosion of mutual trust and reciprocity which traditionally underlie international cooperation tools such as MLA or extradition (Betti, 2025).

Moreover, many believe that current cooperation mechanisms are no longer equipped to counter TOC efficiently in a reality in which criminal groups constantly outpace international responses and it is becoming more difficult each day to attribute criminal responsibility due to the blurring of lines between state actors and criminal networks.

In short, it has been noted that geopolitical challenges stand as one of the main reasons why *"the political will and public support that created the UNTOC has dissipated"* (Tennant, 2021).

A. Shift in Focus

When a war breaks out, the focus of the affected nations obviously shifts to combat and territory defence, giving more leeway to TOC to expand undisturbed. The Russo-Ukrainian conflict is no exception to the rule: after the compulsory enrollment of all Ukrainian men of military age, the focus of Ukrainian LEAs shifted from their traditional tasks, including the fight against TOC, to warfare.

In fact, in 2023 a report by the Global Initiative Against Transnational Organized Crime (GI-TOC) raised concerns on Ukraine's ability to resist criminal networks after its efforts shifted to countering Russia's invasion on the eastern border.

This redirection, according to GI-TOC, *"will lessen the resistance Ukrainian organized crime groups face"* (Pope, 2023b), as has been confirmed by the Ukrainian government itself, which in March 2022 declared to the UN Secretary General that full implementation of the Palermo Protocols could not be guaranteed as long as its territorial integrity is in jeopardy (Kupatadze, 2022).

B. Departure from Reciprocity

The success of international cooperation against TOC depends on the proper functioning of its tools, such as MLA and extradition treaties, which can only happen in a context of trust and political goodwill among international actors. This is clearly the case in times of peace, but the same cannot be said when geopolitical tension rises and escalates in full-fledged armed conflicts: states could decide to completely suspend their cooperation efforts, or keep them formally in place but reduce their practical employment or their quality, turning MLA into a political instrument, whereby, for instance, a requested state will provide evidence to the requesting one only *"in exchange for commercial, diplomatic or other types of advantages that are unrelated to the criminal-justice domain"* (Betti, 2025).

This can be clearly seen when analysing the climate of mutual suspicion and mistrust surrounding the Russo-Ukrainian war, which inevitably led to the weakening of multilateral tools employed in the fight against organized crime. Let's consider a few examples.

After Russia lost membership in the Council of Europe in 2022 (Stano, 2022), it also lost full membership in related bodies, such as the Group of States against Corruption (GRECO), the supervisory body of the 1999 Criminal Law Convention on Corruption (CLCC), an instrument aimed at coordinating criminalization of corruption and international cooperation in prosecuting such offences. This meant that the Russian Federation would still be monitored under the anti-corruption treaty, while losing its voting privileges. The decision was perceived as a Western discrimination by Russia, which decided to denounce the Convention, effectively withdrawing from it (Law Denouncing Criminal Law Convention on Corruption, 2023).

The immediate effect has surely been the undermining of the effectiveness of the CLCC, especially in the area of extradition (pursuant to Article 27, the Convention works as an extradition treaty between its signatories in case a bilateral treaty is not in place), especially in light of the words of Dmitry Peskov, the Russian presidential spokesman, who admitted that *"certain difficulties may arise in the extradition of suspects and defendants"* (Pope, 2023a).

This decision is extremely worrying for the effectiveness of MLA and extradition treaties, particularly when considered in conjunction with the declarations of the Director of the Russian Foreign Ministry's Department of European Cooperation Nikolay Kobrinets that *"Some other international treaties may suffer the same fate"* (TASS, 2023a).

The position of INTERPOL on the matter is delicate, as Article 2 of its Constitution requires the Organization to ensure that cooperation and communication channels stay open, Article 3 prohibits *"any intervention or activities of a political, military, religious or racial character"* (Constitution of the ICPO-INTERPOL, 1956), and no clause provides for the suspension or exclusion of a member. Therefore, as a response to Russia's invasion, INTERPOL decided to put Russia's diffusions (requests for information or action directly from one National Central Bureau to another) at the same level of scrutiny accorded to Red Notices, that is, they will be reviewed for compliance with INTERPOL rules by the General Secretariat before publication. Ukraine, for its part, decided to disconnect from the INTERPOL network, in fear of a potential Russian misuse to target individuals (General Secretariat, 2022), while Russia restricted the operations of INTERPOL and other criminal-justice organizations carrying out unfriendly actions against Russia (TASS, 2023b).

C. Blurred Lines between State and Criminal Actors and Outdated International Responses

While the traditional narrative pictures criminal and state actors as opposing one another, in reality influential organized crime groups (OCGs) cooperate with states, embedding themselves in states' institutions and fostering relationships with political and security authorities (Muggah, 2023). This is the case of many significant cities, such as Odesa with its strategic port.

Conversely, in Russia the state-organized crime relationship manifested itself through state-sponsored criminal proxies operating in conjunction or under the protection of state actors. These networks challenge the traditional understanding of organized crime, blurring the lines between criminal and intelligence operations on the geopolitical stage.

Even during the ongoing war, Russian intelligence services facilitated or even directed Russian OCGs' activities in goods smuggling to evade sanctions, money laundering, illegal financial flows (Galeotti, 2024), and drug trafficking to generate unvouchered funds for state's secret activities (Felbab-Brown & Paz García, 2024).

Primarily, Russian intelligence services rely on criminal networks for espionage activities, sabotages, cyberattacks and assassinations (Galeotti, 2024) that cannot be directly perpetrated by government authorities (Jones, 2025).

This creates a problem of attribution, as states stand in a position of plausible deniability, while OCG's lack legal personality and, as a result, are not recognized as having geopolitical significance in war actions and cannot be held responsible for breaches of international law in their cooperation with state actors (Williams et al., 2026).

In fact, many experts believe that criminal syndicates' evolution is outpacing collective responses, which become each day more fragmented and ineffective (Muggah, 2023). Existing legal frameworks are based on a non-geopolitical model of organized crime standing by definition in opposition to the state, therefore they are not designed to deal with a new hybrid reality: for example, the UNTOC definition of organized crime struggles to

remain relevant when considering the hybrid nature of *"criminal/foreign intelligence actors"* (Kemp et al., 2013) such as the ones employed by Russia in its ongoing armed conflict.

V. NEW FORMS OF COOPERATION

As we have seen, armed conflict is generally expected to undermine state capacity and cross-border cooperation against TOC, and this has partly happened in the aftermath of Russia's invasion of Ukraine. Nonetheless, the Russo-Ukrainian war case seems to suggest a more complex dynamic: war did not simply weaken cooperation, it transformed it. While cooperation has become generally weaker, it has been simultaneously intensified at the regional level, especially among the EU and its partners.

For example, in response to Russia's aggression, on 7 March 2022 the EU Justice and Home Affairs (JHA) issued a Joint Statement, promising support to Ukraine through its Justice and Home Affairs Agencies' Network (JHAAN) of nine agencies (CEPOL, EIGE, EMCDDA, EUAA, eu-LISA, Eurojust, Europol, FRA and Frontex).

Later that month, the JHA backed the mobilization of the European Multidisciplinary Platform Against Criminal Threats (EMPACT, a security initiative aimed at identifying and addressing the main threats raised by organized or international crime) to help Member States in combating organized crime networks or individuals who are exploiting the Russo-Ukrainian war to expand their activities in human trafficking, criminal finance, money laundering and drug trafficking (European Council, n.d.).

Moreover, there have been serious efforts to bring together European, Ukrainian and neighboring states' LEAs to fight organized crime. In this regard, the EU established in June 2022 a Support Hub for Internal Security and Border Management to help Moldova fight arms, human and drug trafficking, migrant smuggling and cybercrime (European Commission, 2022b).

Besides, the European Union Agency for Law Enforcement Training (CEPOL) launched the Training and Operational Partnership against Organized Crime (TOPCOP), a capacity-building project aimed at supporting Eastern countries in fighting TOC (CEPOL, 2022a). Both Moldova and Ukraine are participating, although after the Russian aggression Ukraine had to suspend its participation in some training activities until September 2022 (CEPOL, 2022b).

In April 2022, Europol hosted an EMPACT meeting of experts aimed at identifying organized crime threats emerging because of the war and possible institutional responses (European Commission, 2022a). But the efforts of Europol have gone beyond that, offering training and support to Ukraine against human trafficking, illicit drug production, weapons trafficking and cybercrime (Europol, 2022a).

The most significant effort in this regard is surely Operation OSCAR (2022), a framework launched by Europol, EU Member States, Eurojust and Frontex to identify and obstruct criminal networks supporting the evasion of the sanctions imposed on criminal assets after the invasion of Ukraine (Europol, 2022b).

Even now, European lawmakers are focusing on OCGs' activities linked to the Russo-Ukrainian war, as testified by the Council's enhancement of EMPACT in its crime policy for 2026-2029 (Council of the European Union, 2025).

VI. CONCLUSION

The Russo-Ukrainian war is testament to how organized crime poses a serious danger to international peace, as TOC and conflict feed off each other, fostering an atmosphere of instability and mistrust which undermines the effectiveness of State institutions, law enforcement structures and overall multilateral cooperation.

Current MLA frameworks, although traditionally effective, seem to be unable to develop as fast as OCGs, leaving them free to exploit these cracks in the enforcement system to expand their illicit activities.

Still, the story doesn't end here, as the Russo-Ukrainian war seems to suggest a different narrative where international cooperation is at the same time weakened in some forms while strengthened in others, as shown by the EU, which has stepped forward to strengthen collective efforts against crime networks at the regional level.

In a time where organized crime becomes every day more sophisticated and encounters less and less risks when undertaking criminal activities, *"We need*", as Executive Director of the UN Office on Drugs and Crime Ghada Waly said, *"institutions capable of delivering justice and ending impunity, as well as resilient communities"* (United Nations, 2023).

REFERENCES

Betti, S. (2025). *Are geopolitical fractures jeopardising cross-border justice?* IISS. https://www.iiss.org/online-analysis/online-analysis/2025/09/are-geopolitical-fractures-jeopardising-cross-border-justice/

CEPOL. (2022a). *TOPCOP | CEPOL*. Europa.eu. https://www.cepol.europa.eu/international-cooperation/topcop

CEPOL. (2022b, August 23). *EU Justice and Home Affairs agencies present concrete actions in support of Ukraine | CEPOL*. Europa.eu. https://www.cepol.europa.eu/newsroom/news/eu-justice-and-home-affairs-agencies-present-concrete-actions-support-ukraine

Constitution of the ICPO-INTERPOL. (1956). https://www.interpol.int/content/download/590/file/01%20E%20Constitution_2024.pdf

Council of Europe. (1999). *European Treaty Series -No. 173 Criminal Law Convention on Corruption* *. https://rm.coe.int/168007f3f5

Council of the European Union. (2025, June 13).

De Boer, J., & Bosetti, L. (2015). *The Crime-Conflict "Nexus": State of the Evidence*. https://i.unu.edu/media/cpr.unu.edu/attachment/1665/OC_05-The-Crime-Conflict-Nexus.pdf

Delorme, T. (2024). MUTUAL LEGAL ASSISTANCE, A MECHANISM ENABLING THE PROSECUTION OF TRANSNATIONAL ORGANISED CRIME: BARRIERS AND SOLUTIONS. *Sorbonne Doctoral Law Review - Revue Doctorale de Droit de La Sorbonne*, *7*(1). https://www.sorbonnestudentlawreview.org/journal/article/view/225

European Commission. (n.d.). *Mutual Legal Assistance and Extradition*. Commission.europa.eu. https://commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/mutual-legal-assistance-and-extradition_en

European Commission. (2022a, May 25). *COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the Fourth Progress Report on the implementation of the EU Security Union Strategy*. EUR-Lex; European Commission. https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM%3A2022%3A252%3AFIN

European Commission. (2022b, July 11). *Press corner*. European Commission - European Commission. https://ec.europa.eu/commission/presscorner/detail/en/IP_22_4462

European Council. (n.d.). *The EU's fight against organised crime*. Www.consilium.europa.eu. https://www.consilium.europa.eu/en/policies/eu-fight-against-crime/

Europol. (2022a). *Europol's solidarity with Ukraine | Europol*. Europol. https://www.europol.europa.eu/europols-solidarity-ukraine

Europol. (2022b, April 11). *EU-wide operation targeting criminal assets in relation to the Russian invasion of Ukraine*. Europol. https://www.europol.europa.eu/media-press/newsroom/news/eu-wide-operation-targeting-criminal-assets-in-relation-to-russian-invasion-of-ukraine

Felbab-Brown , V., & Paz García, D. (2024, February 6). *Russia, Ukraine, and organized crime and illicit economies in 2024*. Brookings. https://www.brookings.edu/articles/russia-ukraine-and-organized-crime-and-illicit-economies-in-2024/

Galeotti, M. (2024, November 6). *Russia's Use of Organized Crime as an Instrument of Statecraf*. Global Initiative. https://globalinitiative.net/analysis/gangsters-at-war-russias-use-of-organized-crime-as-an-instrument-of-statecraft/

General Secretariat. (2022, March 10). *Ukraine: INTERPOL General Secretariat statement*. Www.interpol.int. https://www.interpol.int/News-and-Events/News/2022/Ukraine-INTERPOL-General-Secretariat-statement

Glassey, M. L. (2023, March 5). *Russia : Mutual criminal assistance suspended, but sequestration maintained - CDBF*. CDBF. https://cdbf.ch/en/1270/

Global Initiative Against Organized Crime. (2017, May 17). *Exploring the Crime-Conflict Nexus | Global Initiative*. Global Initiative. https://globalinitiative.net/analysis/exploring-the-crime-conflict-nexus/

Global Initiative Against Transnational Organized Crime. (2023). New Dynamics, New Opportunities: Trends in Organised Crime in Ukraine After Russia's Invasion. *LSE Public Policy Review*, *3*(1). https://doi.org/10.31389/lseppr.94

Interpol. (2017). *What is INTERPOL?* Interpol.int. https://www.interpol.int/Who-we-are/What-is-INTERPOL

Jones, S. (2025, March 18). *Russia's Shadow War Against the West*. Csis.org. https://www.csis.org/analysis/russias-shadow-war-against-west

Kemp, W., Shaw, M., & Boutellis, A. (2013). *The Elephant in the Room: How Can Peace Operations Deal with Organized Crime? ABOUT THE AUTHORS*. https://www.ipinst.org/wp-content/uploads/2013/06/elephant_in_the_room.pdf

Kupatadze, A. (2022). *The Conflict in Ukraine and its Impact on Organized Crime and Security A SNAPSHOT OF KEY TRENDS*. https://unicri.org/sites/default/files/2022-11/The%20conflict%20in%20Ukraine%20and%20its%20impact%20on%20organized%20crime%20and%20security_0.pdf

Law denouncing Criminal Law Convention on Corruption. (2023, February 28). President of Russia. http://en.kremlin.ru/acts/news/70604

Muggah, R. (2023). Organized Crime in Armed Conflicts and Other Situations of Violence. *International Review of the Red Cross*, 1–6. https://doi.org/10.1017/s1816383123000036

Ozer, M., Kucukkaya, G., Kose, Y., Mukasheva, A., Ciris, K., & Penumatcha, B. V. (2025, April 24). *Mapping Trafficking Networks: A Data-Driven Approach to Disrupt Human Trafficking Post Russia-Ukraine Conflict*. ArXiv.org. https://arxiv.org/abs/2504.17050

Pope, H. (2023a, January 12). *Putin Set to Withdraw Russia from Europe's Anti-Corruption Convention*. OCCRP. https://www.occrp.org/en/news/putin-set-to-withdraw-russia-from-europes-anti-corruption-convention

Pope, H. (2023b, February 24). *GI-TOC: Organized Crime in Ukraine and Russia Split Since the Invasion*. OCCRP. https://www.occrp.org/en/news/gi-toc-organized-crime-in-ukraine-and-russia-split-since-the-invasion

Putin, V. (2022, February 24). *Address by the President of the Russian Federation*. President of Russia. http://en.kremlin.ru/events/president/news/67843

Russian Federation (suspended) | Europol. (2022). Europol. https://www.europol.europa.eu/partners-collaboration/agreements/russian-federation

Stano, P. (2022, March 17). *Council of Europe: Statement by the High Representative on the cessation of Russia's membership*. EEAS. https://www.eeas.europa.eu/eeas/council-europe-statement-high-representative-cessation-russias-membership_en

TASS. (2023a, March 24). *Russia to denounce remaining CE conventions if Western discrimination continues — diplomat*. TASS. https://tass.com/politics/1593801

TASS. (2023b, August 18). *Interior Ministry limits powers of Interpol NCB in Russia*. TASS. https://tass.com/society/1662339

Tennant, I. (2021). Fulfilling the Promise of Palermo? A Political History of the UN Convention Against Transnational Organized Crime. *Journal of Illicit Economies and Development*, *2*(1), 53–71. https://doi.org/10.31389/jied.90

UN News. (2025, July 18). *As war rages on in Ukraine, organised crime is taking new forms*. UN News. https://news.un.org/en/story/2025/07/1165428

United Nations. (2023, December 7). *Global cooperation critical to combat transnational organized crime | UN News*. News.un.org. https://news.un.org/en/story/2023/12/1144507

United Nations Office on Drugs and Crime. (n.d.). *United Nations Convention against Transnational Organized Crime*. Unodc.org; United Nations. https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html

United Nations Office on Drugs and Crime. (2026). *Article 10*. : https://www.unodc.org/cld/en/legislation/ukr/criminal_code_of_ukraine/general_part_-_chapter_ii/article_10/article_10.html

United Nations Treaty Collection. (n.d.). *United Nations Treaty Collection*. Treaties.un.org. https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en#EndDec

Williams, M., De, J., Pereira, D., Glantz, E., & Scotland, J. (2026). *Addressing the nature and impact of organised crime on the international scene: Understanding and legislating for the role of organised crime groups as geopolitical actors*. https://www.europarl.europa.eu/RegData/etudes/STUD/2026/783608/EXAS_STU(2026)783608_EN.pdf

The Flow of Weapons Across the US and Mexico Border

How Weapons Trafficking Across Two Countries Interacts with Specific Contextual Variables

Lucia Meacci

Abstract — **On the border between the United States of America and Mexico, the issue of weapons trafficking is prominent and interwoven with the social and political context of both countries. This paper first analyses the main routes from the south of the US to northern Mexico and the main operational model of the smugglers, to later connect this issue to its contextual framework, first by analyzing the legislation on firearms in these two countries and trying to assess its role in weapons trafficking, in particular on the US side of the border, and later by studying the connection between the presence of illegal weapons in Mexico and the rate of violence in the country, showcasing this relation through crime figures and in particular data on armed crimes.**

I. INTRODUCTION

In public perception and the media, the issue of weapons trafficking is often less centered compared to other organized criminal activities, like drug trafficking or humans trafficking. Nevertheless, it constitutes a huge global problem, with illegal exchanges of weapons happening on the territory of basically all countries.

This paper will analyze the peculiar context of weapons trafficking from the United States of America to Mexico, focusing in particular on its traits in the last decades and on its peculiarities in the 21st century context and political reality.

The United States of America are the larger producer of firearms in the world, with the biggest export market to Global South countries and the highest number of weapons per capita (88 every 100 people). Due to its geographical proximity and restricted internal market for weapons, Mexico became the host to a thriving illegal market of firearms coming from the US and from other countries (Perez Esparza, 2019).

The last data of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), as of April 3rd, 2025, has calculated that in 2024 the firearms trafficked to Mexico from the United States traced by the National Tracing Center (NTC) were 18,249 in the calendar year. This shows a growth in the number of weapons trafficked compared to the years before, with 13,460 seized in the calendar year of 2019. However, the number of weapons seized by the authorities each year is likely underrepresented. In 2019 it was estimated that around 253,000 weapons are likely trafficked each year (Agrawal, 2019), and this number has seen a constant growth in the last decades.

This analysis will be structured around three main sections. First, it will consider the patterns followed in the trafficking of weapons through this border. Then, this paper will study the issues in the fight of this activity, with a focus on how the lax weapons legislation in the US influences it. Lastly, this work will zoom out on the connection between this type of trafficking and the levels of violence in the state, analyzing crime figures and particularly focusing on armed crime.

© 2026 Lucia Meacci. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. PATTERNS OF TRAFFICKING

The trafficking of weapons across the US and Mexico border is also referred to as the “Iron River”. In fact, in 2019 it was calculated that in the previous 5 years more than 70% of all illegal weapons seized by the Mexican authorities crossed the Northern border of Mexico (Agrawal, 2019; Medina, 2020). In the US, the competent authorities are the Customs and Border Protection, the Homeland Security Investigation of the Department of Homeland Security and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Mexican competent authorities are the Ministry of Security and Citizen Protection, the General Administration of Customs, the Ministry of Communications and Transportation, the Ministry of National Defense (Sedena), the Ministry of the Navy (Semar), the National Guard and the Office of the Attorney-General of the Republic. These institutions have put in place bilateral inter-governmental collaborations and inter-agencies task forces to combat these criminal networks (Goodman & Marizco, 2010). One of the difficulties in stopping the flow of weapons southward lies in the sometimes difficult cooperation between agencies, for example ICE and ATF (Ford, 2009).

The 3,169 km border between the US and Mexico sees each day a flux of 25,000 people, among which weapons traffickers can hide easily. The majority of weapons reach Mexico by car, but a lower number does so by foot and circa 1% by plane. 180 tunnels used to cross have also been found. Some smugglers transport a small amount of light weapons, while others heavier weapons or weapons in higher numbers.

The traffickers are called hormigas: they are not organized in a hierarchical, interconnected way, but they often operate individually or in small groups. This makes the work of law enforcement difficult, as even if one cell is caught it is easily replaced by another and the lack of connection between cells means that there is no trail to follow from one trafficker to another.

Traffickers often pay licensed citizens to buy and drop off weapons, which are then smuggled. The weapons trafficked mainly originate from gun stores and secondly from arms fairs, and in these bordering states 22,689 gun stores are located, with Texas, the state from which the highest number of weapons trafficked originates, seeing the presence of 10,492 gun stores out of the total 133,753 in the whole country (Medina, 2020). They are also

sourced through arms fairs, second-hand market sales, the internet and news-paper advertisements.

Sales are often arranged through the internet, for example through arms forums or websites, prominently Armslist.com, but they are conducted in person (Agrawal, 2019).

The consumers are both Mexican cartels and normal citizens: Mexico has a really high number of illegal holding of weapons in civilians, with 3million registered holders for 13million estimated holders (Agrawal, 2019).

Of the weapons trafficked, 48% are long-arms guns, carabines, rifles and shotguns (in particular AK-15 and AK-47 rifles) and 28% are short-arms guns and revolvers (like FN 5.7 semi-automatic pistols). Parts of guns and ammunition are also trafficked. In particular, ammunition is more accessible: it's more difficult to track, due to its lack of a registration, and can easily be moved in large amounts because of its dimension.

Circa half of all weapons seized was found to have an active US Federal Firearms License, which made it possible for the authorities to identify their origin: they mainly come from Texas, Arizona, New Mexico, and California, the states just across the border from Mexico. As is easily imaginable, this has a geographical component to it, even though the cultural and political context also has a weight.

On the other end, not all weapons were manufactured in the US, but circa 30% was found to be produced in six European countries, mainly by the Italian brand Beretta and the Austrian brand Glock, followed by producers from Germany, the Czech Republic, Belgium or Spain. From 2019 to 2021 European producers imported to Mexico 125,670 firearms, the majority of which were light weapons. Of these weapons, circa a third entered Mexico directly, while the rest passed through non-EU countries, specifically the United States (How European Weapons Fuel Armed Violence in Mexico, 2023).

Nearly half the total number of weapons has been seized in the northern Mexican states: in particular, Tamaulipas and Sonora are the most important points for trafficking, followed by Baja California, Chihuahua, Coahuila and Nuevo Leon for amount of seizures, even though some firearms also reach the southern border, channeling in the southern part of Mexico in Veracruz and Oaxaca (Agrawal, 2019; Medina, 2020).

The main routes registered for these weapons are five, from Washington and Oregon, from Utah and Arizona, from Colorado and New Mexico, from Missouri, Eagle Pass and Laredo, from Florida, Georgia, Alabama, Mississippi and Louisiana to McAllen, Roma, Rio Grande and Brownsville (Medina, 2020).

III. THE LEGISLATIVE CONTEXT

Mexico has one of the most restrictive legislations on the ownership of weapons and on the acquiring of a gun permit in the world (Perez Esparza, 2019), comparable for example to that of the UK (Agrawal, 2019). On the other end, there's a huge gap in the number of illegal weapons and the registered levels of gun violence in the two countries between 2015 and 2019.

The State of Mexico has prohibited the sale of firearms to all but one dealer in the country and the ownership or transfer of guns is only legal following the grant of a special permit that can only be obtained in "extraordinary" cases.

Articles 160 to 163 of the Mexican Federal Penal Code, passed by the Mexican Congress in 1931, introduced the requirement of licenses to carry pistols or revolvers, the necessity for individuals to prove their need to carry a weapon and the possibility only for businesses to be able to participate in gun sales (Federal Penal Code, 1931). The legislation on gun ownership was modified in 1972, with the enactment of the Federal Law of Firearms and Explosives, which imposed new restrictions on ownership and registration of all firearms by the Mexican Army, in the Federal Arms Registry. Both laws imposed high sanctions in case of non-compliance, with jail time up to ten years for the law of 1972 (Perez Esparza, 2019).

These laws have restricted the production and sale of firearms, with only one licensed shop, run by the Army, in all the country. The process of buying is also stringent, with the need for a declaration of the justification to carry a weapon, the presentation of a valid birth certificate, proof of residence and income and an official report of no criminal record. Prospective buyers are also fingerprinted and photographed, evaluated through a psychological, medical and toxicological test, and undergo two months of background checks (Perez Esparza, 2019).

The number of guns and fire-power civilians can access for security purposes is also restricted and no weapon can be carried in public places. These policies have been enforced rigorously and became more stringent over the years.

The firearms legislation across the border was developed by a different history and cultural input and thus couldn't be more different.

In the history of the United States of America, the "right to keep and bear firearms" has had an important role and a cultural prominence. Since 1791 it has been protected under the Second Amendment of the US Constitution.

Firearms legislation at federal level is primarily based on the National Firearms Act of 1934 (NFA) and the Gun Control Act of 1968. They restrict the transfer, sale and possession of firearms and the agency charged with administering them is the ATF (Jordan B. Cohen, Michael A. Foster, 2026). Over the years, they have been amended in various ways and the US Department of Justice, under the latest Trump Administration, has declared its intention to "protect the right to keep and bear arms of Americans with criminal histories" by providing them with an avenue to restore this right (*Justice Department Publishes Proposed Rule to Grant Relief to Certain Individuals Precluded from Possessing Firearms*, 2025).

In 1994, President Bill Clinton passed the Public Safety and Recreational Firearms Use Protection Act, commonly known under the name of "Federal Assault Weapons Ban" (AWB), as it contained a ten-years prohibition to manufacture and import semi-automatic firearms for civilian use. Most studies suggest a positive effect of the AWB in reducing the social cost of public shootings (Perez Esparza, 2019). In 2004, President George W. Bush and the US Congress terminated the act, and this resulted in a growth in the number of semi-automatic weapons manufactured. According to government sources, the number of guns produced in the States tripled, from

200,000 to 600,000 by 2010, with rifles going from 10,000 to 90,000 and assault weapons from 100,000 to 500,000 by 2013 (Medina, 2020).

In 2003, the Tiahrt amendments were passed, which prohibited the ATF from disclosing any data that could be used to trace firearms to members of the public and initially also to other agencies (although this was modified), as this was considered to go against the "right to keep and bear firearms". Perez Esparza argues that this first impeded attempts by US agencies to identify gun traffickers and it created additional incentives to traffic more guns, including through the southern border (Perez Esparza, 2019).

In 2005, President Bush issued the Protection of Lawful Commerce in Arms Act (PLCAA), which protected manufacturers and dealers from contributory liability in crimes committed using firearms sourced from them.

In January 2020 the Trump Administration adopted a legislative reform which provided export licenses for semi-automatic weapons and the related ammunition and for weapons of a larger caliber, shifting the oversight of these licenses from the Department of State to that of Commerce, eliminating the oversight of Congress (Medina, 2020). This reform increased the number of trafficked weapons and their firepower.

These legislations had huge consequences both on the internal market of weapons but also, due to the global prominence of the US as a weapons manufacturer, on the international market. The asymmetry between the legislation on firearms in these two countries created incentives for traffickers to move weapons from the US through the border, creating an opportunity for profit which would have incentivized the market to expand. Interestingly, considering the weapons arriving in Mexico produced in European states, more then two thirds pass through the US (How European Weapons Fuel Armed Violence in Mexico, 2023), probably because its lax legislation makes it easier to import and then export (or smuggle) the weapons.

IV. STATE VIOLENCE AND CRIME RATES

The reality of Mexico as one of the countries with the highest number of firearms per capita in the world has already been covered by this essay. This state, since the second part of the 20th century, has also seen an escalation in gang violence and drug trafficking. The following figures show the impact of the illegal firearms market on the crime rate and violent climate of the country.

In 2018, 30,000 homicides were reported in a year (circa 82 murders a day), with 100,000 deaths between 2013 and 2018 (Agrawal, 2019), while in 2020 the number reached more than 35,000 (INEGI, 2025b). Since then, in 2025 the number has diminished considerably, but this does not necessarily correspond to a decline in the violence levels in the country.

In fact, the number of disappearances has kept increasing from 2005 to 2025 (Tirana Hassan, 2025) and the general crime rate in Mexico between 2019 and 2024 has mostly kept above 30,000 for 100,000, with a lower peak of 28,000 circa in 2022 and a growth to 34,000 in 2024. This rate is lower than the 41,000 for 100,000 people crime rate registered in 2013 and 2014, but it equally doesn't show a deescalation in the levels of violence in the country (INEGI, 2025a).

When considering crime levels, the dark figure of crime has to be taken into consideration: this figure represents the difference between the amount of reported crime, taken from police data, and the amount of crime that goes unreported, as drawn primarily through victimization surveys and self-report studies. In Mexico in the last decade this number has kept around 102% and it has been calculated, for more than 60%, for it to be attributable to the authorities (INEGI, 2025a).

It's calculated that two-thirds of homicides were committed by organized crime and 70% of homicides were caused by armed violence, using firearms of which, as has previously been covered, 70% had been illegally trafficked from the United States (Medina, 2020; Tirana Hassan, 2025).

The higher number of intentional homicides was recorded in Guanajuato (2685), followed by Baja California (1955), the State of Mexico (1770), Chihuahua (1692), Michoacán (1429), Jalisco (1368), Guerrero (1298) and Mexico City (1062).

In these states the high number of trafficked firearms has been recorded, with a growth in the possibility for criminals and other civilians alike to gain access to guns. This presence of weapons provides opportunity for armed violence, a variable which can be able to explain the higher crime and homicide rate in these territories (Medina, 2020; Perez Esparza, 2019).

Tamaulipas, one of the states where most long arms enter the country and where in 2019 the highest number of weapons seizures took place, saw 41,044 homicides between 2006 and 2019. Sonora, Michoacán, Sinaloa, Guerrero and Chihuahua follow in the number of firearm-related homicides between 2006 and 2019.

In relation to firearm-related crimes as a whole, the state with the higher rate in 2019 was Guanajuato (19,087), then the State of Mexico (1977), Mexico City (1753), Baja California (1339), Michoacán (1334), Jalisco (1234) and Chihuahua (1160) (Medina, 2020).

The Mexican Federal State has kept front to the high levels of gang violence with the deployment of military forces and the purchase of high numbers of firearms. These measures have actually brought to an increase in homicides and human rights infractions and between 2006 and 2019 more than 20,000 firearms have disappeared or have been stolen, feeding the illegal market of firearms and worsening the country's instability (Agrawal, 2019).

V. CONCLUSION

This paper has analyzed the way hormigas legally acquire firearms in the United States from licensed businesses and guns-fairs and illegally smuggle them unseen through the border to Mexico, forming the so-called "Iron River" and distributing them both to Mexican Cartels and to common citizens. It has also linked the spreading of the phenomenon of weapons trafficking and the firearms legislation in both the USA and Mexico, pointing out how the restricted guns market in the southern nation and the overflooding one in the northern country favored the movement of weapons across the border and the formation of this illegal market. Lastly, the analysis at issue gathered

different statistics and crime rates, particularly focusing on the prominence of armed violence and homicides in the states where the majority of the weapons trafficked ends up.

The information gathered clearly represents the interconnection between weapons trafficking and crime rates and the impact of legislation (especially the lax nature of US firearms legislation) on these phenomena. It also partially shows how this context and firearms trafficking have changed in the past.

How will they change in the future? It has already been mentioned how Donald Trump's second administration could have an impact on this market. The appointment in office of President Claudia Sheinbaum Pardo in Mexico in 2024 sanctioned the promise by the president to use of a more proactive and stringent strategy in the fight against organised crime in the country.

Probably, in the next years the effect brough about by these changes in the political context will become visible and the changing context in the United States of America and Mexico will likely continue to shape the "Iron River". Maybe in the next years a completely unrelated factor like the FIFA World Cup 2026 in Canada, Mexico and the United States will manage to slow the flow of weapons through the US-Mexico border.

REFERENCES

Agrawal, D. (2019). *Combating U.S. Gun Trafficking to Mexico: A study conducted for the Brady Campaign to prevent gun violence* (p. 59). The University of California. https://stopusarmstomexico.org/wp-content/uploads/2019/10/U.S.-Guns-to-Mexico-Final.pdf

Federal Penal Code, Art 160-163, Mexican Congress, CÓDIGO PENAL FEDERAL (1931).

Ford, J. T. (2009). *Firearms Trafficking: U. S. Efforts to Combat Arms Trafficking to Mexico Face Planing and Coordination Challenges*. DIANE Publishing Company. https://books.google.it/books?id=xGdKf3X6HPwC

Goodman, C., & Marizco, M. (2010). *U.S. Firearms Trafficking to Mexico: New Data and Insights Illuminate Key Trends and Challenges* (Working Paper Series on U.S.-Mexico Security Cooperation, p. 35). Woodrow Wilson Center for International Scholars; Trans-Border Institute, University of San Diego. https://media.hotnews.ro/assets/document/2010/09/13/7784629-0.pdf

How European weapons fuel armed violence in Mexico (p. 4). (2023). [Briefing Note]. European Network Against Armed Trade, Rete Italiana Pace e Disarmo, Ohne Ruestung Leben. https://www.ohne-ruestung-leben.de/fileadmin/user_upload/startseite/2023/Joint-Briefing-Note-Mexico-July2023-EN.pdf

INEGI. (2025a). *Crime Rate* [Dataset].

INEGI. (2025b). *Gross homicide rate per 100,000 inhabitants* [Dataset].

Jordan B. Cohen, Michael A. Foster. (2026, aprile 14). *U.S. Gun Policy: Framework and Major Issues* [In Focus]. CRS (Library of Congress). congress.gov. https://www.congress.gov/crs-product/IF11038

Justice Department Publishes Proposed Rule to Grant Relief to Certain Individuals Precluded from Possessing Firearms. (2025, luglio 18). [Office of Public Affairs, US Department of Justice]. Justice.Gov. https://www.justice.gov/opa/pr/justice-department-publishes-proposed-rule-grant-relief-certain-individuals-precluded

Medina, F. (2020). A Snapshot of Illicit Arms Trafficking in Mexico: Mexico and the United States. *Revista Mexicana De Política Exterior: No. Especial 2020 (2020): Illicit Arms Trafficking in Mexico*, 11–22.

Perez Esparza, D. (2019). *Patterns of gun trafficking: An exploratory study of the illicit markets in Mexico and the United States* [Doctoral thesis (Ph.D), UCL (University College London)]. https://discovery.ucl.ac.uk/id/eprint/10072573

Tirana Hassan. (2025). *Mexico Events of 2024*. Human Rights Watch. https://www.hrw.org/world-report/2025/country-chapters/mexico

Prevention and Combating of Trafficking in Human Beings and the Protection of Children in European Union Law

Peter Melicher

Abstract — **This paper addresses the issue of human trafficking as a serious form of organized crime that constitutes a significant violation of fundamental human rights. Particular attention is paid to children as the most vulnerable group of victims. The aim of this paper is to analyze the legal framework of the European Union and international instruments, particularly the UN Palermo Protocol and Directive 2011/36/EU of the European Parliament and of the Council, and to highlight their importance in the areas of prevention, victim protection, and the prosecution of perpetrators. The paper also identifies the main forms of child trafficking, analyzes the situation in selected member states, and highlights practical challenges in implementing legal instruments. The conclusion emphasizes the need for a comprehensive and coordinated approach at both the national and international levels, with a focus on child protection.**

I. INTRODUCTION

Human trafficking is one of the most serious global issues of our time, affecting all regions of the world regardless of their economic or political development. It is a form of organized crime closely linked to the violation of fundamental human rights, with victims being subjected to various forms of exploitation, including physical violence, psychological coercion, and sexual abuse. This phenomenon is often referred to as a modern form of slavery, as it leads to the loss of personal freedom and dignity of the individual.

The situation of children as victims of human trafficking requires special attention. Children are among the most vulnerable groups, as their ability to recognize risks and defend themselves against manipulation is limited. For this reason, it is essential to ensure their enhanced legal protection through effective legal and institutional mechanisms.

The aim of this paper is to analyze the European Union's legal framework in the area of preventing and combating human trafficking, with a focus on the protection of children as victims. The paper focuses on the theoretical definition of the concept, the identification of legal instruments, and the highlighting of problems in their practical implementation.

Human trafficking constitutes a serious violation of fundamental human rights, often referred to as a modern form of slavery. This phenomenon deprives individuals of their personal freedom, dignity, and the ability to make decisions about their own lives. At the same time, it is a dynamic phenomenon that constantly adapts to social and technological changes (European Commission, 2024).

Human trafficking is closely linked to organized crime and is often associated with other forms of criminal activity, such as migrant smuggling, drug trafficking, and money laundering. This interconnectedness increases its social danger and simultaneously makes it more difficult to detect and prosecute (IOM, 2009).

From a legal perspective, a precise definition of this concept is crucial. Within the European Union, the primary legal instrument is Directive 2011/36/EU, which defines human trafficking through three core elements: conduct, means, and purpose. Actions include, for example, luring, transporting, or harboring a person, while means refer to forms of coercion such as violence, threats, or deception. The purpose is always exploitation, which can take various forms (Directive 2011/36/EU).

An important aspect of this definition is the fact that the victim's consent is legally irrelevant if it was obtained through any of the aforementioned means. This principle reflects the reality that victims often act under duress or as a result of manipulation, and therefore their decision cannot be considered free (Directive 2011/36/EU).

From a global perspective, it is one of the most profitable forms of organized crime. According to available data, human trafficking affects millions of victims annually, a significant proportion of whom are women and children. This situation highlights the need for a coordinated approach at both the international and European levels (UNODC, 2010).

II. INTERNATIONAL LEGAL FRAMEWORK

The international legal framework on human trafficking constitutes a fundamental pillar in the fight against this form of organized crime. Given the cross-border nature of this criminal activity, it is essential that states cooperate and adopt joint measures to combat it. International conventions and legal instruments play a significant role in this regard, as they establish a uniform basis for defining and prosecuting human trafficking (UNODC, 2010).

The key document at the international level is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, known as the Palermo Protocol. This document serves as a supplement to the United Nations Convention against Transnational Organized Crime and established the first internationally recognized definition of human trafficking. According to this protocol, human trafficking encompasses acts, means, and purpose, with the aim always being exploitation (UN Palermo Protocol, 2000).

The significance of the Palermo Protocol lies not only in its definition but also in the fact that it obligates states to adopt legislative measures to criminalize this activity and to strengthen international cooperation. States are also required to adopt measures to protect victims and ensure their support, thereby emphasizing not only the repressive but also the preventive and protective functions of the law.

© 2026 Peter Melicher. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

In the European context, the Convention for the Protection of Human Rights and Fundamental Freedoms plays a significant role, as it prohibits slavery and forced labor. Although this convention does not explicitly address the protection of individuals against this form of exploitation (Convention for the Protection of Human Rights, 1950, Art. 4).

The case law of the European Court of Human Rights has expanded the interpretation of this provision to hold that states have not only a negative obligation to refrain from violating rights but also a positive obligation to actively protect individuals from human trafficking. This includes, in particular, the obligation to establish an effective legal framework, ensure the investigation of cases, and provide protection to victims (ECHR).

The European Union plays a significant role in the fight against human trafficking, particularly through the creation of a uniform legal framework that is binding on all Member States. Given the cross-border nature of this criminal activity, a coordinated approach at the EU level is essential, with the aim of ensuring effective prevention, prosecution of perpetrators, and protection of victims (European Commission, 2024).

The key legal instrument of the European Union in this area is Directive 2011/36/EU of the European Parliament and of the Council, which harmonizes the legal provisions of Member States. This Directive establishes minimum rules regarding the definition of the crime of human trafficking, as well as penalties for perpetrators and measures to protect victims (Directive 2011/36/EU).

The significance of directives as a legal instrument lies in the fact that they provide Member States with a certain degree of flexibility in their implementation, while at the same time requiring them to achieve a specified result. This approach allows for differences between individual states to be taken into account, particularly in terms of their legal systems and social conditions (TFEU, Art. 83).

At the same time, European Union law takes precedence over national law, which means that Member States must ensure its full application within their legal systems. This principle contributes to the uniformity of legal regulation and enhances the effectiveness of the fight against human trafficking across the entire European Union (TFEU).

In addition to law enforcement measures, EU legal instruments also focus on prevention and victim protection. Particular attention is paid to the most vulnerable groups, especially children, who require specific protective measures (Directive 2011/36/EU).

III. CHILDREN AS VICTIMS OF HUMAN TRAFFICKING AND ITS FORMS

Children are one of the most vulnerable groups of victims of human trafficking, primarily because of their age, emotional immaturity, and dependence on adults. Their ability to recognize risky situations and defend themselves against manipulation is significantly limited, making them a frequent target of perpetrators of this crime (Convention on the Rights of the Child, 1989).

Children's vulnerability is often exacerbated by adverse social and economic conditions, such as poverty, lack of access to education, family problems, or migration. These factors increase the likelihood that a child will become a victim of human trafficking, as they make it easier for perpetrators to manipulate and exploit them (UNODC, 2010).

In European Union legislation, the special status of children is reflected in specific provisions that ensure a higher level of protection. Directive 2011/36/EU stipulates that, in the case of children, it is not necessary to prove the use of means such as violence or fraud. The act itself and the purpose of exploitation are sufficient to establish the elements of the offense (Directive 2011/36/EU, Art. 2(5) .

At the same time, a child's consent is always legally irrelevant, regardless of the circumstances of the case. This principle is based on the assumption that a child is not capable of fully understanding the consequences of their decision, and therefore it is necessary to ensure their maximum protection (Directive 2011/36/EU).

Children are exposed to various forms of exploitation, most commonly sexual exploitation, forced labor, or forced begging. (DELAP, E.: Forced Child Begging:) These forms have serious consequences for their physical and psychological development and can affect their future lives. In addition, their social ties are disrupted and their access to education is limited, which further exacerbates their disadvantage (ECPAT International, 2020).

It follows from the above that the protection of children as victims of human trafficking requires a comprehensive approach that includes not only legal measures but also social support, prevention, and awareness-raising. Particular emphasis should be placed on the early identification of victims and ensuring their reintegration into society.

Child trafficking is an extremely serious form of crime characterized by a variety of forms and methods of exploitation. These forms often overlap, and it is not always possible to strictly separate them. In practice, we often find that a single child may be subjected to multiple forms of exploitation simultaneously, which further deepens their trauma and complicates their reintegration into society (UNODC, 2010).

The most widespread form of child trafficking is sexual exploitation, which is also the most lucrative segment of this criminal activity. Child prostitution is among the most common forms, involving a situation where a child is engaged in sexual activities in exchange for payment or another form of compensation. This consideration is not always financial in nature but may also include basic necessities such as food, shelter, or protection (Optional Protocol, 2000).

A significant contemporary problem is child pornography, which is closely linked to the development of digital technologies. The internet, social media, and anonymous communication platforms provide perpetrators with new opportunities to establish contact with children and subsequently abuse them. The digital environment enables the rapid dissemination of illegal content, while identifying perpetrators is often complicated. This trend highlights the need to adapt legal instruments to new technological challenges (ECPAT International, 2020).

Another significant form of child trafficking is forced marriage, which occurs without the child's free and informed consent. Such marriages are often associated with physical and psychological violence, restrictions on personal freedom, and loss of access to education. Forced

marriages can be motivated by various factors, including economic reasons, traditions, or attempts to control the child (Convention on the Rights of the Child, 1989).

An equally serious form is forced begging, which constitutes the economic exploitation of children. In this case, children are forced to obtain funds for their exploiters, often living in unsuitable conditions and being subjected to violence. This form of exploitation is often overlooked, despite having serious consequences for the child's physical and psychological development (UNODC, 2010).

In addition to the forms mentioned above, there are other, less visible forms of exploitation, such as forced domestic labor, illegal adoptions, or organ trafficking. A common feature of all these forms is the systematic violation of the child's rights and the use of the child to achieve economic or other benefits for the perpetrator (European Commission, 2024)

IV. SITUATION IN SELECTED EU COUNTRIES

The issue of human trafficking in the European Union manifests itself to varying degrees across Member States. Although the European Union's legal framework provides a unified basis for combating this criminal activity, its implementation in practice varies depending on the political, economic, and social conditions of the specific country (European Commission, 2024)

Romania is among the countries that have long been considered a significant source of victims of human trafficking. This situation is primarily driven by economic factors such as high unemployment, poverty, and inadequate social protection. Victims are often lured by false promises of work abroad, after which they are exploited. Another problem in Romania is insufficient prevention and limited capacity of law enforcement agencies (European Commission – reports, 2024)

France is a country with a more developed victim protection system, yet it still faces several challenges. One of the main issues is identifying victims, particularly in cases involving undocumented individuals or unaccompanied children. France is also facing an increase in human trafficking linked to migration, which requires a comprehensive approach and cooperation among various institutions (European Commission – reports, 2024).

As a smaller Member State, Malta faces specific challenges related primarily to its geographical location and limited resources. Capacities for identifying and protecting victims are relatively limited, which results in lower effectiveness in implementing legal instruments. Nevertheless, Malta is gradually adopting measures to improve the situation, particularly in the areas of legislation and cooperation with international organizations (European Commission – reports, 2024).

An analysis of these countries highlights the fact that, although a common legal framework exists, its practical implementation depends on the specific conditions in individual states. This underscores the need to strengthen coordination at the European Union level and improve the exchange of information among Member States (European Commission, 2024).

V. CHALLENGES AND ISSUES IN PRACTICE

Despite the existence of a comprehensive legal framework, human trafficking remains a serious and persistent problem. One of the main challenges is the covert nature of this crime, which makes it significantly more difficult to detect and prove. Human trafficking often takes place in secret, with victims isolated and under constant surveillance by perpetrators (UNODC, 2010).

Another significant problem is the low rate of victim identification. Many victims are unaware of their situation or are afraid to contact public authorities. Fear of reprisals, distrust of institutions, or language barriers pose significant obstacles to their protection (European Commission, 2024).

Another challenge is the insufficient prosecution of perpetrators. In many cases, proving criminal activity is complicated, leading to a low conviction rate. This situation can be demotivating for law enforcement agencies and simultaneously reinforces perpetrators' sense of impunity (European Commission – reports, 2024).

The development of digital technologies brings new forms of crime, particularly related to the online exploitation of children. The internet enables anonymity and the rapid dissemination of illegal content, which poses a significant challenge to traditional forms of investigation (ECPAT International, 2020).

An equally important problem is the lack of coordination among Member States. Human trafficking is often cross-border in nature and therefore requires effective international cooperation. Shortcomings in this area can lead to an ineffective fight against this crime (European Commission, 2024).

It follows from the above that, despite the existence of legal instruments, it is necessary to focus on their effective implementation in practice. This requires not only legislative measures but also improved cooperation among individual institutions and increased public awareness of this issue.

VI. CONCLUSION

Human trafficking is a serious and complex contemporary problem that is closely linked to violations of fundamental human rights. This phenomenon is global in nature, and its consequences affect both individuals and entire societies. Children constitute a particularly vulnerable group, as they are more frequently exposed to various forms of exploitation and require enhanced legal protection (Convention on the Rights of the Child, 1989).

The study highlighted the importance of the international legal framework, particularly the Palermo Protocol, which serves as the foundational document for defining human trafficking and emphasizes the need for international cooperation (Palermo Protocol, 2000) At the European level, Directive 2011/36/EU plays a key role, harmonizing the legal frameworks of member states and establishing minimum standards in the areas of prevention, punishment of perpetrators, and protection of victims (Directive 2011/36/EU).

The analysis shows that despite the existence of a robust legal framework, challenges persist in its practical implementation. Key challenges include, in particular, insufficient identification of victims, low effectiveness of

criminal prosecution, and new risks associated with the online environment (European Commission, 2024; UNODC, 2010)

It is therefore essential to strengthen prevention, improve victim protection, and increase the effectiveness of cooperation among Member States in the future. Only a comprehensive and coordinated approach can contribute to effectively combating human trafficking and ensuring the protection of the most vulnerable groups.

I believe that although this is a very difficult-to-detect and sophisticated criminal activity carried out through the international cooperation of organized criminal groups, every humane society should have an interest in effectively combating this type of crime, as it involves the protection of the most vulnerable individuals, namely children.

REFERENCES

COUNCIL OF EUROPE. Convention for the Protection of Human Rights and Fundamental Freedoms. 1950, Art. 4.

DELAP, E. Forced Child Begging: A toolkit for researchers. Anti-Slavery International. 2009. London

DIRECTIVE 2011/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL.

ECPAT INTERNATIONAL. Summary Paper on Sexual Exploitation of Children. 2020. Available at: https://ecpat.org

EUROPEAN COMMISSION. Together Against Trafficking in Human Beings. 2024.

EUROPEAN COMMISSION. Together Against Trafficking in Human Beings. 2024. [online]. Available at: https://home-affairs.ec.europa.eu

EUROPEAN COURT OF HUMAN RIGHTS. Case law on Article 4 of the Convention.

INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM). Basic Information on Human Trafficking. Bratislava: IOM, 2009

MILFAIT, R.: Commercial Sexual Exploitation of Children: Prostitution, Pornography, Trafficking. 1st ed., Portál, Prague, 2008

MOKRÁ, J.: Victims of Human Trafficking. Projustice. Volume 1/2023 Issue. 2023.

UNITED NATIONS. Convention on the Rights of the Child. New York: UN, 1989.

UNITED NATIONS. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography. New York: UN, 2000.

UNITED NATIONS. Palermo Protocol. 2000.

UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). The Globalization of Crime. 2010.

TURANJANIN, V., STANISLAVLJEVIĆ, J.: Human trafficking and forced prostitution under Article 4 of the European Convention on Human Rights. German Law Journal, 25(2). 2024. p. 267

VANÍČKOVÁ, E.: Child Prostitution. Grada Publishing a.s., Prague, 2005.

Wives, Mother and Leaders

An evolution of the role of women through generations

Ada Sofia Micheli Furini

Abstract — **The paper explains the role of women in mafia organisations throughout generations. It begins with the analysis of mafia organisation that were strictly composed by men, as women were not regarded as able contributors to the organisation. However, with the evolution of society, even the mafia changed and it started to include also women. The paper analyses different female figures of the mafia, spanning from Lea Garofalo, a proud justice collaborator, Giusy Vitale, the first female leader, Maria Concetta Riina, the daughter of one the most important mobster and her role in the mediatic portray of mafia and lastly it analyses the role of Rosett Cutolo, as the leader of the Nuova Camorra Organizzata.**

I. ORIGINS OF MAFIA AND ITS STRICT MALE COMPONENT

The collective imagery of the mafia is related to powerful male leaders, competent people who oversaw all the decisions and managerial aspects concerning the criminal organization. An important aspect related to criminal organization is the geographical position, these organizations tend to develop in regions where the values of masculinity and honor are deeply felt by the local community and for this reason the members must embody these characteristics. Honor is considered to be part of masculine values and can be defined as the "value of a person in his own eyes, but also in the eyes of his society" and for centuries it was considered to be a value that could be embodied only by men. Criminal organizations often acquire legitimacy in a territory by embodying the values that are most felt by the local community. Another key aspect of criminal organization is characterized by the Italian word "omertà" which is defined as a code of silence and it obliges every member of the organization not to collaborate with the police in order to help them identify the people responsible for murders and attacks.

Mafia groups tend to divide their tasks into different members and each person has a specific role since the groups are often organized hierarchically and every single position, no matter of its importance, was filled by a male. For decades women were relegated to marginal roles, they were either married to a mafia leader or were related to them, they were subordinated to their family and never stood out as independent contributors to the organization and as women were given only one option: to become a wife of a mafia leader and to obey all the rules they were given. Weddings have been used in the mafia organization strategically with the aim of uniting the powers of two clans, marriage "is always strategic, never the culmination of genuine passion" (Varese, 2017).

Women were meant to be most trusted confidants as they were informed by all their spouses and would cover all their wrongdoings, they had to appear ignorant to all the illegal acts committed by their husband if the police ever interrogated them.

Within traditional mafia structures, women are often regarded as the guarantors of male reputation: their respectability and moral standing serve to protect and reinforce masculine honor, which in turn legitimizes men's eligibility for formal affiliation within the organization. Women's behaviors have a strategic social value, since the perceived honorability of wives, mothers, and daughters contributes directly to the preservation of the family's involvement in criminal activities.

II. THE CASE OF GIUSY VITALE: THE FIRST FEMALE LEADER OF A MAFIA CLAN

For decades the relationship between criminal organizations and their female components has been overlooked by academical settings, as mafia groups were systems that could be observed only according to the male dimension. The phenomenon of women engaged in mafia activities can be attributed as a consequence of the women's liberation movement (Simon, 1975). The author analyzed that when women achieved greater social and economic independence their potential involvement in criminal organizations radically grew. One key example of a powerful woman being an active component of a mafia clan is Giusy Vitale, notoriously known as the first female mafia leader. She was born in Partinico in 1972, and her family lived in the areas surrounding the small village. She began her mafia activity as a "postina". Initially, she had the role of handing letters to the fugitive mafia members who were being searched by the police. Later on, she became a "capocomandamento", where she had a managerial role and she was in charge of every single decision that regarded the clan. Due to her two brothers Leonardo and Vito being arrested, she had to step in and take control of the clan. During the late 1990s, the concept of female leadership within a Mafia clan remained a sociological anomaly; however, this perception changed in 1998, when the first high-profile arrest of a female leader occurred. Vitale was released from prison in 2002 and in 2005 she became a cooperating witness. She matured the decision in 2004 and in the following year she was heard by the Palermo Procurator Pietro Grasso and the Public Prosecutor Maurizio De Lucia. Vitale publicly declared that she felt the need to collaborate with the police because she wanted her children to have a better life and to break away from her mafia family, however this was a

© 2026 Ada Sofia Micheli Furini. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

meticulously calculated strategy used in order to appear as a legal person while still keeping strong ties with mafia members. The will of trying to dismantle the power pertaining to mafia organizations didn't last much as Vitale was arrested in 2021 for drug trafficking in the operation Gordio. Vitale is an example of the so-called double-dealing phenomenon, which refers to the attempt of mafia members to collaborate with police officers while keeping close ties with mafia leaders. This activity is done in order to obstruct the police investigations on the clan. Vitale used her status to keep the invisible connection between the legal authorities and the criminal organization.

III. MARIA CONCETTA RIINA: THE CONTROL OF MAFIA NARRATION IN SOCIETY

Maria Concetta Riina received a similar upbringing to the one of Giusy Vitale, as both grew up immersed in the mafia culture and received a strict education focused on maintaining power of the clan. However, the two of them can be considered almost to be opposite figures, Vitale is an unconventional figure, since she is the first mafia leader, Riina is a conservative figure, as she is the daughter of one of the most notorious mafia leaders, Totò Riina, the leader of the Riina clan.

Every family member of the clan receives a meticulous education from the day they were born, they are educated to speak highly of their family, to keep the deepest secrets, and the most important teaching is to honor the clan and behave as to protect the respectability of the clan. Education is one of the core principles of mafia families, otherwise they would cease to exist. Mafia members have adapted to the evolution of society. As an example, nowadays crime can be committed also through a digital platform, but what hasn't changed is the attachment to education as the principle that makes the clan what it is. Daughters of mafia members receive an extensive education based on obedience. They represent the honor of the clan, they must obey without doubting, they must control emotions, they must contribute to the stability of the mafia organization, and they also have to guarantee the cohesion between the members of the clan.

Maria Concetta Riina could be an anonymous person, but she is indeed the daughter of one of the most notorious mafia leaders of all times: Toto Riina, one of the leaders of Cosa Nostra. Toto Riina was one of the most notorious mobsters and he was responsible for hundreds of murders, including the killings of Falcone and then Borsellino, and the killings of politicians and magistrates. In an interview given in 1995 she declared that her father taught her and her siblings not to commit violence and to treat others with respect. What is highlighted in the interview is the complete absence of awareness, she admits that her father committed a few mistakes. The wording used by her is extremely relevant because it makes the readers notice that she has been educated to minimize the awful acts committed by her father. Maria Concetta Riina was used to a heavy media presence in her life, but as she was taught, she used the extensive mediatic attention she received to speak highly of her father and to promote mafia values. Concetta Riina has been able to cover representative roles. When she was a teenager, she was a candidate for the role of representative of her high school but lost.

A few years later she became the parents' representative on the school council at Finocchiaro Aprile Primary School. She is an example of how the mafia infiltrates normal society, and at the first instance her role could mean very little, but she was given an important role in the education of the young pupils of the school. One of the tasks given to her was to control the activities performed in the school, and she had to decide on the antimafia education of the pupils, in this way she was able to control the narrative in which the mafia is portrayed and was able to influence a lot of young minds.

IV. ROSA CUTOLO: THE QUIET LEADER

While Maria Concetta Riina represents the transmission of mafia values through family education, other women acquired influence through their active participation in the management of criminal organizations.

Domenica Rosa Cutolo, mainly known as Rosetta Cutolo, was born in Ottaviani in 1937 and she was born into the Cutolo Clan. She was called Rosetta del Monaco since her father Michele Cutolo was called "O' Monaco" due to the fact he lived a life as rigorous as a monk. She was the older sister of Raffaele and Pasquale Cutolo and

was considered to be the most relevant member of the Nuova Camorra Organizzata, due to the key role she played in the criminal organization.

Rosetta Cutolo helped her brother in gaining power in the organization. She was a tailor, and her tailoring ability highly benefited the clan. The first mafia members of the Cutolo clan couldn't be paid by them with money but were instead paid with clothes produced by Rosetta. This was tolerated by the owner of the factory that was owned by Vincenzo Casillo called "o' Nirone", who was also involved in criminal activities as he was a member of the Nuova Famiglia. In 1963, Raffaele Cutolo committed his first murder that marked the end of his life as a simple farmer and the beginning of his life in the Mafia. The telling of murder has been altered and initially it was portrayed as a defense of her sisters' honor, since it was motivated by the fact he defended Rosetta from an attempted sexual assault. The murder occurred in different circumstances. Cutolo was speeding in Ottaviano and a kid all the sudden crossed the road, Cutolo promptly stopped the car; in order to punish the little girl, he slapped her, but he was later confronted by the brother of the kid. He had a fight with the brother, two workers saw the altercation and stepped in to stop it. After returning to the car Cutolo grabbed his gun and he shot Mario Viscito, for which he was sentenced to a 24-year conviction. While he was in prison, he realized that in the territory of Naples there were a variety of criminal organizations, but they didn't have a coherent structure. He realized he had to form a group, the first criminal cell, that was headed by Rosetta Cutolo. She oversaw all the managerial aspects in a direct way as Raffaele was in prison and was not able to meet the mafia members. Due to the imprisonment of Cutolo, Rosetta Cutolo became the leader of the Nuova Camorra Organizzata. The organization was involved in cigarette smuggling and Cutolo also oversaw building contracts. In the blitz of 1981, they encountered a meeting in which

members of the Santa, a criminal organization and politicians, Rosetta Cutolo was able to flee. However the missing seat was at the head of the table, she was the only woman present in a meeting that had the aim to reach an economic agreement between the Mafia and the political elite. Rosetta Cutolo was used to receiving flowers, as people donated flowers with envelopes containing money to sustain the mafia. Cutolo had different roles: she intervened when the affiliated women of the members were pregnant but not married and she helped them with economic support. She managed the work and the families of the organization, and she played an important economic role. Until the end of her life Rosetta Cutolo protected the reputation of her brother, in an interview made by Joe Marrazzo for the TV company RAI, she declared that her brother was capable of only committing beautiful things and helped people find employment, she highlighted the value of familial royalty present in mafia groups and she tried to distort the narration of mafia in order to legitimize it.

V. WOMEN WHO DECIDE TO SPEAK UP AGAINST THE INJUSTICE OF THE MAFIA SYSTEM: THE STORY OF LEA GAROFALO

Rosetta Cutolo represents a model of female participation based on loyalty to the organization and the defense of mafia values. With the passing of time, some women began to reject the culture of silence and openly oppose the criminal system they had grown up in. Among the most important examples is Lea Garofalo.

Women began to have built courage to speak against the wrongdoings of their spouses, and one very key example is Lea Garofalo. Lea Garofalo was born into a mafia family, in a small village near Crotone in Calabria. She was born on the 24th of April 1974 in Petilia Policastro. When she was only nine months old, her dad was killed in an attack called “faida di Pagliarelle”, a war between mafia clans. At the age of fourteen she met the 17-yearold Carlo Cosco, who later became involved in ‘drina del Garofalo. She fell in love with Carlo Cosco, and the union had a strategic value, since marriages in the mafia worked to establish cooperation and peace between two different clans. The family decided to move to Milan, where they lived in Via Montello in an apartment that was owned by the association “Cà Granda”. In the metropolitan city Carlo began to expand the criminal activity in Northern Italy, and he was involved in drug trafficking. In 1997 Lea’s brother, Floriano Garofalo, was arrested during the operation “Storia infinita”. His arrest marked her decision of escaping the mafia system and becoming a witness of its atrocity and felt the desire to work with the police to combat the mafia. As a consequence of this key decision, she had to leave Cosco, and she communicated her intention of leaving the relationship while meeting him in prison. Cosco didn’t accept this because being left by a woman was felt as a loss of this authority. Men were the ones who had the power to command other people both in the mafia and privately in their family. Cosco felt he had been humiliated and for this reason he decided to get his revenge for Lea, due to the fact she decided to leave the mafia and himself. Lea felt she was being observed by mafia members, and she moved to Bergamo to live a peaceful life, but she constantly received mysterious threats, and she couldn’t trace the mastermind behind the attacks. She had been part of the mafia society and was able to recognize that the attacks she received were a classical reaction of the mafia to her will of leaving the criminal organization and living a legal life.

She returned to her hometown and immediately urged to talk with the police to explain every single detail of the clan she once was formerly part of and then she went under witness system protection with her daughter Denise. Lamentably, she was abandoned by the institutions because the police believed she no longer needed protection after her brother’s death, as they thought his murder had satisfied the clan’s desire for revenge. At the time of the events there was an association called Libera who fought against the mafia, their values included the respect of rule of law, social justice and the protection of the rights of those affected by the Mafia.

In 2008 she had a very important meeting with Don Luigi Ciotti, the founder of Libera, one of the most important associations that have as its main objective the fight against the mafia, and he persuaded her not to meet with her ex-husband Cosco. In 2009 Garofalo reunited with Cosco, and he killed her. The murder was committed because Garofalo had been a proud voice in her advocacy against the mafia and spread awareness about all the wrongdoings committed by the mafia.

VI. CONCLUSIONS

During the 20th and 21st century the role of women in mafia organizations radically shifted and women became leading figures in mafia organizations, such as Giusy Vitale, Maria Concetta Riina and Rosa Cutolo. Vitale became an outbreaking figure in the history of mafia clans, due to her being the first female mafia leader.

Maria Concetta Riina is an example of a mafia woman, who for decades decided to speak highly of her family. Concetta Riina tried to manipulate the public opinion on the mafia and especially on her family. Rosa Cutolo assumed a managerial role in the Nuova Camorra Organizzata, but contrary to Vitale, she always maintained a low

profile.

These three women have lived similar lives, they dedicated themselves to the criminal environment, but there is one woman that decided to distance herself from the mafia. Her name is Lea Garofalo, she was raised in a family tied to the mafia, but she decided to abandon the world she lived in to give to her daughter the possibility of living a peaceful and legal life. Garofalo was destined to have a short life, she tragically died at 35 years old at the hands of her ex-husband Cosco. Despite the clan’s attempt to erase her existence by burning her body, her story became one of the most important symbols of resistance against the mafia.

Contrary to the common belief that women exercise only marginal roles in criminal organizations, women have exercised, and continue to do so, a strong influence in mafia clans. They have proved to be indispensable for the correct functioning of a criminal organization, by providing support to the male mafia members to even lead mafia clans.

REFERENCES

Allum, F., & Marchi, I. (2018). Analyzing the role of women in italian mafias: The case of the neapolitan camorra. Qualitative Sociology, 41(3), 361–380. https://doi.org/10.1007/s11133-018- 9389-8

Catino, M., Aziani, A., & Rocchi, S. (2026). Marrying for power: Gendered alliances in mafias. PLOS One, 21(5), e0345859. https://doi.org/10.1371/journal.pone.0345859

Corriere della Sera—La donna boss si pente: Lo faccio per i figli. (s.d.). Recuperato 15 maggio 2026, da https://www.corriere.it/Primo_Piano/Cronache/2005/03_Marzo/26/donna_pentita.html

Leiva, A. (2025). "It's not just a boys club"—Exploring the role of female offenders in organised criminal groups within australia. Societies, 15(12), 334. https://doi.org/10.3390/soc15120334

Marrazzo, I. di: J. (2023, ottobre 14). L'intervista a rosetta cutolo di joe marrazzo [Film]. https://www.rainews.it/tgr/campania/video/2023/10/lintervista-arosetta-cutolo-di-joe-marrazzo-919289d4-f6ab-4aa9-b8f7-81c112ecef3e.html

Pasculli, A. (2009). Il ruolo della donna nell'organizzazione criminale: Il caso barese.

Professor Fiandaca, G. (s.d.). Women and the mafia. Springer Science+Business Media, LLC. (Opera originale pubblicata 2007)

Redazione. (2021, luglio 5). Giusy Vitale: Chi è la pentita arrestata per traffico di droga nell'operazione Gordio. Open. https://www.open.online/2021/07/05/giusy-vitale-pentita-arrestata/

Se la figlia di Riina decide sul programma antimafia. (2011, novembre 30). ilGiornale.it. https://www.ilgiornale.it/news/sefiglia-riina-decide-sul-programma-antimafia.html

Travaglino, G. A., & Abrams, D. (2019). How criminal organisations exert secret power over communities: An intracultural appropriation theory of cultural values and norms. European Review of Social Psychology, 30(1), 74–122. https://doi.org/10.1080/10463283.2019.1621128

Travaglino, G. A., & Drury, L. (2019). Connected guys: Endorsement of masculine honour predicts more frequent contact with members of criminal organisations. European Journal of Social Psychology, 49(1), 157–168. https://doi.org/10.1002/ejsp.2389

How have Transnational Drug Trafficking Networks Contributed to the Rise of County Lines in Cities such as Manchester?

John Milligan

Abstract — **This essay examines how international drug trafficking networks have played a major role in the rise of county lines with a particular focus on Manchester. The central argument in this essay is that whilst social issues and exploitation do contribute to the issue, the driving force is the global drug supply. When large amounts of drugs flood into cities such as Manchester, the market becomes overcrowded and pushes dealers into smaller towns. Drawing on sources including the National Crime Agency and academics such as Windle, McLean and Robinson, the essay reflects on how this process works.**

I. INTRODUCTION

Transnational drug trafficking networks have substantially contributed to the rise of various criminal activities across the United Kingdom, particularly in big cities such as Manchester. A key element of this network is a method branded "county lines". The National Crime Agency for England 2019 defines this as gangs and organised criminal networks exporting illegal drugs from big cities into smaller towns using a dedicated mobile phone number. Although some critics and contemporary evidence suggests that the use of vulnerable individuals is the biggest contribution to the rise of county lines, it is evident that the biggest influence is the transnational drug trafficking trade.

II. TRANSNATIONAL SUPPLY CHAINS AND THE FOUNDATIONS OF COUNTY LINES

In the United Kingdom, local drug markets cannot function and operate entirely on their own and they must rely on outer sources. The majority of drugs distributed through county lines originate from transnational trafficking networks. Transnational organised crime refers to criminal activities that operate across national borders which oversee the distribution of illegal goods such as drugs. These global drug supply chains typically begin in countries where the drugs are manufactured or grown before being transported through complex routes to various countries including the UK. Organised crime groups play a central role in maintaining these supply chains and they control importation into Europe through established smuggling routes. One example of this is Albanian organised crime networks have been identified as key actors in the UK cocaine market due to their ability to establish direct links with producers and distributers. This creates a stable supply of drugs, lower prices and an increasing availability across domestic markets.

The National Crime Agency 2019 (NCA) closely monitors the UK's position within these global networks and highlights how international trafficking underpins local drug distribution. According to the NCA, county lines operations depend on a consistent upstream supply of drugs imported into the country. Therefore, while county lines still represent a localised method of distribution, they are ultimately a downstream effect of global trafficking systems. Without these international networks, the reach and profitability of local drug markets would be significantly reduced and strengthens the argument that transnational drug trafficking networks have contributed to the rise of county lines.

Manchester's prominence in the development and production of county lines is due to its status as a major city with established drug markets and organised crime networks. As one of the UK's largest cities, Manchester has long been associated with high levels of drug demand and gang activity which creates conditions for the expansion of distribution networks such as county lines. Manchester based gangs frequently aim to boost their earnings by expanding into markets with less competition, where demand stays strong. The NCA 2019 reports that cities such as Manchester serve as crucial "exporting hubs" for county lines operations, connecting international drug supplies to local distribution networks throughout the UK.

III. THE GLOBAL SUPPLY OF DRUGS

Transnational drug trafficking networks do not simply supply the UK drug market; they shape the conditions under which operations like county lines are able to grow and sustain themselves. The quantities of cocaine and heroin entering the country through international channels routinely exceed what single urban markets can absorb, and these surplus pushes gang's outwards. County lines are in many ways a response to this pressure rather than an independently developed distribution strategy.

The resilience of international supply chains plays an equally important role. Criminal organisations that are operating at a transnational level have built logistics capable of withstanding significant law enforcement pressure. Whilst arrests do occur, they rarely interrupt supply due to the complex and organised system in place. For gangs operating at a local level, this continuity matters as it allows them to move into smaller towns with a reasonable expectation that the supply will continue. This is what enables short-term dealing to become an entrenched presence in these areas.

James Windle (Windle et al. 2020) defines county lines as "out of town dealers travelling from large urban areas to smaller location to sell drugs". Windle develops this definition by stating that by 2018, 100% of police forces in England and Wales reported county lines activity which is a huge increase since 2016. Essentially, this showcases a

© 2026 John Milligan. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

rapid increase in county lines and drug distribution across a two-year span. The author argues that the cause for this is unclear but does suggest the strongest argument is outside factors. One factor is that international trafficking creates conditions that force expansion outward into county lines and creates saturation. Moreover, Allum's 2016 research on Italian mafia migration suggests illicit markets expand through a combination of push and pull factors (Allum, 2016). Essentially, this supports the argument that transnational networks do not just supply drugs passively but actively shape how and where distribution expands.

The growing role of Albanian organised crime networks has added another dimension to this. By sourcing cocaine directly from producers and removing intermediary stages, these groups have reduced costs at a structural level. The effects of this have filtered downward, contributing to lower street prices and drawing in new users in markets that were previously too small to attract serious criminal investment. The demand for these drugs expanding into new areas has given gangs a heightened interest into systems such as county lines. Therefore, county lines should not be understood as a self-contained system but a product of global supply.

IV. MARKET SATURATION AND THE EXPANSION INTO RURAL AREAS

Transnational drug trafficking networks have shaped the economic behaviour of local gangs, encouraging them to expand through county lines as a profit driven business strategy. The volume of drugs entering the UK through international networks has made cities like Manchester increasingly competitive and difficult to profit from. When supply goes up, so does the number if people selling which then drives prices down. This creates a problem for gangs that are already operating on thin margins at street level. Continuing to operate in the same area starts to make less financial sense when there is an increased number of dealers also in the same area.

Once competition has increased, county lines begin to look less like a criminal innovation and more like a practical business decision. Smaller towns and rural areas offer more space and location which is a factor that the urban markets cannot offer. Less competition, less established dealing infrastructure and customers who may have existing habits but fewer local suppliers to go to. This offers a huge advantage for market expansion in rural areas as they can dominate the drug distribution system and quickly become established as the main suppliers. This is not possible in oversaturated markets and thus drives them to rural areas. Windle noted that market saturation in cities was one of the main reasons dealers began pushing outward, with gangs often selecting target areas based on where policing was lighter and opportunities more open.

When international networks consistently pump large quantities of drugs into cities such as Manchester, the street level market eventually becomes too competitive to stay in. (Robinson et al 2019) found this happening directly in Glasgow and Liverpool, two other major cities in the UK. Their findings reflected that profit margins shrank, competition became violent and it soon made more sense to leave than continue staying. This is significant because the decision to adopt a county lines method was not an organised criminal strategy, but a response to a problem caused by global organised crime. One participant in the study described moving away from Glasgow to a quieter rural area specifically because the city had become too dangerous and too competitive. A similar account occurred in Liverpool, and both cases display that overcrowding stemmed from too much supply lead to their decision (Robinson et al 2019).

Transnational networks create consistency as supply from international sources is reliable and arrives in large enough quantities. Ultimately, gangs can realistically sustain operations across multiple locations at once which is only viable if you can guarantee that supply will continue. The stability provided by organised international trafficking is what makes that possible and without it, the model becomes too risky to sustain. While county lines are often discussed in terms of exploitation and violence, the underlying driver is economic. Gangs are responding to a market that transnational trafficking has made more competitive and expansion into new areas is how they stay ahead of that. The geography of county lines reflects the financial pressures created much further up the supply chain.

V. INTEGRATION OF GLOBAL AND LOCAL DRUG MARKETS

Based on the evidence presented thus far in this essay, it is evident that county lines do not operate in isolation. The criminal gangs which run county lines out of Manchester are not sourcing drugs themselves at an international level but instead, they are drawing from a supply chain that starts elsewhere. This chain then moves through national distribution hubs and eventually reaches street level. Manchester sits near the top of that domestic chain, functioning as one of the cities through which drugs are redistributed outward into smaller surrounding areas. The county lines operation is essentially the final stage of a much longer process.

This connection between local gangs and global suppliers is what makes county lines so difficult to disrupt. The National Crime Agency (NCA 2019) has consistently noted that organised crime groups operating a transnational level supply the bulk quantities that eventually filter down to street dealers. Local gangs in Manchester are therefore dependent on those international relationships continuing to function and if the supply holds, the lines will also hold. The two are directly linked even if the people running them never interact directly.

(McLean et al. 2020) theorises that the relationship between international supply and local county lines activity is not just theoretical. Cities like Manchester, Liverpool and Glasgow have historically functioned as the main entry points for drugs coming into the UK from abroad, receiving bulk quantities before redistributing them further. The author describes how heroin arrives from Afghanistan through Turkey and the Balkans, while cocaine comes in from South America via North Africa and Spain, before filtering into these urban hubs. Once there, the sheer volume of supply creates a problem rather than an opportunity. As one participant in the study states,

every second street had a dealer or two, to the point where it became impossible for gang to control the market. This is the direct consequence of consistent, large-scale international trafficking keeping supply levels high. The gangs expanding out of Manchester into smaller towns are not acting independently of this global system.

This is also why enforcement at a local level tends to have limited impact. If the authorities shut down a single line or make an arrest, this does not touch the supply infrastructure that made it possible in the first place. This is evident in the fact that the NCA operates across borders precisely because the problem cannot be addressed from one end only. County lines are the visible, local expression of something much larger, and treating it purely as a gang problem misses where it actually comes from. Understanding Manchester's role as a distribution hub, and the international networks feeding into it, is arguably more important than focusing on the lines themselves. Ultimately, this displays that transnational drug trafficking networks have contributed to the rise of county lines and more specifically, transformed the economic thinking around the distribution of drugs.

VI. THE ROLE OF DOMESTIC VULNERABILITIES AND SOCIAL CONDITIONS

As seen in this essay prior, transnational networks are clearly a huge influence on the county lines distribution of drugs. However, narrowly blaming this issue on networks ignores the argument that domestic factors play a significant role. In areas such as Moss Side and Gorton in Manchester, there are serious levels of deprivation and high levels of youth unemployment. Without real prospects and a promising future, county lines seem more appealing and older gang members that know this will then actively target struggling teenagers. These youths may be in the care system, facing school exclusions or experience difficult home lives. The exploitation side of this is largely a local problem rooted in inequality and not necessarily something directed by international traffickers.

Moreover, decades of underfunding into youth services have allowed gang culture to thrive and county lines to grow. Traffickers who come from abroad are not building these networks from nothing but instead building on criminal infrastructure that already exists. Wroe discovered through her research that young people involved in county lines almost always came from a vulnerable position, whether that be an unstable home life or minimal job prospects. Furthermore, (Wroe 2021) discusses the idea that county lines can be viewed as modern slavery and would further enforce the idea that this is not a voluntary result of organised crime, but an exploitation of vulnerable individuals. Although this argument holds some credit, the production of drugs begins with the structure and distribution of global criminal activity. Without the interconnected smuggling of drugs creating saturated drug markets and actually providing the substances, county lines would not operate on the same level and there would not be the same need for it.

VII. POLICY RESPONSES AND STRATEGIES FOR DISRUPTION

Tackling county lines effectively requires addressing the issue at both ends: the international supply chains feeding into the UK and the domestic conditions that make recruitment possible in the first place. On the supply side, greater cooperation between the National Crime Agency and European bodies like Europol would help disrupt the networks. Windle's work (2020) on globalisation also suggests that targeting the efficiency of trafficking routes (making supply chains less stable and more expensive) could reduce availability and drive up street prices, weaking the economic model that has been identified as central to how county lines operate. At the same time, reforms cannot ignore the domestic issue. The Children's Commissioner's (2019) report made clear that many young people drawn into county lines are already known to services. This suggests that there have been failures in children protection and early intervention. To combat this, authorities could invest in youth services, tackle deprivation in cities like Manchester and improve safeguarding responses in care settings. Robinson's research reinforces this. Poverty and social exclusion are not just background context; they are active drivers and therefore any meaningful reform strategy must include economic investment into the communities most affected.

VIII. CONCLUSION

To conclude, transnational drug trafficking networks have substantially contributed to the rise of county lines. Without this system, county lines would not have the resources nor the appeal to operate. Through creating saturated markets driving dealers to rural areas whilst also trafficking large number of drugs, county lines is able to thrive. Although arguments made that domestic factors drive this system are credible, it is ultimately the major networks that influence county lines and gives this system a purpose.

REFERENCES

Allum, F. (2014). Understanding criminal mobility: the case of the Neapolitan Camorra. *Journal of Modern Italian Studies*, *19*(5), 583–602. https://doi.org/10.1080/1354571x.2014.962257

Keeping kids safe - Children's Commissioner for England. (2019). Children's Commissioner for England. https://www.childrenscommissioner.gov.uk/resource/keeping-kids-safe/

Koch, I., Williams, P., & Wroe, L. (2023). "County lines": racism, Safeguarding and Statecraft in Britain. *Race & Class*, *65*(3), 3–26. https://doi.org/10.1177/03063968231201325

McLean, R., Robinson, G., & Densley, J. A. (2020). County Lines. In *SpringerBriefs in Criminology*. Springer International Publishing. https://doi.org/10.1007/978-3-030-33362-1

National Crime Agency. (2020). *Annual report and accounts 2019–20: Organised crime and county lines exploitation*. https://www.nationalcrimeagency.gov.uk/who-we-are/publications/467-national-crime-agency-annual-report-and-accounts-2019-20

Robinson, G., McLean, R., & Densley, J. (2018). Working County Lines: Child Criminal Exploitation and Illicit Drug Dealing in Glasgow and Merseyside. *International Journal of Offender Therapy and Comparative Criminology*, *63*(5).

Windle, J., Moyle, L., & Coomber, R. (2020). "Vulnerable" kids going country: Children and young people's involvement in county lines drug

dealing. *Youth Justice*, *20*(1-2), 64–78. https://journals.sagepub.com/doi/full/10.1177/1473225420902840

Wroe, L. E. (2021). Young People and "county lines": a Contextual and Social Account. *Journal of Children's Services*, *16*(1), 39–55. https://doi.org/10.1108/jcs-10-2020-0063

Crime on Demand: Cybercrime-as-a-Service in the Baltic States

Paula Pavlovska

Abstract — **This paper examines the growing role of Crime-as-a-Service in a digitalised world and its role in shaping cyber enabled fraud, with specific emphasis on Baltic States providing real-time study cases. This essay analyses how cybercrime has developed into a service model with its own ecosystem, exploring CaaS enabled types of fraud including phishing, vishing and credential theft. Empirical examples provided in this essay include use of phishing toolkits, call centers and infrastructure-based operations, such as "SIMCARTEL". This study concludes that cybercrime and crime as a service is still highly driven by organized networks rather than individuals, passing implications for law enforcement and requiring multinational coordinated approach.**

I. INTRODUCTION

Nowadays the environment of transnational organized crime (hereafter TOC) is no longer confined by borders. Digital technologies are allowing criminal networks to operate across different continents. Therefore, during the recent years cybercrime has become one of the pivotal security challenges. It has grown from solitary acts performed by skilled individuals to organized and structured forms of criminal activity. Cybercrime has not only gained more significance but also has developed into a specialized service economy referred to as "Cybercrime-as-a-Service" (hereafter CaaS) (Amoo et al., 2024). It is a structure where one's digital infrastructure, cyber tools and services are sold or rented similarly to any legitimate service-based model. Thus, enabling individuals with limited expertise to carry out sophisticated attacks. Such activities as smishing, vishing and credential theft are increasingly supported by specialized service providers making cyber fraud more scalable. (Mauko, Johnson, & Mariconti, 2026), (Amoo et al., 2024).

Over the past few years there have been several cyber-related incidents in the Baltic region, highlighting the growing impact of smishing and vishing. While this region is considered advanced in terms of technological development, this evolvement also creates major exposures to cyber threat (Kneale, 2025). The aim of this paper is not to argue that separate, regionally bounded CaaS network prevails in the Baltic states, but rather provide real time case studies. Europol has noted that substantial share of such activities occurs in closed communication channels, thus limiting transparency of criminal activities (Europol, n.d.). Therefore, this paper stresses how global CaaS model is operating in contemporary cyber threat landscape of the Baltic region, with particular focus on cybercrimes carried out by smishing, vishing and organized infrastructures.

© 2026 Paula Pavlovska. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. UNDERSTANDING CRIME AS A SERVICE

When dealing with CaaS cases, it is crucial to understand its structure and operational environment. It no longer functions as a single, unified network. Instead, cyber-enabled crime has gone through an industrialisation process where criminal capabilities are commercialised. Rather than developing full attack chains individually and often relying on one organized network, criminals can assemble functions obtaining specialised tools or units. It can be argued that this model is no longer simply developing form of cybercriminal activity. Rather it has evolved into a value chain, where different entities, such as brokers, developers, cash-out actors and operators, facilitate the execution of crime, distribution of services, maintenance of production and monetisation (Mauko, Johnson, & Mariconti, 2026), (Amoo et al., 2024). Understanding the environment of this "industry" requires perception of its core commodities, especially data and access, which are then treated as tradable assets within the criminal market (Mauko, Johnson, & Mariconti, 2026). European Union Agency for Cybersecurity (ENISA) and Europol have acknowledged that such service-based structures considerably increase intrusion and fraud capabilities. Particularly by supporting social engineering techniques such as phishing and vishing, frequently reinforced by spoofing or even AI-driven technologies (ENISA, 2025), (Europol, 2025).

Therefore, it is crucial to distinguish intentions of criminal "service" based cyber-attacks. This type of crime is profit- driven, meaning their main objective is to obtain money or access to credentials that can later be sold or exploited. Consequently, they tend to target individuals or businesses rather than destabilize a country. However, this does not mean that they are entirely irrelevant to a states' cybersecurity. Such criminal activities carried out can still affect public institutions or essential services, but they generally are not politically motivated. Based on the available evidence this paper will further on focus on specific types of crimes enabled by CaaS and the case study of Baltic states, demonstrating practical impact of this model.

III. CRIME AS A SERVICE – ENABLED CYBERCRIME ACTIVITIES

As discussed previously, the criminal environment of cybercrime has undergone structural changes, which allows existing crimes to be carried out more easily. In this paper, three examples will be considered – phishing, vishing and credential theft.

Firstly, phishing is a method in which attackers use prebuilt kits, for example, to bypass two-factor authenticator process, automated distribution systems via SMS or stolen branding to impersonate either banks or public institutions (ENISA, 2019-2020). "LabHost" was

once one of the largest platforms providing phishing services. This platform sold pre-designed websites for criminals to use. Its purpose was to impersonate major banks, while also offering distribution systems via SMS. LabHost was used among 10 000 criminals worldwide and more than a million people have fallen victim to the scams. Law enforcement operations led to multiple arrests across different countries (Authority, Republic of Estonia Information System, 2025). This highlights the nature of cybercrime: it functions like a service hub.

Furthermore, vishing, also known as phone scams, allows attackers to steal one's personal data or sensitive information. In real life victims are asked to transfer funds after receiving a call from a criminal pretending to be an ordinary worker of a national bank. While this does not seem so complex in reality this type of fraud is supported by a broader range of pre-built infrastructure that includes different types of communication tools and data markets (Mauko, Johnson, & Mariconti, 2026).

Lastly, credential theft or account takeover is a process which is enforced by availability of markets where account login credentials, session data, cookies and passwords are sold in bulk, allowing account takeover to be more efficient. This grants criminals to access sensitive information right away enabling them to immediately perform financial transactions. In addition, this type of crime creates a continuous cycle, as stolen data can be used for spreading phishing campaigns, impersonate account owners (victims) and gain access to other services, thereby expanding the scope of attacks (ENISA., 2025).

IV. CASE STUDY OF THE BALTIC STATES

Research demonstrates that global cyberattacks are mainly concentrated in highly digitalised and economically developed countries. For example, the United States accounts for substantial share of global cyberattacks - estimated at around 39%. (Zero Threat, 2026). This suggests that the possibility of being targeted is highly linked to countries' economic value and digital exposure. Thus, the question arises - what about small countries with much smaller economic value? Are they being exposed to cyberthreats as well?

Reports illustrate that at the European level 60% of all cyberattacks originate from phishing or similar techniques (ENISA, 2025). While this information does not substantially mean that all fraud-based crime can be considered as CaaS it is vital to cover the actual estimates in order to grasp how fast this service industry is developing. To continue, one should consider internet bank usage in one country or another, since one of the main goals for attackers is to get money or bank credentials. In European Union 72% are relying on online banking, while in small European countries such as Latvia, Lithuania and Estonia this number exceeds to higher percentage (Eurostat, 2025). Meaning, one of the most targeted online systems are highly digitalised in these countries, which than allows to provide insight of cybercrime in small, but digitalised country.

Precise data of the victims in the Baltic states are limited, nevertheless national reports seemingly indicate high level risk of cyberactivity. In Latvia fraud is identified as primary source of cyberattacks with significant increase in social engineering techniques (Kiberincidentu novērošanas institūcija, 2026). While in Estonia authorities report that phishing and scam related websites are responsible for two thirds of major attacks connected to money loss reaching millions of euros annually. (Republic of Estonia Information System Authority, 2025)

A prominent example portrays entirely cross-border networks. In December of 2025, several people from an organized criminal network were arrested. This organized group were physically based in Ukraine, they developed a call centre from which they called victims impersonating law enforcement officers and employees of foreign banks. Thereby misleading individuals into believing that they were providing necessary service, but instead they gathered confidential bank account information. To successfully commit the crime, they used encrypted communication channels. Callers scammed several people across Europe. More than 400 known victims were identified, with estimated losses exceeding 10 to millions of euros. The investigation also revealed that the call centre recruited workers from numerous European countries, including Latvia and Lithuania (Valsts policija, 2025, European Union Agency for Cybersecurity, 2025). This kind of network operates like any other regular business, having hierarchical structure in which responsibilities are allocated amongst different actors responsible for the technical support, financial transactions, victim communication and coordination of operations. Thus, this case slightly differs from previous definition provided. Nevertheless, due to the limited transparency of criminal communication channels, it cannot be decisively stated that no service-based components were involved. Rather this example depicts how cybercrime still exploits broader geopolitical situations, as countries affected by ongoing conflict and economic instability could provide opportunities to carry out operations more successfully, thanks to instability at the recent stage in the country.

Moving on, in October of 2025 during the operation "SIMCARTEL" law enforcement took down criminal network based in Latvia that operated through SIM box infrastructure. In contrast to the other criminal group this one did not engage in interactions with victims. Instead, they were working as the service providers, they guaranteed technical infrastructure, more specifically - phone numbers, anonymous communication channels and ensured ability to mass produced accounts that were used by other criminals for phishing and vishing. This entirely depicts the nature of crime-as-a-service. One group provides the technical service, while the other purchases it to carry out the fraud by themselves. In this particular case police identified at least 1500 victims in Latvia with money lose totalling roughly around 420 thousand euros. Yet, Latvia was not the only target country. The same service ensured successful fraud in Austria, scamming overall 1700 people, with money lose totalling 4,5 million of euros (Valsts policija, 2025). This draws out another feature of CaaS, which can be identified as the geographical separation between infrastructure, victims and offenders, making it difficult for investigators to apprehend and identify offenders.

While crime can be carried out by a group that is structured like a business or either acting as a service provider it is not unusual if an individual is operating

separately providing part of the necessary service that substitutes to a larger scale of facility. For instance, an individual from Estonia developed Telegram channel to offer its "services". He established phishing toolkits for bypassing two factor autentification, known as 2FA, allowing criminals to access platforms like Microsoft 365, PayPal, etc. (Republic of Estonia Information System Authority, 2025). Moreover, he offered his knowledge - training and support for others to carry out cyberattacks. This situation is similar to previously mentioned LabHost where crime is sold like a service, as it is provided in reports "*In Estonia alone, up to 30 criminals used LabHost for phishing attacks, with around 10 of the most active offenders arrested in different countries*." - one is not directly committing a crime, rather providing all the necessary tools (Republic of Estonia Information System Authority, 2025). The differences lay in structural organization. LabHost and also Latvian "SIMCARTEL" was maintained by a bigger network, nevertheless this depicts that skilled individuals can work completely alone.

V. LAW ENFORCEMENT CHALLENGES IN COMBATING CYBERCRIME-AS-A-SERVICE

The nature of cybercrime in digital age poses massive implications for law enforcement agencies, for the reason that criminals operate across the borders making it difficult to track down either individuals or networks and prosecute them. Yet, it is not the only implication. As mentioned throughout the essay people providing cyber services or executing them are highly skilled tech professionals and those technological advancements developed often outpace the development of legal framework. This makes a huge gap between the capabilities of criminals and available resources of law enforcement agencies. To add, modern anonymization tools and proxy servers are making it more and more problematic to even trace down the identity of the criminal or collect the evidence necessary in court to prove one guilty (Amoo et al., 2024). Taking into the account environment in which crime is committed and blurred lines between national borders investigative process acquires multinational collaboration. In all study cases provided, several police and investigative forces, INTERPOL or Europol were involved either in capturing the criminals, tracing them down and shutting the systems (Amoo et al., 2024). It can be argued that this collaborative way might slow down the process of combating the criminals, because of diverse jurisdictions.

VI. CONCLUSIONS

To conclude, cybercrime as a service has profoundly changed the nature of crime in digital space, shifting it from isolated and technically complex activities to fully available service based eco-system that is offered to everyone. CaaS has significantly raised the efficiency of defrauding individuals. While crime can be committed individually, either individual can develop services or purchase them, this research highlights that presence of criminal networks still prevails over individual actors executing the crime. The author of this paper argues that Baltic States are not central for developing or executing CaaS as it this type of crime has no borders. Rather region chosen highlights the practical manifestation of global trends. Nevertheless, it cannot be stated that location has no significance at all. In all the cases analysed the location where criminals operated was also one of the primary spots where crime was executed. Although the crimes were after carried outside the countries' borders, it can be concluded that criminals are not choosing their location "blindly". This indicates that criminals are intentionally choosing where to carry out operations by setting specific targets or even target audience. In one case they used geopolitical situation taking advantage of instabilities of a state.

The nature of CaaS positions major implications for law enforcement agencies, more particularly due to increase of closed communication channels, anonymity and jurisdictional limitations. Whereas international cooperation plays as a key role in combating cybercrime scalability as organized networks continue to complicate prevention and law enforcement.

In complete, this essay portrays that CaaS has become as a central driver in committing cybercrime, predominantly in committing fraud. Addressing this new environment of crime requires not only coordinated international efforts, but also individual awareness and digital literacy among individuals who may be the "targets".

REFERENCES

Amoo, O. O., Atadoga, A., Abrahams, T. O., Farayola, O. A., Osasona, F., & Ayinla, B. (2024). *World Journal of Advanced Research and Reviews* https://www.researchgate.net/publication/378106378_The_legal_landscape_of_cybercrime_A_review_of_contemporary_issues_in_the_criminal_justice_system

Eurojust. (2025) *Fraudulent call centres in Ukraine rolled up* https://www.eurojust.europa.eu/news/fraudulent-call-centres-ukraine-rolled

European Union Agency for Cybersecurity (20250 *EU consistently targeted by diverse yet convergent threat groups* https://www.enisa.europa.eu/news/etl-2025-eu-consistently-targeted-by-diverse-yet-convergent-threat-groups

Europol. (2025) *The DNA of organised crime is changing – and so is the threat to Europe* https://www.europol.europa.eu/media-press/newsroom/news/dna-of-organised-crime-changing-and-so-threat-to-europe

Europol *Criminal-to-criminal (C2C) communications.*: https://www.europol.europa.eu/iocta/2016/criminal-communications.html

Eurostat. (2025). *Digitalisation in Europe – 2025 edition.* https://ec.europa.eu/eurostat/web/interactive-publications/digitalisation-2025

Kiberincidentu novērošanas institūcija (2026) *Kiberlaikapstākļi 2026* https://cert.lv/lv/2026/04/kiberlaikapstakli-2026-marts

Kneale, A. (2025) *The Baltics under pressure: RTP, scams, and smarter fraud defense.* https://www.threatmark.com/baltics-under-pressure/

Mauko, E., Johnson, S. D., & Mariconti, E. (2026.). *Cybercrime as a Service: A Scoping Review* https://www.researchgate.net/publication/403429722_Cybercrime_as_a_Service_A_Scoping_Review

Valsts policija, (2025) *Starptautiskā operācijā "SIMcartel" Valsts policija likvidē IT infrastruktūru, kas izmantota tiešsaistes krāpšanās; aizturēti pieci Latvijas valsts piederīgie.* https://www.vp.gov.lv/lv/jaunums/starptautiska-operacija-simcartel-valsts-policija-likvide-it-infrastrukturu-kas-izmantota-tiessaistes-krapsanas-aiztureti-pieci-latvijas-valsts-piederigie

Valsts policija . (2025.). *Aizturēti latviešu valodā runājoši telefonkrāpnieki – solis tuvāk taisnīgumam* https://www.vp.gov.lv/lv/jaunums/aiztureti-latviesu-valoda-runajosi-telefonkrapnieki-solis-tuvak-taisnigumam

European Union Agency for Cybersecurity. (2020). *Phishing Threat Landscape* https://www.enisa.europa.eu/publications/phishing

Republic of Estonia Information System Authority. *Cyber security in Estonia 2025* https //ria.ee/sites/default/files/documents/2025-02/Cyber-security-in-Estonia-2025.pdf

Republic of Estonia Information System Authority. (2025). Cyberspace in 2025 *A year of fraud:* https://www.ria.ee/en/cyberspace-2025-year-fraud

Cybersecurity., E. U. (2025, October n.d.). ENISA threat landscape. *ENISA threat landscape* https://www.enisa.europa.eu/sites/default/files/2025-10/ENISA%20Threat%20Landscape%202025%20Booklet.pdf

Zero Threat. (2026). *Cyberattack statistics 2026: What the numbers reveal about today's threats*.

The Impact of Digitalization on Human Trafficking

Evolving Methods of Recruitment and Exploitation

Emelyn Pena Ruiz

Abstract — **Human Trafficking is a complex global phenomenon that affects nearly every region of the world. While this phenomenon has existed for centuries, recent digital developments have significantly altered the way trafficking operates. Technology is now being used during every phase of the exploitation process. This paper examines how digitalization has transformed human trafficking from a traditional physical operation into an increasingly digital one. In particular, it analyses shifts in the recruitment strategies, moving from face-to-face approaches to online targeting through social media and digital platforms. It also explores the growing role of online advertisement in facilitating exploitation, and the emergence of entirely new internet-based forms of exploitation that were previously impossible such as webcam abuse, livestreamed assault and sextortion. Finally, it considers how digitalization has reduced the barriers for traffickers by increasing anonymity, allowing exploitation on a larger scale.**

I. INTRODUCTION

Human trafficking is one of the fastest-growing transnational criminal activities. According to a report from the International Labor Organization, annual profits from human trafficking amount to US $236 billion in illegal profits per year (International Labour Organization, 2024), this makes it the third largest criminal enterprise globally ranking behind drug trade and counterfeiting, and it continues to expand at a rapid rate.

Art 3(a) of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, defined human trafficking as the recruitment, transportation, transfer, harbouring, or receipt of persons (the *act*) achieved through threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or payments/benefits to a controller (the *means*), for the purpose of exploitation—including sexual exploitation, forced labor or services, slavery-like practices, servitude, or organ removal (the *purpose*) (United Nations General Assembly, 2000). Although this definition is still widely accepted, the increasing digital element of human trafficking has led to scholars arguing that this definition fails to fully capture the evolving nature of the crime (Goździak, 2020).

According to this definition, the illegal business of trafficking in people entails three main phases: (1) recruitment, (2) transportation, (3) exploitation. In this paper we will analyze how human trafficking have changed in the context of pre- and post-digitalization. Technological advancements compounded by the COVID-19 pandemic have allowed traffickers to pursue their criminal activities with greater reach, and less risk of discovery. Currently, traffickers exploit technology at every phase of the exploitation process (Czarnecki, 2022).

Nowadays, the majority of victims that are trafficked are exploited for forced labor. This is a change from previous trends, where trafficking was primarily for sexual exploitation. In low-income countries, children are 46% of the victims detected. In higher income countries however, children are mainly trafficked for sexual exploitation, forced criminality or begging (United Nations Office on Drugs and Crime [UNODC], 2021)

Today 74% of the world's population have access to the internet. Covid-19 pandemic acted as a catalyst for digitalization due to lockdowns which forced people to work and study remotely as well as a growth in social media and online communities. This shift created new opportunities structures in cyber criminality. After a decrease in the detection of victims during the pandemic, in 2022 the number of victims increased sharply, even surpassing the pre pandemic levels by 25% (UNODC, 2024).

II. TRADITIONAL RECRUITMENT METHODS

In the pre-digital era, recruitment of victims mainly relied on interpersonal, community based and relationship-driven methods. Recruiters primarily targeted individuals considered 'easy to exploit'. Although victims are not all from a certain demographic and they have diverse educational, economic, ethnic and religious backgrounds, certain groups remain at high risk such as those living in extreme poverty—such as residents of refugee camps. Additionally, people in a precarious situation are more willing to take high risks in order to improve their opportunities.

One of the most prevalent strategies was the false employment scheme. In this scenario, the 'agent' would promote some form of job to the victim and promise them a better life. As mentioned previously, recruiters often targeted people looking for better opportunities abroad due to poverty or instability in their country. Recruiters targeted public spaces such as train stations, schools, malls and parks to identify potential victims (Training Work Group of the Wisconsin Anti-Human Trafficking Task Force, 2014). Once the victim arrived at the destination the recruiter would seize their travel documents and the victims would be forced to comply through threats, physical abuse, or force consumption of drugs or alcohol (Collier, 2023). Often, in the case of labor trafficking, the workers would be controlled through accumulated debts for transportation, accommodation and other expenses.

Another common recruitment method involved seduction and romantic manipulation. This phenomenon is commonly referred to as the "lover-boy" method. This is a form of grooming and abuse, where the trafficker will have a romantic relationship with the victim in order to build

© 2026 Emelyn Pena Ruiz. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

emotional dependency before coercing them into prostitution or other forms of illegal work. In the Netherlands most of the victims reported were girls who were exploited by their older "boyfriends", who abuse their psychological power over their victims (UNODC,2009). Traffickers may also propose the victims to live abroad under the pretense of building a better life. This is done to isolate the victims from their family and community by placing them in another country and an unknown environment where often they cannot speak the language.

In some areas of the world, recruitment is facilitated by family members or acquaintances exploiting the relationship of trust (Collier, 2023). For example, in situations of extreme poverty, family members might sell their children to traffickers. Less common, but still prevalent was the abduction of the victims; this would occur especially in places affected by war, weak governance, or widespread insecurity.

Overall, traditional trafficking recruitment relied especially on face-to-face interaction, interpersonal trust-building, and physical proximity to identify and exploit vulnerable individuals.

III. AFTER DIGITALISATION

Although these recruitment methods remain in use, digitalization has reshaped the way they are implemented, enhancing the traffickers' reach, efficiency and anonymity. With the development of technology and social media, the way traffickers target and recruit their victims has changed significantly. In response to these technological shifts, many traffickers have adopted their methods to advertise, recruit, and exploit victims through online environments.

A. Online Advertisement of Exploitative Services

The use of the Internet in human trafficking is not a recent phenomenon. The first case recorded by UNODC involving the use of the internet for human trafficking dates back to 2004 (UNODC, 2004). In this case traffickers used a free-standing webpage to promote sexual services and to connect with interested consumers in a tourist destination. As seen by this case, one of the most significant developments in the digitalization of human trafficking is the rise of online advertisement. The use of the internet has enabled traffickers to promote exploitative services to a much larger and more diverse pool of potential clients. Traffickers advertise their victims through social media or by hiding these advertisements behind legitimate activities to avoid detection by law.

Advertisements can be either address to a close circle of clients (e.g. child sexual exploitation advertised through social media) or distributed through dedicated websites (UNODC, 2021). For example, one case compared the use of social media site with the experience of "window shopping", where customers could inspect and select the victims they intended to "buy" (UNODC, n.d.). These platforms used for advertisement are generally widely accessible. Analysis of court cases show that websites designed to originally advertise legitimate services such as job vacancies, cars and clothes are being used to advertise services obtained from victims of human trafficking. There have also been cases where technology is being used in order to advertise the selling of organs, for example kidneys harvested from impoverished individuals (GLOTiP, 2020).

B. Online Recruitment of Victims

The recruitment techniques have significantly evolved with the development of digital technologies. Platforms such as Facebook, Instagram, and Snapchat are increasingly being used by traffickers to exploit personal information made publicly available by victims in order to contact them and/or target the most vulnerable individuals. These networks are used as a psychological weapon, as traffickers threaten to upload compromising pictures of the victims if they later fail to comply with their demands (Europol Operations Directorate, 2020).

Additionally, the dynamics of social media platforms make it useful for criminal business activity that requires the ability to connect with people immediately through messaging and chat functions. This also enables traffickers to easily communicate with clients interested in purchasing the exploitative service. Such forms of direct and rapid communication were not possible in a pre-digital context. Therefore, we have seen a shift from relatively slow, geographically contained interactions to fast, borderless communication networks.

The different types of platforms also enable traffickers to strategically target different demographic groups, particularly based on age. For example, younger people are more active in social media therefore reported cases of human trafficking involve recruitment through social media platforms. Children and teenagers are often courted through social media platforms and are more likely to engage in deceptive ploys in order to achieve acceptance, attention or friendship.

Traffickers appear to adopt different approaches in the way they find and recruit victims online. Two primary strategies can be identified. The first one is "hunting", in which traffickers actively look for potential victims and buyers. The alternative approach is "fishing", where traffickers post deceptive advertisements, often job opportunities, and wait for victims to respond. In hunting targets of the traffickers are not random, but instead they are chosen on specific characteristics, such as economic, emotional or other vulnerabilities. Conversely, fishing strategies often involve offering well-paid jobs, often in foreign countries. For example, in one documented case, traffickers used fake profiles to advertise modeling jobs in a foreign country. Once there, the victims were sexually exploited by the traffickers. In this case alone, about 100 women were deceived (Court case 230, 2017). According to the UNODC, this strategy was more widely used than hunting.

Finally, traffickers benefit significantly from the anonymity the internet offers them. This makes it difficult for law enforcers to identify the author of online advertisements or the real author behind a chat on social media. (UNODC, 2024).

IV. INTERNET BASED FORMS OF EXPLOITATION

New forms of exploitation have emerged in the digital era that did not exist in the traditional trafficking model. These new forms of exploitation eliminate the need for

transportation and transfer of victims, enabling exploitation to occur entirely through online environments.

One of the most significant developments is the use of webcams and livestreams (GLOTiP, 2020). These technologies have enabled new forms of exploitation that were not present in traditional trafficking models by allowing for the acts of exploitation to be broadcast or livestreamed. Whereas in the past, exploitation was witnessed by only the people present, now far more people can witness the exploitation, reaching a large base of consumers even from different parts of the world. In one documented case, a group of traffickers coerced victims into what is known as 'cybersex', some of them performed dance performances which were broadcast to paying customers all over the world (*People of the Philippines v. Emil Andreas Solemo and Bo Stefan Sederholm, et al.*, 2011). This illustrates how digitalization has not only expanded the scale of traditional exploitation but has also created entirely new forms of abuse.

V. ORGANIZTIONAL, OPERATIONAL, AND FINANCIAL TRANSFORMATIONS

Another significant consequence of digitalization is the reduction in the number of individuals required to run and operate the trafficking methods. Prior to digitalization, human trafficking usually required a large number of participants, who would have divided task in each stage of the process such as recruitment, transportation, and the control of the victims. This often required a coordinated criminal network. However, technology allows these activities to be carried out by few and even one individual. In one case a trafficker working independently, and using online advertisement, connected a victim with over 100 sex buyers over the span of 60 days (*CAN016*, n.d.).

Technology has also enabled a greater degree of control over victims. Traditionally, control over victims and even violence was necessary in order to keep them under control. Today, however, contemporary forms of control include digital coercion, as well as real-time monitoring. For example, traffickers may monitor victims by using GPS functions embedded in smartphones and through location-sharing applications (EUROPOL, 2020)

There have also been changes in the way payment systems work. Digitalization has made payment methods in human trafficking faster, more global and harder to trace. While traditionally traffickers relied mostly on cash, digitalization has allowed online payments, such as money transferring apps, virtual banking services, digital wallets, Fintech, and cryptocurrencies. These types of payments allow traffickers to receive this money remotely more conveniently without the need to even have face-to-face contact with buyers which in turn results in fewer risks. It is worth noting, however, that research has shown that despite these advancements, the criminal proceeds are still predominantly collected in cash.

VI. CONCLUSION

The findings of this paper demonstrate that digitalization has fundamentally transformed the structure and operation of human trafficking. Although human trafficking has been around for centuries and is a persistent global crime, technology has reshaped how traffickers recruit victims, advertise exploitative services, maintain control, and manage criminal operations. Traditional trafficking methods are now being supplemented and, in some cases, even replaced with digital tools that allow traffickers to have greater anonymity, efficiency and reach. Furthermore, technological advancements have allowed new forms of exploitation including livestreamed abuse, webcam exploitation, and sextortion, demonstrating that digitalization has not merely enhanced traditional trafficking methods but has also expanded the forms that exploitation itself can take.

A critical dimension that must not be overlooked is the role of digital platforms such as Instagram, Telegram, Facebook and online advertising websites. These platforms are being increasingly exploited by traffickers, raising important questions about the responsibility of these technology companies. This includes how much obligation they should have regarding the prevention of such activities and whether stronger regulatory frameworks are needed.

Despite this, digitalization also presents an opportunity for law enforcement. International bodies such as Europol and UNODC have made significant progress in the use of digital technologies in the fight against human trafficking. Although there is still a lot of development in this field, investigators are finding ways to trace criminals' digital footprints in order to use them in judicial proceedings. By doing so, investigators are able to discover information such as the person's role, structures, locations and criminal assets. However, the rapid development of technologies constitutes a significant challenge as it represents a constant race between traffickers and law enforcement agencies, with traffickers continuously adapting their business models in order to avoid detection.

REFERENCES

Economics of Forced Labour (Second edition). International Labour Office.

United Nations General Assembly. (2000, November 15). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.* [Legal Treaty]. United Nations. https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18

CAN016 (United Nations Office on Drugs and Crime, Case Law Database, SHERLOC, 2013). Retrieved https://sherloc.unodc.org/cld/case-law doc/traffickingpersonscrimetype/can/2013/r_v_byron.html?lng=en&tmpl=sherloc

Case No. 316 – Panama (Panama). Retrieved https://sherloc.unodc.org/cld/v3/sherloc/cldb/index.html?lng=en

Court Case 239 (Belarus 2017). https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf

Dr. Dorothea Czarnecki. (2022, July). *Trafficking in Human Beings 2.0 – Digitalisation of Trafficking in Human Beings in Germany*. KOK (German NGO Network against Trafficking in Human Beings). https://www.kok-gegen-menschenhandel.de/fileadmin/user_upload/medien/Publikationen_KOK/KOK_Study_Trafficking_in_Human_Beings_2.0.pdfhttps://www.kok-gegen-menschenhandel.de/fileadmin/user_upload/medien/Publikationen_KOK/KOK_Study_Trafficking_in_Human_Beings_2.0.pdf

Ellie Collier. (2023). *Methods of Human Trafficking and Recruitment*. https://www.highspeedtraining.co.uk/hub/methods-of-human-trafficking/

People of the Philippines v. Emil Andreas Solemo and Bo Stefan Sederholm, et Al. (Regional Trial Court (RTC) of Misamis Oriental, Branch 41, Cagayan de Oro City 6 May 2011).

Training Work Group of the Wisconsin Anti-Human Trafficking Task Force. (2014). *Recruiting*. https://media.wcwpds.wisc.edu/related-

training/Human-Trafficking/m3 Recruiting/story_content/external_files/recruiting-transcript.pdf.

United Nations Office on Drugs and Crime. (2021). *Global Report on Trafficking in Persons 2020*. United Nations.

United Nations Office on Drugs and Crime. (2024). *Global Report on Trafficking in Persons 2024*. United Nations. https://www.unodc.org/documents/data-and-analysis/glotip/2024/GLOTIP2024_BOOK.pdf

United Nations Office on Drugs and Crime (UNODC). (2009, February). *Trafficking in Persons: Analysis on Europe*. https://www.unodc.org/documents/human-trafficking/Trafficking_in_Persons_in_Europe_09.pdf

The Architecture of Corruption

FIFA and the Opportunity Structures of Organized Crime

Emil Pernter

***Abstract* — This paper examines FIFA's role as a transnational governance structure and analyzes how its institutional structure not only permits the emergence of organized crime but also structurally facilitates it. It doesn't focus on singling out individual actors, but rather on a structural approach grounded in criminological theories. By analyzing the so-called "opportunity structures" (Cloward & Ohlin, 1960), the paper clarifies how institutional conditions, such as the concentration of power, can create incentives for illicit behavior. Concrete examples play a particularly important role here, as they demonstrate how theory plays out in practice. The analysis is not intended to expose FIFA as a criminal organization, but rather to show how it creates an environment in which the line between legal and illegal activities is often blurred. Looking at FIFA's history over the past few decades, it becomes clear that precisely such opportunities were created, and that the boundaries of legality were repeatedly crossed.**

I. INTRODUCTION

Global football over the last decades has evolved into one of the most economically and politically significant sectors of contemporary sport. It is characterized by large financial flows, global audiences, and increasing involvement of both private and state actors (Westmore, 2024). The "Fédération Internationale de Football Association" (FIFA) stands at the center of this system, as it is the organization responsible for governing international competitions and regulating access to some of the biggest sport competitions in the world, such as the Football World Cup. Despite its formal status as a legal and regulatory body, FIFA has repeatedly been associated with controversies involving corruption and questionable financial practices (Westmore, 2024).

The question that arises is: if FIFA operates as a legitimate governing institution, why do patterns of illicit or questionable behavior continue to emerge in connection with its activities? Discussions already exist over individual scandals or instances of misconduct, but such approaches risk overlooking the broader structural conditions in which these practices occur.

The paper examines FIFA's governance structure that shapes conditions for illicit practices rather than the individual actors within it. It is based on criminological theories that conceptualize organized crime as embedded within legal markets. The analysis introduces the concept of "opportunity structures" (Cloward & Ohlin, 1960) in order to explore how institutional arrangements can enable or facilitate unlawful practices. The central question is to what extent FIFA creates structural conditions that facilitate organized criminal activities within global football.

II. THEORETICAL FRAMEWORK

Understanding the relation between organized crime and global sport requires moving beyond narrow legal definitions and adopting a criminological perspective that is broader and captures how unlawful practices operate within economic systems. Legal frameworks like the Palermo Convention define organized crime through criteria including structured groups, continuity, and the pursuit of financial or material benefit (United Nations, 2004). The problem is that they remain limited when applied to institutional environments such as the governance of FIFA, as the boundaries between legality and illegality are often vague.

Some criminological theories, called rational choice theories (Cornish & Clarke, 2017), on the other hand, provide a more analytical approach that conceptualizes organized crime as a form of illicit enterprise embedded within legal markets. Criminal activity is therefore not external to legitimate economic systems, but rather operates through them, exploiting existing structures and incentives (UNODC, 2024). Actors involved in organized crime follow rational economic logic and identify opportunities within markets that combine high financial value with weak oversight (Kassem, 2023).

This understanding becomes particularly relevant when dealing with FIFA, as global football has evolved into a highly commercialized industry characterized by significant financial flows and complex governance arrangements. These features do not just attract illicit actors but actively shape the conditions under which such actors can operate (UNODC, 2024). Fraud and corruption in football are rarely the result of isolated individual misconduct, but rather emerge from systemic incentives and structural weaknesses embedded within the organization of the sport itself (Kassem, 2023).

The concept of "opportunity structures" (Cloward & Ohlin, 1960) provides a useful analytical lens to examine how institutional environments enable or facilitate criminal behavior (UNODC, 2024). They are understood as the set of conditions within a system that creates incentives, lowers barriers, or provides access points for illegal activities. These conditions may include the concentration of decision-making power, limited transparency, high economic stakes, and regulatory fragmentation (Philippou, 2022). These structures do not cause crime directly, but they shape the likelihood of criminal practices. Applying this framework to global football allows for an analysis of the underlying institutional configurations behind individual instances of corruption.

© 2026 Emil Pernter. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

III. FIFA AS A TRANSNATIONAL GOVERNANCE STRUCTURE

To understand why FIFA is relevant to a criminological analysis of organized crime, it must first be approached not simply as a sports association, but as a transnational governance structure with the capacity to regulate access to one of the most valuable markets in global sport. FIFA occupies a singular position within world football, as it controls the most prestigious competition, the World Cup. It exercises considerable authority over hosting rights, commercial partnerships, media visibility, and TV rights (Boudreaux & Coats, 2016).

This concentration of power gives FIFA a role that is more than ordinary administration and places it at the center of a system with significant political and financial interests (Boudreaux & Coats, 2016). The structure is not only important because of its global reach, but also because of the way authority is organized within it. There is a persistent weakness in transparency, accountability, and oversight within global sport governance, particularly because of centralized decision-making (Philippou, 2022; Boudreaux & Coats, 2016).

On the contrary, this institutional continuity may allow problematic practices to persist over time without requiring an openly criminal organizational form (Philippou et al., 2021). FIFA governs a field defined by scarcity and exclusivity. It controls access to tournaments, rights, tickets, sponsorships, and hosting decisions (Boudreaux & Coats, 2016). These forms of access are not distributed through a neutral market, but through institutional processes that FIFA is uniquely positioned to shape.

This shows that FIFA structures the environment within which prohibited practices may become attractive. However, it does not establish criminality in itself. Therefore, FIFA is best understood as a central actor whose governance design helps configure the opportunity landscape of football.

IV. STRUCTURAL CONDITIONS ENABLING ILLICIT PRACTICES

To understand how FIFA enables illegal practices, one must first understand how FIFA is structured. FIFA has a president who serves as the chair of the FIFA Council. The FIFA Council itself consists of representatives from each continent and, until 2018, held the authority to decide on World Cup host countries. Until 2018, nearly every bid process was marred by allegations of corruption. In 2015, 15 FIFA officials on the FIFA Council were charged with corruption. They were part of the 24-member Council that voted on the 2018 World Cup in Russia and the 2022 World Cup in Qatar.

Such mechanisms are known as “bottleneck power” (McCloskey et al., 2026). They involve making the most important decisions within a small circle. This results in internal members or officials gaining more power. This not only means that fewer people need to be bribed to secure a favorable decision, but also that, where access to such valuable resources is institutionally controlled, actors may face strong incentives to secure favorable outcomes through informal or unlawful means (Boudreaux & Coats, 2016). Since then, the voting procedure surrounding the FIFA World Cup award has changed. The award is now determined by the FIFA Congress, in which each national association has one vote. Yet allegations of corruption continue to arise with every award.

Another structural element is the complexity and fragmentation of governance among national associations. These transnational environments can systematically enable actors to exploit differences in legal frameworks (UNODC, 2024; Europol, 2021).

This fragmentation does not merely create gaps in oversight but generates structural opportunities for regulatory arbitrage. Actors can exploit differences in legal frameworks and enforcement capacities across jurisdictions to obscure transactions, diffuse responsibility, and reduce the likelihood of detection or sanction. In the case of FIFA, this involves payments across different countries that are often difficult to trace. Weak national systems can be specifically exploited in this context.

Additionally, the high financial stakes associated with global football contribute to an environment in which illicit practices can be understood as economically rational responses to structural incentives (Kassem, 2023). The scale of potential gains, combined with the limited predictability of enforcement, may encourage actors to engage in practices such as bribery or manipulation of decision-making processes.

V. EMPIRICAL CASES AND STRUCTURAL DYNAMICS

Past and present cases in global football show how the structural conditions outlined above translate into observable patterns of behavior. They do not represent isolated incidents, but reflect recurring dynamics linked to the allocation of scarce resources, the concentration of decision-making authority, and the interaction between political and economic interests within FIFA’s governance framework.

To start with, the last World Cup 2022 in Qatar provides a particularly revealing example. Allegations of corruption and undue influence surrounding the bidding process have been widely documented, raising concerns about the integrity of decision-making within FIFA (Philippou, 2022). From a structural perspective, however, the importance of this case lies less in the verification of individual accusations than in the decision-making mechanism through which outcomes are produced. Hosting rights provide access to many valuable resources, both economically and symbolically. As already mentioned, they are allocated through a centralized voting process involving a limited number of decision-makers (Boudreaux & Coats, 2016).

This leads to a sequence of structural effects. First, the concentration of authority reduces transparency by limiting the number of people involved in deliberation and oversight. Second, each individual vote becomes more important, since it has a larger share in shaping the final decision. Third, it lowers the cost of influence, as fewer actors need to be targeted in order to affect the outcome. These conditions transform access to hosting rights into a site of strategic competition (Philippou, 2022). The incentive to engage in informal practices is therefore not

incidental, but structurally produced by the interaction between scarcity, opacity, and concentrated authority.

Similar mechanisms can be observed in the increasing involvement of state-backed investment structures in global football, particularly in relation to Saudi Arabia and its Public Investment Fund ("PIF") (Collyer Merritt, 2024). In this context, developments surrounding the allocation of the 2034 World Cup illustrate how financial investment, regulatory design, and strategic positioning can interact. The process began in February 2025, when the PIF invested approximately one billion US dollars in DAZN, a global sports streaming platform. In the following months, DAZN secured the broadcasting rights for the FIFA Club World Cup 2025 in the United States, reportedly paying a price significantly above market value, estimated at around one billion dollars.

At the same time, the conditions for the allocation of the 2034 World Cup had already been shaped through earlier decisions. The 2030 World Cup was awarded across multiple continents, including Spain, Portugal, Morocco, Uruguay, Argentina, and Paraguay, creating a situation in which FIFA's rotational rules effectively limited the pool of eligible hosts for 2034 to Asia and Oceania. This configuration made Saudi Arabia's successful bid highly likely from an early stage. While it remains speculative whether the structuring of the 2030 World Cup and the subsequent acquisition of broadcasting rights should be interpreted as indirect forms of influence or exchange, the sequence of events highlights how financial and institutional decisions can become strategically interconnected (BBC Sport, 2025).

A further mechanism can be identified in the organization of ticket distribution and resale markets surrounding the 2026 World Cup. Artificial scarcity is established through the initial allocation of tickets via centralized systems, as demand significantly exceeds supply. The result of this scarcity is price differentials between official and secondary markets. Actors positioned close to the allocation process can exploit this gap by acquiring tickets at regulated prices and redistributing them at higher market values. To add some figures: beforehand, FIFA planned to offer tickets starting at €60. These sold out very quickly and were soon resold on other sites, sometimes for a hundred times the original price or more. There is now an official FIFA marketplace, where FIFA earns an additional 15% on each ticket that is resold, plus another 15% from the buyer (FIFA, 2026). However, ticket prices have now reached levels where, for certain matches, some of them exceed 100,000 USD (FIFA, 2026). It demonstrates that institutional arrangements designed to manage access can simultaneously create opportunities for profit-oriented activities that operate at the margins of regulation.

Taken together, these cases show that structural conditions not only enable questionable practices but actively shape them. FIFA's governance, marked by concentrated authority, fragmented regulation, and manufactured scarcity, creates incentives and opens avenues for influence, thereby fostering the emergence and persistence of such practices.

VI. CRIMINOLOGICAL INTERPRETATION AND STRUCTURAL PARALLELS

Now that the descriptive level has been assessed, it is possible to move beyond it and analyze how FIFA's governance structure relates to the broader patterns identified in criminological theories of organized crime. The aim here is to examine whether the institutional environment shaped by FIFA reproduces structural conditions that are commonly associated with the operation of organized crime within legal markets.

A key point concerns control over access to valuable resources. Criminological research has long emphasized that organized crime seeks to gain influence over markets where access is restricted and profits are high (Cloward & Ohlin, 1960). Through the concentration of its leadership structure, FIFA creates a system in which access to economic value is mediated by institutional decisions rather than by open market mechanisms (Boudreaux & Coats, 2016). In such contexts, the incentive to influence these decisions through informal means becomes structurally embedded (Boudreaux & Coats, 2016). These are the same dynamics found in other sectors where control over market entry creates opportunities for corruption. However, FIFA not only fails to prevent corruption but actively creates conditions under which bribery becomes a strategy within the system.

Also, the role of corruption as a mechanism for access and coordination is crucial. Within organized crime, corruption is not merely incidental but rather an instrument that facilitates market entry and offers protection. It thereby allows illegal operations to stabilize and be carried out with relatively low risk (Philippou et al., 2021). Exactly this logic underlies the governance of global football. Here, weaknesses in transparency lead to decision-making processes being influenced in ways that are difficult to detect (Philippou et al., 2021). As real-world cases in the past have shown, manipulation of bidding processes does not occur in isolation but runs throughout FIFA's history.

A further point concerns the transnational character of both organized crime and global football governance. Similar to FIFA, organized crime networks are typically embedded in cross-border systems that exploit differences in regulation and legal frameworks (UNODC, 2024). Similarly, FIFA coordinates activities across legal jurisdictions that differ in their institutional strength and regulatory standards. This fragmentation makes it difficult to effectively monitor financial flows and decision-making processes. It significantly increases the difficulty of identifying and combating problematic practices. Studies on sports crime also show that such environments do not merely require a lack of rules but rather benefit from their uneven application and limited coordination (UNODC, 2024; Europol, 2021).

At the same time, it is also important to acknowledge the potential limitations of such an interpretation. One counterargument is that the dynamics identified in this paper are better explained as general governance deficits rather than as conditions specifically linked to organized crime. Problems such as a lack of transparency and concentration of power are not limited to world football but can rather be observed in a range of international institutions. Consequently, the identified patterns could be

understood more as manifestations of institutional inefficiency than as structures specifically relevant to organized criminal activities. One argument in favor of this is that many of the practices examined take place within formal boundaries. However, the analytical focus of this paper is not on proving the existence of criminal acts in specific cases, but rather on identifying the structural conditions that shape the likelihood of such practices and, furthermore, on highlighting potential illegal practices.

In this sense, the relevance of organized crime theory lies not in a direct equivalence. Rather, in its ability to illustrate that certain institutional configurations create situations in which the interaction between legal and illegal activities becomes easier and, in some cases, economically rational. These parallels suggest that FIFA's leadership structure contributes to the creation of a hybrid environment in which legal and illegal practices coexist and sometimes may reinforce one another. This perspective highlights the importance of shifting the focus from individual wrongdoing within global organizations to the structural environment that enables certain forms of behavior to emerge and persist.

VII. CONCLUSIONS

This paper examined the extent to which FIFA creates structural conditions that facilitate organized criminal activities within global football. The analysis shows that FIFA does not constitute an organized criminal group in a legal sense, but functions as a governance structure that generates "opportunity structures" (Cloward & Ohlin, 1960). Through the concentration of authority over valuable resources, limited transparency in decision-making, and fragmented regulatory frameworks, FIFA creates conditions in which illicit practices can emerge as normalized responses to structural incentives. Organized criminal activity in global football therefore operates not only against the system but through the institutional environment that FIFA helps to shape.

In this sense, the analysis shifts the focus away from identifying deviant actors and toward understanding how institutional design, economic incentives, and governance arrangements produce "opportunity structures" (Cloward & Ohlin, 1960) within which legal and illegal practices are embedded. Beyond this analytical perspective, it is also important to consider the broader societal context in which these dynamics occur.

It is important to highlight that behind the world's most popular sport stands an institution that, while not a criminal organization per se, appears to do relatively little to address the structural gaps and problems within the system. From the perspective of this paper, FIFA and its president, Gianni Infantino, are often perceived as susceptible to external influence. It appears as if the system has, for years, failed to learn from its own past mistakes, instead continuously pushing the boundaries of what is considered acceptable.

Ultimately, however, it is difficult to assign blame entirely to these actors. The World Cup continues to achieve record viewership figures regardless of the host country, even in the face of reports of workers dying during the construction of stadiums that may later remain underused, and tickets for the final still reach prices of over 100,000 USD and are nevertheless purchased. In this sense, the FIFA system can be understood as a reflection of broader societal processes. As long as spectators continue to accept and support these dynamics, it is unsurprising that FIFA maintains its current position and influence. From this perspective, the persistence of these structures appears less as an anomaly and more as a consequence of the broader environment in which they are embedded.

REFERENCES

BBC Sport. (2025, June 14). Fifa, the Club World Cup and Saudi Arabia. BBC. https://www.bbc.com/sport/football/articles/cjrne75xdqjo

Boudreaux, C. J., & Coats, R. M. (2016). Bend it like FIFA: Corruption on and off the pitch. Managerial and Decision Economics, 37(7), 459–470. https://doi.org/10.1002/mde.2732

Cloward, R. A., & Ohlin, L. E. (1960). Delinquency and opportunity: A theory of delinquent gangs. Routledge. https://doi.org/10.4324/9781315007274

Collyer Merritt, E. (2024, March 20). Sportswashing: History, governing bodies, state investments and English football club ownership. House of Lords Library. https://lordslibrary.parliament.uk/sportswashing-history-governing-bodies-state-investments-and-english-football-club-ownership/

Cornish, D. B., & Clarke, R. V. (2017). The reasoning criminal: Rational choice perspectives on offending. Taylor & Francis. https://doi.org/10.4324/9781315134482

Europol. (2021). The involvement of organised crime groups in sports corruption. Europol.

Fédération Internationale de Football Association (FIFA). (2026). What should I consider when listing my ticket(s) on the FIFA resale marketplace? https://gpcustomersupportfwc2026.tickets.fifa.com/hc/en-gb/articles/31690618856093-9-What-should-I-consider-when-listing-my-ticket-s-on-the-FIFA-Resale-Marketplace

Fédération Internationale de Football Association (FIFA). (2026). FIFA World Cup 2026 ticketing platform. https://fwc26-shop-usd.tickets.fifa.com/secure/selection/event/seat/performance/10229226700888/lang/de

Kassem, R. (2023). Understanding and mitigating fraud risk in professional football. Deviant Behavior. Advance online publication. https://doi.org/10.1080/01639625.2023.2246095

McCloskey, C., McGillivray, D., McPherson, G., & Talbot, A. (2026). Institutionalizing human rights in sports mega events: a case study of the United 2026 FIFA Men's World Cup. Soccer & Society, 1–20. https://doi.org/10.1080/14660970.2026.2640517

Philippou, C. (2022). Anti-bribery and corruption in sport mega-events: Stakeholder perspectives. Sport in Society, 25(4), 819–836. https://doi.org/10.1080/17430437.2021.1957836

Philippou, C., Hines, T., Shilbury, D., & Rowe, W. (2021). Anti-bribery and corruption policies in international sports governing bodies. Frontiers in Sports and Active Living, 3, Article 658857. https://doi.org/10.3389/fspor.2021.658857

United Nations. (2004). United Nations Convention against Transnational Organized Crime and the Protocols thereto. United Nations.

United Nations Office on Drugs and Crime. (2024). Game over: Exposing the linkages between corruption, serious and organized crime in sport. UNODC.

Westmore, K. (2024, January 25). Money laundering in football: The not so beautiful game? Royal United Services Institute. https://www.rusi.org/explore-our-research/publications/commentary/money-laundering-football-not-so-beautiful-game

The New Age of Pirates: Reframing Film Piracy

How Film Piracy Became a Strategic Engine of Transational Organised Crime

Davide Piccione

Abstract — **This paper aims at analysing what might be considered as a "innocent" activity: film piracy. Even though such an activity may be perceived by the public as "casual downloading", what lies beneath has much more serious implications. Early case law from the USA, UK and Europe have demonstrated how, since its beginning, criminal organisation has leveraged the public understanding of film piracy, among other things, to exploit it as a "springboard" to fund and support more serious and/or violent crimes. In addition to that, this paper also demonstrates how audiovisual piracy has evolved in relation to digitalisation through the adoption of digital and service-based infrastructures. Finally, the basic core of my work aims at examining how film piracy presents a perfect example of how criminal organisations adapt to technological and social developments.**

I. INTRODUCTION: WHAT IS FILM PIRACY?

Film Piracy refers to the "*unauthorised reproduction and distribution of copyrighted audiovisual works, constituting an infringement of intellectual property rights*" (World Trade Organization, 1994). This practice thus pertains to a much more comprehensive legal framework: intellectual property theft.

This generalized term refers to a crime occurring in both a domestic and transnational context, and which entails a much broader net of criminal responsibilities than one could imagine. As a matter of fact, Film Piracy fuels criminal enterprises that may range "*from simple to extraordinarily complex*". (Mcllwain, 2005, p.17), meaning that this illicit practice may go beyond the mere distribution and reproduction of content, evolving into a structured and transnationally organised activity intersecting with other forms of criminal activities, namely money laundering, human trafficking and corruption. By definition, this "*intellectual property crime"* (IPC) (Treverton et al., 2009, p.35) is often underestimated in the eyes of the general public.

For this reason, this paper aims to reframe the misconception of film piracy (and more generally audiovisual piracy) as a low-risk crime, analysing why it may come across as an attractive field for criminal organisations and providing concrete case law studies showing the intricate connection between such a crime and other forms of illegal activities. Finally, this paper analyses the fundamental impacts digitalisation has had on film piracy, particularly highlighting how it developed from a logistic-based to service-based activity, evolving into a versatile and persistent criminal enterprise.

© 2026 Paula Pavlovska. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).
© 2026 Davide Piccione. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. THE CRIMINAL OPPORTUNITY BEHIND FILM PIRACY

Film Piracy is a rather peculiar form of TOC: it has been widely used by criminal, and even terrorist organisations at it represents quite a smart compromise when it comes to criminal pay-off. Indeed, film piracy profits provide larger income margins than the ones provided by illegal narcotics for example (RAND Corporation, 2009), and it also represents something which usually falls off the radar of law enforcement. Film piracy further constitutes an initial low investment, and its consequences in terms of criminal penalties are much less severe than the ones prescribed for other criminal activities. Film piracy revolves around three main features, making this field quite lucrative (Treverton et al., 2009):

1. *low barrier to entry* - as entering such an industry requires little specialized knowledge;
2. *high profit*;
3. *low risk*.

To gain a better insight into this criminal phenomenon, it is necessary to understand that organised crime groups typically manage counterfeiting by considering 3 motivations (Treverton et al., 2009):

1. *Consolidation*. The entry barrier to film piracy is lowered, so criminal organised crimes engage in activities to intimidate and fend off amateurs.
2. *Vertical expansion*. In this kind of expansion, the profit gained from film piracy is later employed in related criminal activities.
3. *Horizontal expansion*. In this case, film piracy is implemented as a means to diversify and expand the criminal groups' illicit revenue streams.

Moreover, film piracy, differently from other counterfeiting activities (e.g. luxury goods, pharmaceuticals), proves itself to be a "easier access" to criminal activities and the black market for both sellers and manufacturers. Worldwide, organised crimes use this peculiar form of counterfeiting to fund much more serious criminal activities: research conducted by the RAND Corporation (2009) has shown that many criminal organisations engaging in film piracy are also responsible for much more serious and violent crimes.

As first examples, among many well-known criminally organised groups, we can find: the Yamaguchi-gumi (part of the Yakuza), that is involved also, among other things, in narcotics and weapons trafficking; the Italian Camorra, which is also responsible for illegal gambling, money laundering and the Ang Bin Hoey Triad (Malaysia), involved also in laundering and prostitution.

"Organised crime" is quite a powerful term from the public perspective, that undoubtedly equates crimes which may seem "less harmful" with more impactful crimes, such as human trafficking and money laundering. For this very reason, we must distinguish between mere "*criminal entrepreneurs"* (Mcllwain, 2005, p.20), who produce, distribute and sell pirated content for their own profit and de facto criminal organised activities, that encompasses a number of actions such as violence and corruption, dealing with several other illicit enterprises. The following paragraphs will focus on the latter group.

III. CONVERGENCE IN PRACTICE: EARLY CASE STUDIES OF FILM PIRACY AND ORGANISED CRIME

As mentioned earlier, case studies have shown how film piracy is a part of a much broader criminal framework that may constitute a starting point aimed at financing alternative illegal activities:

A. North America

In the beginning of the 2000s, the smuggling of pirated films as a basis to fund other activities was the result of a massive booming trade occurring between North America and Asia (Treverton et al., 2009). In Canada, this enabled one of the most powerful Chinese triad groups, the Sun Yee On to operate in the country. As for other criminal groups, the Big Circle Boys, originating from the Chinese Red Guards, employed film piracy to finance other activities central to the organisation, namely loan-sharking (credit-cards smuggling).

In the USA, the epicentre of this illegal practice was New York, where two organised crimes operated in particular:

On the one hand, Yi-Ging, an Asian organised crime, used film piracy to support broader criminal activities. In this case, the manufacturing of counterfeited DVDs started in China and subsequently they were smuggled in the USA by the members of the organisation. The Yi-Ging case is significant as, for the first time, the Racketeer Influenced and Corrupt Organisation Act (RICO)- an essential legal framework allowing the prosecution of entire patterns of criminal activities- was applied to an intellectual property crime (Treverton et al., 2009). On the other hand, the "Jah Organisation", a western African organised crime, also used film piracy as a means of vertical expansion: piracy operations integrated the profit gained from the sale of counterfeit goods to money-laundering, running both piracy and illegal banking services (Treverton et al., 2009).

B. United Kingdom

In the UK, there was a clear pattern of intersection between human smuggling and film piracy, particularly in the activity of the so-called "snakeheads", a Chinese organised criminal group specialized in illegal migration networks to Britain and subsequent labour exploitation, including the manufacture and distribution of pirated DVDs. One of the most significant cases-though not linked to film piracy in strictu sensu- is the Morecambe Bay tragedy. Investigations suggested that the victims- exploited migrants- may have also been coerced by the heads of the operations into counterfeit DVD manufacturing (Treverton et al., 2009). This case shows how even apparent "innocent crimes" enable a vertical expansion where organised groups exploit the same labour force across different illicit activities.

C. Europe

In Spain, there have also been reports of the intersection between human smuggling and film piracy, notably in the activities of the Chinese Gangs that used the same modi operandi as the ones in England, leveraging exploited migrant labour. The operations Katana and Sudoku (2006), which were part of a broader action against Chinese organised crime in Spain, have proven that piracy was among the primary sources of revenue for the gang (Treverton et al., 2009).

While all of the aforementioned cases had as a main aim the vertical expansion of the respective criminal groups, the involvement of film piracy in Italy, and most notably inside the Italian Camorra, had mainly an aim of horizontal expansion: starting from the 80s, Camorra's aim was to broaden the scope and diversify what was an already well-established criminal business model. One of the main reasons why Camorra decided to engage in ventures such as film piracy, and more generally counterfeiting, was to reinvent itself in a field which may appear less socially harmful. In 2004, the DNA (Direzione Nazionale Antimafia) and the GDF (Guardia di Finanza) undertook criminal investigations which eventually led to arrests across Canada, Germany, Spain, France and Belgium (Treverton et al., 2009). In pursuing this investigation, the Italian National Antimafia Bureau confirmed how film piracy, and more generally the counterfeiting field was used as a high profitable yet low risk investment, especially due to the public opinion's perception of these crimes. Counterfeit goods, including pirated DVDs, were distributed through both informal and formal channels, blurring the boundaries between lawful and unlawful commercial activities, contributing to create a "*significant economic web*" (UNICRI, 2007, p. 120), which saw the involvement of many European countries, Brazil, the USA and Australia, facilitating the production, transportation and the distribution of counterfeit goods. Such an economic web is also present in the strong ties the Italian Camorra had with Chinese triads: in this case, the Chinese organised groups were responsible in the production of the counterfeit goods and the smuggling of migrants, who were subsequently forced within the illicit distribution systems in Italy. Counterfeiting, and therefore film piracy, also demonstrated sophisticated methods to launder money by investing in both legal and illegal enterprises and/or transferring funds to foreign countries (particularly China) in ways consistent with declared financial activity (UNICRI, 2007).

IV. A "DIGITAL TURN": DIGITALISATION AND ITS IMPACT ON FILM PIRACY

A. A New Frontier: IPTV Services

Film piracy has been a substantial witness in regard to how transnational organised crime has shifted from a physical towards an increasingly digitalised environment. In the wake of overwhelming changes, with the advent of streaming platforms and global crises, the movie industry has been radically changed, as have all illegal activities

linked to it. As a matter of fact, "old" piracy mainly involved the smuggling of unauthorised DVDs in street markets and P2P (peer-to-peer) services whereas modern piracy is constituted by a much more sophisticated systems, relying on subscription-based services, torrents and IPTV (Internet Protocol Television) (Janjeva et al., 2020).

As many scholars have concluded, separating crimes committed in the cyberworld from those committed in the physical world has become quite an impossible task, as the two are increasingly intertwined (Di Nicola, 2022). For this very reason, one can no longer affirm that organised crimes are either purely digital or physical, but rather that they coexist in a "*spectrum*" between the two (Di Nicola, 2022, p.13). With regard to film piracy, criminal enterprises which may amount to a transnational organised crime do not entail activities carried out by single operators (through illegal streaming websites for example), but rather complex and expensive digital infrastructures that are now involved, such as IPTV services. This kind of service refers to digital infrastructures delivering audiovisual content -including live channels and on-demand videos- over the internet rather than traditional cable or satellite formats (Janjeva et al., 2020). IPTV services are indeed one of the driving forces of transnational organised crime in the field of film piracy: a 2019 report provided by the European Union Intellectual Property Office (EUIPO) has shown that illegal IPTV have drawn €941 millions in profit within the EU through the distribution of pirated audiovisual content (European Union Intellectual Property Office [EUIPO], 2019).

One of the most significant operations concerning film piracy in recent years has been carried out by the Spanish Policia Nacional that, with the support of Europol and Eurojust, dismantled a large criminal network which illegally distributed audio-visual content in Europe, Asia and Middle East and laundered its criminal proceeds (Europol, 2020). The investigations involved law enforcement authorities from 14 countries. The criminal network was characterised by an IPTV piracy network containing more than 40.000 TV channels, series and films, and had over 2 million subscribers worldwide, generating 15 million in profits. The criminal organisation operated through a wide and sophisticated structure which even included costumer support and crypto-currency-based financial flows (Europol, 2020). This investigation demonstrated a pivotal element concerning the impact digitalisation has had on film piracy: this activity cannot be considered marginal, but rather a technological advanced sector of transnational organised crime which is deeply embedded in the global digital economy. Moreover, one can see how in this case the illicit enterprise at stake was not tied to a well-known traditional organisation, as shown in earlier case studies. However, all the characteristics still pointed out to the existence of a criminal organisation: a structured hierarchy, a profit-driven activity and intersection with other criminal activities, such as money laundering acted out by means of either cryptocurrency or asset investments (cars, property and luxury goods were seized as a result of the investigations). By taking into account the new classifications of criminal organised activities in the digital era, proposed by Michael McGuire (2012-13) and further analysed by Alessandro De Nicola (2022), this network can be identified as a *cyber-enabled organised crime.* In this context, the digital technologies employed by the criminal organisations transform pre-existing illegal activities (film piracy in this case) into an adaptable and global enterprise. Moreover one can also define this criminal network as a type II hybrid model, and more specifically a cluster, as it revolves around a relatively small group operating both at a digital level (in this case the core element of the operation: IPTV) and at an offline level, in relation to financial management and money-laundering.

B. From a Logistics-based to a Service-based Crime: "Piracy-as-a-service" (Paas)

As demonstrated earlier, the digitalisation of audiovisual piracy has fundamentally transformed its structure and accessibility. In this field, criminal organisations around the world now rely on models known as "Crime-as-a-service" (Caas) and most importantly on one of its subsets: "Piracy-as-a-service" (Paas) (Janjeva et al., 2020). These systems allow criminal actors to purchase ready-made tools and services necessary to conduct cyber-enabled crimes. Such services basically allow individuals with limited expertise to operate sophisticated illegal streaming platforms and IPTV services. Paas may also include "middleware" providers that supply app-based technology to deliver IPTV content to consumers. Some reports have also demonstrated how such systems may also include pre-made templates and allow resellers ("*those who sell subscription accounts via middleware services*" [Janjeva et al., 2020]) to use one's URL or site branding. This, in turn, makes it difficult for law enforcement authorities to find the connection between sites created through middleware services and underlying criminal networks (Janjeva et al., 2020).

Through the adoption of Paas, it becomes evident how organised criminal groups have developed a new approach: film piracy no longer revolves around the provision of pirated content whose production and distribution were heavily logistics-based and localised, but has evolved into an ever-increasing commodified illegal activity. As a matter of fact, by providing ready-made tools, Paas enables individuals to enter and expand their participation in illicit markets. Film piracy has thus become inherently integrated in cyber-crime ecosystems which are now organised through remote management and almost-complete anonymity. The development of easily accessible Paas platforms reflects a broader expansion of Caas services, which are now regarded as one of the most critical organised crime threats across the EU (Europol, 2020).

C. Old Pattern, New Forms: Film Piracy and its Enduring Criminal Convergence.

The phenomenon of digital film piracy, as in its origins, also intersects with other crimes: the EUIPO has made a report in February 2020 showing how audiovisual piracy (generally-speaking, counterfeit goods and criminal and copyright infringement crimes) has intersected with another series of criminal activities, namely cybercrime, identity theft and money-laundering (as we have already mentioned earlier with the 2020 case), which consist in investing in either legitimate and illegitimate companies to blend legal and criminal assets. It is interesting to notice how such an approach was also adopted by the Italian

Camorra at the beginning of the 2000s. The same EUIPO report deals with a series of operations, among which we can find the Operation Xtream Codes (EUIPO, 2020): this case concerned a criminal network operating across multiple EU and non-EU countries and offering illegal broadcasting and advanced streaming services through the use of advanced digital infrastructures (the criminal network operated more than 200 servers) and a defined payment system (PayPal). The profits which were generated by the organised crime group were laundered in foreign bank accounts. Operation Xtream Codes saw the collaboration of several national authorities (Italy, Greece, Bulgaria, France...) and saw the arrest of twenty-two people of various nationalities. This case demonstrates once again how modern-day piracy is now driven by a complex financial and cyber-criminal scheme, also involving the intersection with large-scale fraud.

V. Conclusion

This paper has demonstrated that film piracy, from a broader and insightful perspective, cannot be possibly understood as a mere intellectual property offence: though its public perspective may suggest otherwise, film piracy is a smart outset of organised crime groups' agendas due to its low risk, low entry barriers and its cultural understanding.

This paper has also shown two main grounds of analysis: on the hand there is a structural dimension, through which film piracy has been examined as a key element of criminalised groups to favour vertical and horizonal expansion, as analysed through case studies across different national contexts and organised crime groups; on the other hand, there is a technological dimension, which has seen film piracy smoothly adapting and evolving from DVDs production and smuggling to the establishment of digital infrastructures (IPTV) and service-based models (Caas and Paas).

In dealing with this topic, I've found quite interesting what lies beneath a seemingly innocuous activity and how something like film piracy may become the perfect example on how resilient and complex the phenomenon of criminal networks are. Indeed, the trajectory and evolution of audiovisual piracy actually exemplifies how organised crimes adapt to technological and economic change, evolving in a much more complex and sophisticated system. This topic also demonstrates how transnational organised crime actually thrives in markets as film piracy, which combine low visibility and high expansion and exploit public understanding to achieve exactly that.

In conclusion, it is safe to assume that film piracy as an illicit enterprise ultimately demonstrates how organised crime is not defined by any means by the product it deals with, but by its ability to adapt to new circumstances and find new, fertile grounds to enable criminal convergence.

References

Treverton, G. F., Matthies, C., Cunningham, K. J., Goulka, J., Ridgeway, G., & Wong, A. (2009). The Shape of Counterfeiting and the Example of Film Piracy. In *Film Piracy, Organized Crime, and Terrorism* (pp. 27–38). RAND Corporation. http://www.jstor.org/stable/10.7249/mg742mpa.9

Treverton, G. F., Matthies, C., Cunningham, K. J., Goulka, J., Ridgeway, G., & Wong, A. (2009). Getting Down to Cases: Organized Crime and Film Piracy. In *Film Piracy, Organized Crime, and Terrorism* (pp. 39–72). RAND Corporation. http://www.jstor.org/stable/10.7249/mg742mpa.1

McIllwain, J. S. (2005). Intellectual property theft and organized crime: The case of film piracy. *Trends in Organized Crime, 8*(4), 15–39. https://doi.org/10.1007/s12117-005-1012-1

United Nations Interregional Crime and Justice Research Institute (UNICRI). (2007). *Counterfeiting: A global spread, a global threat* (pp. 118–122). UNICRI. https://unicri.org/sites/default/files/2019-10/Counterfeiting%20a%20global%20spread%20a%20global%20threat_0.pdf

Di Nicola, A. (2022). Towards digital organized crime and digital sociology of organized crime. *Trends in Organized Crime*, 1–20. https://doi.org/10.1007/s12117-022-09457-y Janjeva, A., Reid, A., &

Moiseienko, A. (2021). *Taking the profit out of intellectual property crime: Piracy and organised crime*. Royal United Services Institute. https://static.rusi.org/whr_ip_crime_web_version_0.pdf

Europol. (n.d.). *Illegal streaming service over 2 million subscribers worldwide switched*. Europol. https://www.europol.europa.eu/media-press/newsroom/news/illegal-streaming-service-over-2-million-subscribers-worldwide-switched

European Union Intellectual Property Office. (2019). *Illegal IPTV in the European Union: Executive summary*. EUIPO. https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/2019_Illegal_IPTV_in_the_European_Union/2019_Illegal_IPTV_Ex_Summ_en.pdf

European Union Intellectual Property Office. (2020). *IP crime and its link to other serious crimes: Focus on poly-criminality*(pp. 70–72). EUIPO. https://www.euipo.europa.eu/it/publications/ip-crime-and-its-link-to-other-serious-crimes-focus-on-poly-criminality

Crime - Terror Nexus in East Africa

The Role of Coasts and Al-Shabaab in the Kenya-Somalia Corridor

Alice Piredda

Abstract — **This paper analyses the connection between organized crime and terrorism in East Africa, specifically in the coastal areas connecting Kenya and Somalia. Using the Adaptive Symbiosis Model, it will examine how cultural, geographical and historical factors intersect each other and impact the development of that complex phenomenon. Particular attention will be paid to the prominent role of Al-Shabaab, as a hybrid terrorist actor involved in both political violence and illicit trade of natural resources worldwide, especially charcoal, sugar, and ivory. Additionally, it will explore the strategic importance of maritime routes and ports, such as Mombasa and Kismayo, functioning as strategic hubs for this criminal network. This analysis will ultimately demonstrate how weak governance, corruption and limited local surveillance create favorable conditions for this nexus to proliferate locally and transnationally, with the direct involvement of local actors and criminal groups.**

I. INTRODUCTION

Eastern African countries are among the most impacted by the threat of terrorism in the global environment. This is the result of the intersection between many different factors including governmental fragility, armed conflicts, digital and economic underdevelopment and growing climate-related issues. These vulnerable conditions are of great appeal for terrorist groups, such as Al-Shabaab, because they create a favorable operational environment for the development of illicit transnational trade markets. Kenya occupies a strategic position within this interplay due to one fundamental characteristic of its territory: its extensive and unpatrolled coastline.

Within the context of globalized trade, where "containerized shipping" enables even indirect and complex routes to be economically possible, ports characterized by weak oversight and vulnerability to corruption become increasingly attractive. This scenario has contributed to the rise of the so-called "crime - terror nexus", namely the interaction between Kenya's organized crime and Somalia's terrorism.

The aim of this paper will be to better understand this nexus, how it works and how its development in Africa differs from the one in other realities. Additionally, the study will focus on the role that Al-Shabaab and porous borders, particularly ports, play in this complex system of cooperation, by interfering in and facilitating the growth of transnational criminal flows.

II. CRIME-TERROR NEXUS: WHAT IS IT AND HOW IT OPERATES IN KENYA

The crime – terrorism nexus refers to the cooperation, also by means of fusion or imitation, to carry out activities between organized crime and terrorism. These activities include human, drugs and arms trafficking, as well as money laundering and corruption (*The Crime-Terror Nexus*, s.d.). Although the objectives of organized crime and terrorism materially differ, as traditionally the former seeks material monetary gain while the latter operates mainly for political and social reasons, the nexus can exist in various forms and through different means. Nevertheless, all types of criminal alliances share one final goal: operational purposes or a desire for profit and personal connections.

Nexuses can take distinct characteristics based on the geographical and political disposition of the place where they operate in, but they all remain fundamentally transnational in nature. (Bologna & de Azevedo, s.d.). The African experience entered scholarly debate relatively late compared to European and Asian contexts, leaving substantial gaps and misalignments still to be resolved. One important element for the assessment of the East African reality are the landmark reports by the United Nations Office on Drugs and Crime (UNODOC, 2015; UNODOC, 2019) which provided crucial evidence of the involvement of the Somali terrorist group Al-Shabaab in the illicit trade of sugar and charcoal, as well as in the extortion and facilitation of trafficking activities along the Swahili coast. It is important to underline that the classical theories explaining the crime-terror nexus, particularly the Makarenko's "Crime–Terror Continuum", cannot be fully applied to the reality of Kenya. This model assumes that crime and terrorism are born separately and then merge over time for functional reasons.

However, scholars such as Anderson (2014), Carrier and Klantschnig (2018) argue that, in East Africa, the links binding terrorism and crime together are so historically rooted, that finding a clear point of convergence becomes extremely challenging. For this reason, the "Adaptive Symbiosis Model" is considered better fit to explain the Kenyan reality. According to this theory, crime and terrorism work as fluid, hybrid networks which cooperate thanks to three main enablers. The first one is state corruption, which can be seen at multiple levels including border officials accepting bribes, selective law enforcement and political protection of illicit economies. These dynamics create, especially along the border with Somalia, what can be defined as "regional dark spots", meaning areas where surveillance is inconsistent and accountability is weak. These conditions allow terrorist groups to tax and exploit flows of illicit trade without any type of state's intervention.

The second enabler is digital transformation. Kenya has an extremely advanced digital fincial system, particularly thanks to the M-Pesa platform launched in 2007. However, while being economically beneficial on one hand, this system has also created some structural vulnerabilities. In fact, the rapid movement of funds across

© 2026 Alice Piredda. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

borders makes financial oversight more difficult and increases risks of expansion of both criminal and terroristic networks, through the use of means such as cryptocurrencies.

The last relevant element is environmental exploitation of natural resources, which represent the heart of the illicit streams in the region. Due to high international demand and extremely low costs of production, the export of these goods is exploited by terrorist organizations with both direct and indirect assistance of local businesses and strategic hubs like the Port of Mombasa (Tura, 2026). Within this setting, the Kenya-Somalia corridor developed a solid crime-terror network where illicit trade and transnational criminal activities proliferate.

III. ROLE OF AL-SHABAAB WITHIN THE NEXUS

A. Historical Evolution

Doubtlessly, Al- Shabaab represents the principal actor linking terrorism and organized crime in the Kenya-Somalia corridor. But what is this group and how does it impact trade relationships between these two countries? Al-Shabaab is an Al Qaeda-affiliated organization that emerged between the end of the 20th and the beginning of the 21st century, during Somalia's long period of stateless anarchy.

Originally founded in 2006 as the small youth militia of a moderate Islamist organization, it increasingly radicalized as a popular Islamist guerrilla, following Ethiopia's invasion of Somalia in December 2008. Since then, the organization has undergone another significant transformation: it went from being a nationalist group aiming at driving Ethiopia out of the country through legal military means, to a more hybrid organization embracing transnational terrorism. Its current goal is to carve out space for itself in the war between Al- Qaeda and the West. Since the late 2000s, East African countries have experienced a series of attacks led by Al-Shabaab.

In Kenya since 2011, affiliated groups such as Al-Hijra and Jaysh al-Ayman, have been carrying them out in its two main cities, Nairobi and Mombasa. A few examples include:

- 2013: the Westgate Mall attack in Nairobi, 68 people were killed and more than a hundred injured
- 2015: the Garissa University attack, at least 147 people (mostly students) killed
- 2020: the US-Kenya Military Base attack in Lamu, three American citizens killed

Apart from Somalia, Kenya remains the most affected African country by Al-Shabaab activities. Even though its expansion was initially considered only a Somali issue since the organization operated mainly in the north-east of Kenya where a Somali community lived, in a short amount of time its attacks extended also to the coastal region, in the cities of Mombasa and Lamu.

The violent operations along the Kenya-Somalia border reached their peak in 2023, after the terrorist group had been pushed out of its central controlled area in Somalia (*What's next for the Fight against al-Shabaab in Kenya and Somalia - August 2024 | ACLED*, 2023).

B. Criminal Activities within the Nexus

However, for the purpose of this analysis, understanding Al-Shabaab exclusively through the lens of political violence would be insufficient. Indeed, in the context of the crime-terror nexus, the organization functions mainly as a major economic actor deeply involved in transnational organized crime. Like most terrorist groups, Al-Shabaab finances its operations through criminal activities including extortion, kidnapping, money laundering and parallel governance. However, in the Kenyan context, the most significant criminal activities associated with the crime-terror nexus are ivory trafficking and the charcoal-sugar trade cycle.

Most of the recent global seizures of ivory have been traced back to either Kenya or the United Republic of Tanzania, largely through the big container ports in Mombasa and Dar es Salaam. Even though Al-Shabaab's direct involvement in this activity is still much debated today, several investigations indicate that the group benefited financially from this trade. In 2013, the "Elephant Action League" (EAL) published an article called "Africa's White Gold of Jihad: Al-Shabaab and Conflict Ivory", followed by a subsequent report providing information about the organization role in the illegal trafficking of ivory through Kenya and Somalia. Based on interviews with traffickers, brokers, and traders operating between Kenya and Somalia, Al-Shabaab was identified as a "middleman" in the ivory supply chain. In fact, according to these sources, the terrorist group did not directly poach and kill elephants but instead acted as a trafficker, buying the ivory from Kenyan brokers and then transporting it to the Somali port of Kismayo, where it was resold to other international buyers. Even though ivory represented only a relatively small portion of Al-Shabaab's total finances, it served as a fund for the salaries of its fighters. The information gathered by this research have been confirmed also by the "Threat Assessment in East Africa" published by the UNODOC in the same year. The report stated that illegal ivory trade was to be considered a multifaceted criminal business from which terrorist groups, including Al-Shabaab, shouldn't have been arbitrarily excluded among the many actors involved alongside local criminals (Earth League International, 2016).

If ivory trafficking constitutes only a small fraction of the finances retrieved by Al-Shabaab through the nexus, the same cannot be said about the so-called "charcoal-sugar cycle". Since the early 2010s, the UNODOC has extensively examined the relationship between exploitation of natural resources, organized crime and terrorism. In particular, it conducted a case study analyzing how the illicit export of charcoal was closely linked to the importation of sugar into Al-Shabaab-controlled areas. In another report published in 2011, the United Nations Security Council affirmed that: "Al-Shabaab generates millions of dollars of revenues each month through a coordinated trading cycle built upon the export of charcoal, which in turn finances the import of sugar, much of which is subsequently smuggled across as contraband into neighboring countries, particularly Kenya" (*Organized Crime Module 16 Key Issues*, s.d.). This system therefore functions as a two-way illicit trade network: charcoal is illegally produced and exported from

Somalia, while the tax revenues collected through this activity finance the import of sugar into the country. Sugar is then smuggled between Somalia and Kenya, where it is sold again at competitive prices. According to these reports, well-organized criminal networks connected to Al-Shabaab take advantage of unpatrolled Kenyan borders to smuggle sugar, arms and people. Kenyan authorities have reported that most of the individuals involved in these illicit affairs are businessmen and real estate investors, which find this alternative solution more attractive than the conventional one for two reasons mainly. Firstly, Al-Shabaab charges lower taxes in the port of Kismayo than those imposed in ports controlled by the government and secondly, it provides easier commercial access to businesses linked to its work. Therefore, an opportunistic and mutually beneficial kind of "pax commercial" has been established between those criminal networks and Al-Shabaab, constituting the major flow of revenues collected by the terrorist organization (Goldberg, 2012).

IV. MARITIME- CRIME NEXUS AND ROLE OF PORTS

The last fundamental piece missing to fully complete this puzzle is the importance of maritime routes and ports. The East African Coast, also known as Swahili Coast, stretches 4,600 kilometers from southern Somalia to the Natal coast of South Africa. This vast area makes the region essential in world maritime trade and communications. However, extremely vast coastlines are more complicated to govern by each country alone and generally require continuous interventions and commitment. Precisely for this reason, the Sub-Saharan maritime traffic is often exploited by criminals making use of regional corruption loopholes. Since the 2000s, also terrorist organizations have increasingly relied on maritime cross-border mobility to carry out their operations in East Africa. From 2006 onwards, this "maritime crime-terror nexus" has been exploited by Al-Shabaab to facilitate the smuggling of natural resources and arms into Kenyan territory. Security researchers Tyler Lycan, Christopher Faulkner, and Austin C. Doctor confirmed and described the success of Al-Shabaab's use of naval operations in a 2020 Article published in "War on the Rocks": "First, poor maritime awareness in the past allowed the militant group to carve out a permanent presence in both licit and illicit economies. Second, the success of Al-Shabaab's financial growth and adaptability through its maritime activities indicates the value militant groups may place on seaborne activities for organizational longevity and vitality. Third, the group relies on Somalia's ports and coastal waters to support its land-based operations by receiving arms and supplies and moving its fighters into position" (Badurdeen, 2024).

To better understand how this coastal illicit network works, a conflict analyst at the International Crisis Group, Jose Luengo-Cabrera, conducted an ethnographic study in 2023 involving interviews with 96 local individuals and field visits to eleven localities across Somalia, Kenya and Tanzania. Through this work, he was able to identify the main fluxes, locations and maritime routes of the East African maritime-crime nexus. In Kenya particularly, between 2021 and 2023, his study focused on two key locations and their correspondents' harbors: Lamu and Mombasa (Badurdeen, 2024). Ports are essential for facilitating international trade and this is why their effective management is crucial for this practice to be successful. As of today, the Port of Mombasa is the busiest one in East and Central Africa serving as the gateway and exit point for cargo belonging to a vast number of countries that include Kenya, Uganda, Rwanda, Burundi, Democratic Republic of Congo, Tanzania, South Sudan, Somalia and Ethiopia. It is divided between the Old Port, built in the 1890s, and other three units (Port Reiz, Port Tudor and Kilindini Harbour) and it is currently managed by the Kenya Ports Authority (KPA), a parastatal fully owned by the Kenya Government.

However, in 2020 the "European Network against Crime and Terrorism" (ENACT) published an assessment of how governance-related vulnerabilities contribute to the proliferation of illicit activities in East Africa. The core finding behind this survey is that despite having undergone major expansions and improvements, poor governance and political patronage prevent ports, such as the one of Mombasa, from being properly controlled, therefore allowing criminal networks to operate with minimal risk (Gumba, 2020). This issue directly reflects one of the principal enablers identified by the Adaptive Symbiosis Model: state corruption. Consequently, Kenyan ports go from being cardinal hubs for different international trades to transit points for illegal activities managed by terrorist with the help of local individuals. Terrorist organizations often collaborate with street-level criminals, rather than larger organizations, together with whom they try to keep law enforcement personnel away from their respective operational areas.

Criminal gangs participate in these networks for numerous reasons including financial motives, procurement of additional foot soldiers in peripheral communities and operational protection. Recruitment can occur both voluntarily and involuntarily. In maritime activities specifically, terrorists tend to involve individuals having relevant skills, such as the capacity to use fishing vessels to transport illegal goods, dock them at ports and navigating while avoiding surveillance.

Local fishermen are often recruited by criminal groups for their knowledge and expertise of the seas and maritime landscapes. During smuggling operations, fishing boats switch off their lights at night while loading illegal goods and then reactivate them afterwards to avoid detection by maritime police or naval patrols. In areas such as Shimoni, a crucial maritime military base at the joint border of Kenya and Tanzania, fishermen are able to pass through patrol because they are recognized as belonging to the local community. Most of the time, communities are unknowingly exploited by traffickers or smugglers with the excuse of social and moral obligations. According to a community leader from Mambrui, a coastal town in Kenya, community members view helping foreign migrants crossing between Kenya and Tanzania, as a humanitarian or communal duty to their "Muslim brothers". Consequently, locals may contribute to the proliferation of the maritime nexus without being aware of it.

It is now clear that in these areas lives a local criminal network and ecosystem, which hinders the possibility for law enforcement to catch suspects, who may be either unaware of the impact of their own activities or simply kept shut and forced to cooperate through fear and intimidation. An aggravating factor is usually the lack of trust in the police, often viewed as corrupted, due to the numerous reports of abuse and harassment registered in those localities (Badurdeen, 2024). Therefore, contemporary maritime threats in East Africa emerge in regions that exhibit poor governance, deteriorating state-citizen relationships, poverty, perceived marginalization, or political instability.

In the Kenyan coastal areas specifically, the nexus develops where the state has little presence and means of surveillance, resulting often in the emergence of gangs' control, shadow economies, corruption, and local conflicts. These contexts create opportunities for locals to be involved with non-state actors, especially terrorist groups, operating illegally within those areas.

V. CONCLUSION

The relationship between organized crime and terrorism in East Africa cannot be fully understood outside its broader social and cultural context. Unlike Asian and European countries that better adapt to the traditional models clearly distinguishing terrorism from organized crime, in the Kenya- Somalia corridor the bond between these two is much more rooted and interconnected.

This papaer has shown that the evolution of this nexus has been possible thanks to the vulnerabilities that have historically characterized these countries, going from political control to more structural and geographical aspects. These factors have allowed this phenomenon to proliferate and infiltrate local communities, almost completely merging with them. From the early 2000s, these conditions allowed terrorists groups like Al-Shabaab to exploit african countries, particularly Kenya, to improve the effectiveness of their criminal activities, by combining political violence with illicit trade.

The analysis also highlighted the strategic role of maritime routes and ports in this broad picture. While on one hand, ports like Mombasa, Lamu and Kismayo are essential for regional economic development and international trade, they simultaneously function as critical facilitators for this nexus, due to the lack of effective governmental control.

Furthermore, the study demonstrated how local communities can become integrated into these criminal systems, either for necessity, coercion or communal obligations. In this way, the crime-terror nexus evolves into a broader adaptive system deeply embedded into local realities.

Ultimately, all these factors contribute to the existence and resistance of this phenomenon uniting crime and terrorism together into a hybrid entity, extending far beyond regional borders.

This paper aimed at shedding a light on this often neglected African reality and showing how many distinct negative factors, when evolving in time and merging together, give rise to extremely complex realities. Understanding these dynamics is fundamental not only for regional security, but also because they gradually contaminate areas of international interest, such as maritime trade, which are in extreme need of strong and stable protection.

REFERENCES

Bologna, C., & de Azevedo, C. V. (2020). The nexus between terrorism and transnational organized crime. Global Initiative against Transnational Organized Crime.https://globalinitiative.net/wp-content/uploads/2020/07/The-nexus-between-terrorism-and-transnational-organized-crime.pdfEast

Global Initiative against Transnational Organized Crime. (2021). East Africa: Organized crime and terrorism https://globalinitiative.net/analysis/east-Africa-organized-crime-and-terrorism/

Goldberg, M. L. (2012, February 22). How the Charcoal Trade Fuels Terrorism. UN Dispatch. https://undispatch.com/how-the-charcoal-trade-fuels-terrorism/

Gumba, D. (2020, December 1). Is Mombasa port a safe haven for licit trade? An assessment of governance-related vulnerability to illicit activities. ENACT Africa. https://enactafrica.org/research/policy-briefs/is-mombasa-port-a-safe-haven-for-licit-trade-an-assessment-of-governance-related-vulnerability-to-illicit-activities

Organized Crime Module 16 Key Issues: Exploitation of natural resources and terrorism. (n.d.) https://www.unodc.org/cld/en/education/tertiary/organized-crime/module-16/key-issues/exploitation-of-natural-resources-and-terrorism.html

The Crime-Terror Nexus: Technology as Impact Factor. (2025, August 22) https://techagainstterrorism.org/dispatch/the-crime-terror-nexus-technology-as-impact-factor

The Maritime Port of Mombasa | The Northern Corridor Transit and Transport Co-ordination Authority (NCTTCA. (n.d.).https://www.ttcanc.org/maritime-port-mombasa

Tura, A. R. (2026). The Nexus Between Organised Crime and Terrorism in Kenya: A Mixed-Evidence Approach. African Journal of Security and Strategic Studies, 99–117. https://journals.niru.ac.ke/index.php/ajsss/article/view/7

What's next for the fight against al-Shabaab in Kenya and Somalia—August 2024 | ACLED. (2023, December 8).https://acleddata.com/report/whats-next-fight-against-al-shabaab-kenya-and-somalia-august-2024

Badurdeen, F. A. (with Institut français des relations internationales & French Institute for Research in Africa). (2024). Cross-border dynamics in terrorist mobility and infiltration along the East African coastlines. Ifri

United Nations Office on Drugs and Crime. (2019). Transnational organized crime in East Africa.https://www.un.org

United Nations Security Council. (2015). Report of the monitoring group on Somalia and Eritrea. https://www.un.org

United Nations Security Council. (2019). Report of the monitoring group on Somalia and Eritrea. https://www.un.org

Earth League International. (2016, October). Ivory and terrorism: Africa's White Gold of Jihad. https://earthleagueinternational.org/wp content/uploads/2025/03/ReportIvory-al-Shabaab-Oct2016.pdf

Pills of Deception
The Global Trade in Fake Pharmaceuticals

Valerios Plaskasovitis

Abstract — **One of the biggest threats to public health is the trade in falsified pharmaceuticals, supported by global supply chains, weak national pharmaceutical legislation, and the anonymity of the internet. The paper analyses the current appeal of this market and the political debates concerning the definition of 'counterfeit.' It further explores the production and distribution of counterfeit medicine and focuses on worldwide responses to the fight against this illicit trade, as well as law enforcement problems, with emphasis on the MEDICRIME Convention and initiatives led by international organisations. A case study of Operation Singapore shows how fake pharmaceuticals penetrate legitimate supply chains through sophisticated strategies such as 'broken-load' and parallel trade exploitation. Finally, the paper discusses current market trends in different areas of the world and concludes that stronger international cooperation, stricter punitive measures, and greater public awareness are needed to sustain the integrity of global public health.**

I. INTRODUCTION

The exploitation of global supply chains, digital technology, and opportunistic entrepreneurs are the ingredients of the complex global trade in illicit pharmaceuticals. Even the definition of medicine counterfeiting is debated, with terms such as 'false,' fake,' falsified,' or 'falsely labelled' used interchangeably to describe medical products produced and distributed illegally that resemble legitimate, authorised pharmaceuticals. These dangerous products often contain toxic fillers or incorrect dosages and 'deliberately and fraudulently' misrepresent their identity (e.g., packaging, labelling, name), composition (e.g., ingredients and their quantities), or source (e.g., manufacturer and country of origin) (Dégardin et al., 2014).

Along with substandard medicines, which are medical products that do not meet their established quality standards or specifications (commonly resulting from poor manufacturing practices or degradation during improper storage and transport) (O'Hagan & Garlington, 2018), they pose a serious global threat, with the market estimated to be worth between $200 billion and $432 billion annually, affecting every region of the world. According to the World Health Organisation (WHO), around 10% of medicines sold worldwide are counterfeit (over 30% in developing regions) and up to 50% for products sold through unregulated online pharmacies. Around one million deaths annually are due to counterfeit drugs (Dégardin et al., 2014).

These drugs may contain no active pharmaceutical ingredient (API), the wrong API, or incorrect dosages and may even be composed of toxic substances such as fentanyl, mercury, lead, rat poison, house paint, and even antifreeze. Falsified medicines, such as fake antibiotics and fake cancer drugs, are highly profitable for organised crime due to their high value and urgent demand, but ultimately deny the patient's effective treatment and exposes them to harmful or unknown substances (Dégardin et al., 2014).

Nevertheless, this illicit market seems little known to the average consumer and is often brushed aside in conversations about criminal operations. For this reason, this paper will shed light on the market's attractiveness to transnational organised criminal groups, the term 'counterfeit,' the production and distribution of counterfeit medicines, the challenges law enforcement faces, Operation Singapore as a case study, and current trends in the market.

II. THE APPEAL OF ILLICIT PHARMACEUTICAL TRAFFICKING AND THE POLITICS OF THE TERM 'COUNTERFEIT'

Illicit pharmaceutical trafficking has become an attractive market for organised crime operators primarily because, in contrast to narcotics trafficking, there is high profitability with not only low production costs but also low risks. For instance, Pfizer has found that the production of 1kg of heroin has higher production costs and a lower street value than 1kg of sildenafil (Viagra). Secondly, the risk of being caught is significantly lower than in other trafficking sectors such as drug smuggling. Drug smuggling has severe sentences in every country, whereas penalties for medical counterfeiting are often lenient, usually fines and short prison terms. Of course, it does not help that, in many jurisdictions, pharmaceutical crime is not yet categorised as serious organised crime, and is usually treated as a white-collar or intellectual property (IP) offence rather than a serious threat to public health (O'Hagan & Garlington, 2018).

Furthermore, it is vital to briefly address the term 'counterfeit,' which has become politically controversial, seeing that it sits right at the intersection of public health protection and intellectual property rights, which have often been prioritised whenever the term was used. The main reason is that the word itself is legally defined in IP legislation (e.g., the WTO's TRIPS Agreement), to refer specifically to trademark infringements and patent violations (Sirrs, 2023). Access-to-medicine advocates and generic drug manufacturers, amongst others, have argued that 'counterfeiting' fuses life-threatening safety issues with commercial disputes, and that the importance of the quality of medicines is subordinated to protecting the profits of large pharmaceutical companies (Mackey et al., 2015).

In countries like India and Brazil, the argument was that the use of 'counterfeit' can be inappropriate because it

© 2026 Valerios Plaskasovitis. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

could include legitimate generic drugs, vital for affordable healthcare, for the sole reason that they resemble patented drugs. Due to this political tension, the WHO has evolved its terminology, even though it struggled for decades to find a neutral term that is acceptable to all its Member States. In order to avoid potential merging with IP rights, protect the Generic Medicine Market and clarify intent, the WHO replaced 'counterfeit' with 'substandard and falsified (SF)' to turn the attention back to public health safety rather than trademark concerns (Sirrs, 2023).

III. THE PRODUCTION AND DISTRIBUTION OF FALSIFIED MEDICINES

The production and distribution of falsified medicines are coordinated by transnational organised crime groups that exploit global supply chains. These groups usually distribute the stages of production and sales; it is common for a drug to be produced in one country, packaged in a second, and distributed in a third. China, India, and Pakistan are some of the main points for the production because they have low labour costs and strong pharmaceutical infrastructure that gives the opportunity for 'dual-use' facilities, i.e. legitimate businesses that produce both legal and illegal products as a cover (O'Hagan & Garlington, 2018).

Transit-wise, the goods travel through the Middle East and Africa, with the heart of the transfer being Dubai and Singapore, while in some African nations, large shipments are often broken down into smaller, undetectable parcels. This is made possible because these zones have relaxed economic laws and inadequate oversight that facilitate criminals in repackaging and relabelling products with ease before they arrive at their final destination: the European and North American markets. Particularly, countries like the US, Canada and the UK are extremely profitable considering that they not only have high drug prices and consumption rates, but also cross-border pharmaceutical sales, making the detection of falsified drugs in the legitimate supply chain incredibly challenging. Evidently, the geographical flow of the illicit pharmaceutical trade is purposefully fragmented and transnational to successfully evade law enforcement (Hall et al., 2017).

For production, covert underground laboratories and packaging factories are used, either as large facilities in Asia or smaller temporary labs within the EU. In the labs, where abhorrent and unsanitary conditions are prevalent, individuals with no medical expertise mix toxic substances with inadequate or wrong doses of APIs. In packaging factories, advanced printing technology is used to create near-exact copies of legitimate logos, serial numbers, and holograms. The packaging process is often separated from the production of falsified medicines and occurs in different countries to obscure the origin of the product (Hall & Antonopoulos, 2015).

Moving on to distribution, even mere detection of fake medicines remains a persistent challenge for law enforcement. First of all, the ingredients often used to make the product are not illegal in origin and can move through commercial channels. What is even more difficult to detect is when the product is distributed through small postal parcels and express mail, given the massive volume of legitimate e-commerce, which makes proper screening by customs authorities challenging. Even for the average consumer and healthcare professional, medicine counterfeiting has become so intricate that most products look like near-perfect replicas of the real packaging and logos, making it impossible to distinguish the fake from the real (Dégardin et al., 2014).

If there is one thing that transnational organised crime groups take advantage of, it is the anonymity of the Internet and weaknesses in global supply chains. The former is their safe haven for the sale of fake pharmaceuticals to a global customer base. The counterfeiters use rogue and fake online pharmacies, social media, forums, and the Dark Web to promote and sell their products. Meanwhile, global supply chains, because of the involvement of many intermediaries and brokers, allow the counterfeiters to move products through Free Trade Zones and to use techniques like 'broken-load,' to repackage or relabel falsified medicines, mask their true origin and make them appear legitimate (Lavorgna, 2015). The ultimate goal is their infiltration into legal distribution systems, particularly in the EU.

IV. THE MEDICRIME CONVENTION AND THE GLOBAL FIGHT AGAINST FALSIFIED MEDICINES

The MEDICRIME Convention is the first legally binding international treaty specifically aimed at combating falsified medical products from a public health perspective. Even though it was adopted by the Council of Europe in 2010, it is open to all countries. This reveals how global the scope of pharmaceutical crime is and the need for a coordinated international response. The Convention requires countries to criminalise the intentional manufacturing, distribution, sale, and online trafficking of falsified medical products, as well as the falsification of documents and the unauthorised production or supply of medicines and non-compliant devices. Patient safety is the top priority and not trademark violations, covering both branded and generic medicines. It also strengthens cooperation between countries by promoting information sharing between health authorities, police, and customs, and it provides a legal basis for cross-border investigations, mutual legal assistance, and extradition. The protection of victims and witnesses is guaranteed through rights during legal proceedings, and medical, psychological and social support (Negri, 2016).

Nevertheless, the MEDICRIME Convention has two main structural limitations that do not allow it to reach its full potential. One of them is its lack of universal adoption. It may be open to non-Council of Europe member states, but it has not yet achieved global reach, which assists criminal actors in non-signatory jurisdictions. Not only that, but also the Convention requires each state to translate its provisions into domestic law. This means that its operational strength depends entirely on the uneven enforcement capacity and political will of each signatory. The second important structural limitation is the requirement of 'intentionality' (dolus) for criminalisation. This is something exceedingly difficult to prove in a globalised economy where illicit activities are embedded within legitimate business structures, allowing the counterfeiters to argue that irregularities were merely

administrative failures or regional variations (Alarcón-Jiménez, 2015).

International organisations, such as Interpol, Europol, and the World Customs Organisation (WCO), participate in dismantling the illicit pharmaceutical trade. Interpol is coordinating Operation Pangea, the largest global effort to target the online sale of counterfeit and illicit medicines, which has brought together health authorities, police, and customs from over one hundred countries. In particular, Operations Pangea IX and Pangea XIV were both crowned with success, resulting in thousands of arrests, the removal of hundreds of thousands of illicit websites, and the seizure of millions of fake medicines and medical products (Isles, 2017). Similarly, Europol coordinates Operation SHIELD, which is focused on taking apart underground laboratories and cutting off the trade in synthetic opioids and falsified medical products that are marketed to alter or 'regulate' bodily metabolism. Operation SHIELD was also successful in arresting hundreds of counterfeiters and seizing millions of tablets and pills (Mladinić et al., 2024). Finally, the WCO manages the IPR, Health and Safety Programme, which emphasises capacity building and simultaneous border control operations, such as Operation ACIM and Operation STOP, to prevent illicit pharmaceuticals from entering major ports (OECD & European Union Intellectual Property Office, 2020).

In spite of these efforts and the MEDICRIME Convention, the transnational and fragmented nature of the trade makes cross-border investigations intricate, especially because law enforcement has the burden to pass through a labyrinth of middlemen operating in multiple jurisdictions. What makes things even more complicated is the anonymity of online marketplaces, dubious e-pharmacies, and the Dark Web, as well as weak pharmaceutical regulation in many countries, with underfunded and understaffed authorities incapable of verifying the legitimacy of a product. The counterfeiters can run hundreds of domains at the same time, which can be quickly rotated or replaced when one is taken down. Additionally, they work with the mindset of 'low-risk, high-reward,' given that in many jurisdictions the penalties are so lenient that not only do they not deter the criminals but also make it seem as if the occasional fine or short sentence is just the 'cost of doing business.' On top of that, the substantial capital the organised crime groups have is enough to invest in bribing and corrupting customs officials, border guards, and health professionals to secure the approval of falsified medicines, protect their laboratories, pass inspections, and, overall, maintain their façade of legitimacy (Dégardin et al., 2014).

V. THE ILLUSION OF LEGITIMACY: A CASE STUDY OF OPERATION SINGAPORE

An interesting case is Operation Singapore, a severe documented breach of the UK's regulated pharmaceutical supply chain that used the 'broken-load' strategy to hide the true source of falsified medical products. This strategy is based on geographical redirection and shipment fragmentation. The criminal operation was led by two individuals, one based in China and one based in the UK and distributed 2.1 million doses of mainly fake prostate can cer (Casodex), heart disease (Plavix), and psychosis (Zyprexa) medications into the UK's legal pharmaceutical market, valued at millions of British pounds. The manufacturer and production supervisor was a businessman based in China, while the broker, based in France, acted as a middleman between China and Europe, managing offshore shell companies in Mauritius. The importer was a UK-based pharmaceutical businessman who used his Luxembourg-based companies for the criminal operation.

Even though the falsified medicines were produced in China, they were smuggled out under the false label of 'Lipoic Acid' (a dietary supplement) and routed through Hong Kong, Singapore, and Belgium. Finally, they were repackaged in the UK with fake French labels. The shipments were eventually split into small batches of strips so that if authorities seized a single shipment, the economic loss would be minimal. The criminals exploited the 'parallel trade' (i.e. buying drugs cheaply in one EU state then selling them in another), which is allowed under EU Regulation (EC) No 726/2004. What the broker managed to do was introduce the fake medicine as a legitimate French product, explain packaging irregularities as regional variations, and even attach fake 'French vignettes' (adhesive official labels) to the boxes. This was the criminal operation's modus operandi for tricking pharmacists, distributors, and customers into believing the medicines were officially approved.

Thousands of falsified life-saving medications ended up reaching patients through NHS-approved pharmacies before law enforcement discovered them. Those products contained only 58% to 81% of the required active ingredients, and some tablets were composed entirely of sugar. Notably, the falsified pharmaceuticals were discovered by chance when an employee at a UK repackaging facility noticed that the batch number on a blister pack was printed backwards, something that does not occur with real medicine. Soon after, a patient also complained that the tablet markings could be easily removed, which is another sign of fake medication. These were the warning signs that uncovered the breach in the supply chain, and the case resulted in prison sentences in multiple countries, such as the UK, the USA, and France (Hamill, 2025).

VI. GLOBAL DEMAND AND MARKET TRENDS

Currently, what enables counterfeiters to thrive is the high demand for both 'lifestyle' and life-saving medicines. These criminals are highly adaptable to current market trends and target those in need of cheaper, accessible treatments. The demand in wealthier countries is for lifestyle medicine (e.g., weight loss or erectile dysfunction), with the sensitivity of the subject pushing consumers to prefer getting drugs without a prescription to avoid the embarrassment of visiting a doctor. Meanwhile, in poorer regions, the demand is for essential life-saving medicines to treat diseases like malaria, HIV/AIDS, and tuberculosis (Dégardin et al., 2014). Times of crisis, such as the COVID-19 pandemic, presented a new opportunity for the counterfeiters to produce fake vaccines, masks, treatments and other substandard and falsified medical products (Enfield, 2020).

The products currently in demand are falsified versions of Ozempic for weight loss, hair loss treatments, anabolic steroids, and hormones, whereas Viagra and Cialis for erectile dysfunction are the most frequently purchased illicit medicines globally (Lima & Yonamine, 2023). There has also been an increase in fake prescription opioids like oxycodone, Valium, and Xanax, which are widely used in multiple countries. Unfortunately, it is not uncommon for those to contain powerful synthetic drugs like fentanyl or nitazenes, substances that are, more often than not, lethal for the consumer, whose risk of an accidental overdose is elevated (Friedman & Ciccarone, 2025).

Although this has been the case for the Global North, the Global South is faced with fake life-saving medicine. Anti-infectives such as antimalarials and antibiotics are the most falsified, accounting for 21.1% of detections in legitimate supply chains (Mackey et al., 2015), primarily in regions with tropical climates where the risk of diseases like malaria and yellow fever is high.

VII. CONCLUSION

Pharmaceutical crime has become the ideal transnational offence due to its high profitability, low risk of detection, lenient penalties, and global customer base. It constitutes a far safer path than traditional drug smuggling and is abetted by the anonymity of the Internet and the complexity of global supply chains. The illicit pharmaceutical trade is catastrophically affecting public health, with deaths and therapeutic failure in patients being in the spotlight, but also the undermining of public confidence in healthcare professionals and national health systems. Finally, pharmaceutical crime persists primarily because of a structural disparity between globally networked illicit markets and law enforcement regimes confined to specific jurisdictions.

Consequently, the need for stronger international cooperation is intense, given that pharmaceutical crime is so globally extended that it has become a problem that no single nation can solve alone. It is submitted that the focus should be on the harmonisation of legal definitions, the fixing of regulatory loopholes in the supply chain that criminals exploit and ensuring that sanctions match the gravity of the offence (Dégardin et al., 2014). The importance of the MEDICRIME Convention cannot be forgotten since it was the blueprint for a coordinated response, but, ultimately, its success depends on the global commitment to unified reporting, the global partnership between law enforcement, health and justice authorities, and public awareness campaigns (Mackey & Liang, 2013). The latter would help consumers to identify when they are being defrauded by fake online pharmacies, what the warning signs are that a medical product is not authentic, and the lethal risks of purchasing medicine at a 'bargain' price. Without such solid international action, the illicit trade of fake pharmaceuticals will continue to prosper at the expense of global health security.

REFERENCES

Alarcón-Jiménez, O. (2015). *The MEDICRIME Convention -Fighting against counterfeit medicine*. *Eurohealth*, 21(4), 24–27. World Health Organization, Regional Office for Europe. https://iris.who.int/handle/10665/332976

Dégardin, K., Roggo, Y., & Margot, P. (2014). Understanding and fighting the medicine counterfeit market. *Journal of Pharmaceutical and Biomedical Analysis*, *87*, 167–175. https://doi.org/10.1016/j.jpba.2013.01.009

Enfield, S. (2020). Organised Crime in Healthcare Systems (Version 1). The Institute of Development Studies and Partner Organisations. https://hdl.handle.net/20.500.12413/15657

Friedman, J., & Ciccarone, D. (2025). The public health risks of counterfeit pills. *The Lancet Public Health*, *10*(1), e58–e62. https://doi.org/10.1016/S2468-2667(24)00273-1

Hall, A., & Antonopoulos, G. (2015). 'License to Pill: Illegal Entrepreneurs' Tactics in the Online Trade of Medicines. In *The Relativity of Wrongdoing: Corruption, Organised Crime, Fraud and Money Laundering in Perspective* (pp. 229-252). Wolf Legal Publishers.

Hall, A., Koenraadt, R., & Antonopoulos, G. A. (2017). Illicit pharmaceutical networks in Europe: Organising the illicit medicine market in the United Kingdom and the Netherlands. *Trends in Organized Crime*, *20*(3–4), 296–315. https://doi.org/10.1007/s12117-017-9304-9

Hamill, H. (2025). Transnational Criminal Enterprise: A Qualitative Social Network Analysis of the Production and Trade in Falsified Medicines. *European Journal of Sociology*, *66*(2), 229–255. https://doi.org/10.1017/S000397562510009X

Isles, M. (2017). What's in a Word? Falsified/Counterfeit/Fake Medicines - The Definitions Debate. *Medicine Access @ Point of Care*, *1*, maapoc.0000008. https://doi.org/10.5301/maapoc.0000008

Lavorgna, A. (2015). The online trade in counterfeit pharmaceuticals: New criminal opportunities, trends, and challenges. *European Journal of Criminology*, *12*(2), 226–241. https://doi.org/10.1177/1477370814554722

Lima, M. B. A., & Yonamine, M. (2023). Counterfeit medicines: Relevance, consequences, and strategies to combat the global crisis. *Brazilian Journal of Pharmaceutical Sciences*, *59*, e20402. https://doi.org/10.1590/s2175-97902023e20402

Mackey, T. K., & Liang, B. A. (2013). Improving global health governance to combat counterfeit medicines: A proposal for a UNODC-WHO-Interpol trilateral mechanism. BMC Medicine, 11(1), 233. https://doi.org/10.1186/1741-7015-11-233

Mackey, T. K., Liang, B. A., York, P., & Kubic, T. (2015). Counterfeit Drug Penetration into Global Legitimate Medicine Supply Chains: A Global Assessment. *The American Journal of Tropical Medicine and Hygiene*, *92*(6_Suppl), 59–67. https://doi.org/10.4269/ajtmh.14-0389

Mladinić, N., Jozipović, Š., & Perkušić, M. (2024). *THE DANGER OF ORGANIZED CRIME IN THE AREA OF FALSIFICATION OF MEDICINES AND MEDICAL PRODUCTS (PROFIT VS. RIGHT TO HEALTH)*. International Scientific Conference "EU at the Crossroads – Ways to Preserve Democracy and Rule of Law". https://doi.org/10.25234/eclic/32273

Negri, S. (2016). The Medicrime Convention: Combating Pharmaceutical Crimes through European Criminal Law and beyond. *New Journal of European Criminal Law*, *7*(3), 350–367. https://doi.org/10.1177/203228441600700308

OECD & European Union Intellectual Property Office. (2020). *Trade in Counterfeit Pharmaceutical Products*. OECD Publishing. https://doi.org/10.1787/a7c7e054-en

O'Hagan, A., & Garlington, A. (2018). Counterfeit drugs and the online pharmaceutical trade, a threat to public safety. *Forensic Research & Criminology International Journal*, *6*(3). https://doi.org/10.15406/frcij.2018.06.00200

Sirrs, C. J. (2023). Fluid Fakes, Contested Counterfeits: The World Health Organization's Engagement with Fake Drugs, 1948–2017. *Medicine Anthropology Theory*, *10*(3), 1–29. https://doi.org/10.17157/mat.10.3.7234

Blurring The Lines

Chocolate companies' role in transnational organized crime

Everett Andrew Pondolfino

Abstract — **As the global chocolate market grows, and with it the profits from chocolate companies, child labor abuse worsens in the cocoa supply chain. This analysis frames chocolate companies as transnational criminal organizations by outlining the critical role they play in driving child labor rates in cocoa production and depicting how chocolate companies are ultimately responsible for making child trafficking and labor profitable. The essay also covers what has been done by various actors to limit child labor abuse, and how those attempts have failed. Finally, analyzing the legal disregard for human rights violations caused by these companies in The United States, where their products our sold, the paper urges readers to view these chocolate companies as the transnational criminal organizations that they are.**

I. INTRODUCTION

In 2001, Nestle Chocolate & Confections USA, M&M/Mars, Inc., Hershey Food Corporation, and several other of the largest chocolate companies signed the Harkin Engel Protocol, a voluntary agreement aimed at eliminating the worst forms of child labor associated with chocolate production. The first article of the agreement is as follows: "Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency" (U.S. Department of Labor, 2001). Later in the agreement "the worst forms of child labour" where listed, the last of which was described as "work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children" (U.S. Department of Labor, 2001). Since signing the agreement in 2001 none of the companies have successfully rid their supply lines of child labor, not even the "worst forms." However, year after year their profits have increased. Chocolate companies, by sourcing beans that cannot be traced back to legal farms, function as transnational criminal organizations that facilitate and exploit child labor through cocoa plantations, with 1.56 million children being forced into labor in Ivory Coast and Ghana alone. (NORC at the University of Chicago, 2020). The purpose of this essay is to outline how these companies function as the keystone that allows for millions of children to be abused, all so shareholders can make a profit.

II. SETTING THE STAGE

Nestle's stock price sits over $100 today, an over 400% increase from $20, where it sat in 2001 when they signed the Harkin Engel Protocol. The company, investors, shareholders, and many consumers, and law enforcement agencies are knowledgeable of the fact that their product uses cocoa harvested using child labor, yet there have been no sanctions on the companies by the United States. To understand how many individuals directly and publicly profit from child labor, one must first understand the underlying cause of child labor in the coco industry, and what child labor is. The legal definition of child labor is defined by the Internal Labor Office of the United States in the following excerpt: "Child labor is work that harms children's well-being and hinders their education, development and future livelihoods. Child labour is work which, by its nature and/or by the way it is carried out, harms, abuses, and exploits the child or deprives him/her of an education. Anyone below the age of 18 years is considered a child" (International Labour Office, 2007). In many west African nations extreme poverty and corruption have led to ineffective labor law enforcement, leaving room for abuse. Cocoa farming, in particular, traps children in a hazardous environment, prone to further abuse, far from family and school. However, most farms would not resort to child labor if it were not for the extremely tight profit margins, they are forced to operate under, thanks to international chocolate corporations.

International corporations preserve revenue through buying cocoa from farmers for the lowest prices possible. In turn, farmers are forced to rely on child labor as a cheaper means of production. Thanks to international corporations' refusal to buy coco for a fair price, farmers are forced to use child labor to maintain a livable profit margin, this has led to an increase in child labor rates overtime. In their 2020 final report, NORC at the University of Chicago found that out of 1.56 million children labored on cocoa farms- in Ivory Coast and Ghana, 1.48 million were exposed to at least one component of hazardous child labor in cocoa production (NORC at the University of Chicago, 2020). This trend towards child labor can be seen in figures from that same study stating that in Ivory Coast and Ghana "14%" of children in 2008-09 were involved in more hours of work than allowed. This would rise to "20%" in 2018-19. Additionally, the conditions these children have been working under are worsening, with the percentage of children exposed to hazardous work activities in the Cocoa Sector jumping from "30%" in 2008-09, to "43%" in 2018-19. These statistics reveal that not only has the Harkin Engel Protocol failed to reduce the worst kinds of child labor in cocoa production, but that the companies that signed it have caused the exact opposite. As long as companies are buying cocoa they cannot trace back to legally operating farms then they will be buying, at least some, cocoa from farms using child labor. Solving the issue would require companies to never source cocoa they cannot trace back to legally operating farms, doing so however would significantly increase costs, and decrease their profit margins. That means companies have no

© 2026 Everett Andrew Pondolfino. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

financial incentive to ensure they are buying legally sourced cacao, unless they can be prosecuted in the U.S. legal system, but the legal framework necessary to do so is largely nonexistent.

III. STANDING TRIAL

The Alien Tort Statute (ATS), 28 U.S.C. § 1350 allows foreign nationals to sue in U.S. federal courts for violations of international law. The ATS has its origins early in the history of the United States, being developed for the purpose of avoiding international conflict by letting U.S. national courts address suits regarding international issues. In the case Nestlé USA, Inc. v. Doe, 593 U.S. ___ (2021), the Supreme Court of The United States heard the arguments of six individuals from Mali who alleged that they were trafficked into Ivory Coast as child slaves to produce cocoa. Their main argument was that the petitioners (Nestle) "knew or should have known" that the farms were exploiting enslaved children yet continued to provide those farms with resources to help their operation. To hold Nestle accountable, and win the case, the plaintiffs had to meet a high standard, proving that there where actions taken by Nestle in the U.S. that violate international law. The supreme court justices point out in their reasoning of the case that "Nearly all the conduct that they [the respondents] say aided and abetted forced labor—providing training, fertilizer, tools, and cash to overseas farms—occurred in Ivory [Coast]" (Nestlé USA, Inc. v. Doe, 2021). This argument from the court is frustrating because it is not a moral one, but rather a practical one. If they opened up to having criminal activity that was committed in another state, across the sea, to the jurisdiction of United States federal law, it would expand the range of federal law in the well beyond what it is intended to be used for. Faced with this argument, the respondents pleaded that "every major operational decision by both companies is made in or approved in the U. S." however the court simply stated that "general corporate activity—like decision making—cannot alone establish domestic application of the ATS." This ruling shows how the United State's highest case law actively permits companies to aid and abide slavery abroad with no repercussions, even when profiting from it domestically. There is no legal framework in the U.S. to compensate for the flaws in the ATS shown in that case, it is little question why the voluntary Harkin Engel Protocol failed when the financing, planning, and profiting, child slavery and child labor, can not be prosecuted. The court did not deny that Nestle aided and abided child labor abuses through their domestic decisions, reveling that these companies are guilty, they have merely avoided legal punishment. Without hope of a legal solution, those affected by child labor are forced to rely on the word of these companies that the issue will be addressed, words that largely serve as a mere publicity stunt, a clear false commitment.

IV. FALSE COMMITMENT

The chocolate industry, "which collects an estimated $103 billion in sales annually, has spent more than $150 million over 18 years to address the issue" regarding child labor on cocoa farms (Whoriskey et al., 2019). While $150 million may sound like a lot, this is a small fraction of each company's budget. From a digital publication on Nestle's website titled "Solid 2024 performance; executing on plan to accelerate growth," Nestle lists figures that offer insight into their profits and spending. Firstly, looking at their advertising, "Advertising and marketing spend as a percentage of sales fell from 9.0% in 2019 to a low of 6.6% in H2-2022; in 2024, this recovered to 8.1% and is planned to increase further to 9% by the end of 2025" (Nestlé, 2025). Combining the 8.1% of sales spent on advertising with the $91,354 billion from sales in 2024 reported later on the same page, we get approximately $7.4 billion spent, by one company, in one year, on advertising. Nestle spent nearly 50 times more in one year on advertising, then the entire industry spent on "attempting" to address child labor issues. These companies have not faced the financial incentives to address child labor, when it is much easier to offset any loss in customer base caused by illegal child slavery, simply by increasing advertising to consumers.

Without the financial pressure, and without legal pressure, the issue of child labor in cocoa supply lines will go unaddressed and fester, harming millions of more children for decades to come. Even 20+ years after the first deadline for the Harkin Engel Protocol in 2005, "Nestlé can trace 49 percent of its global cocoa supply to farms" (Whoriskey et al., 2019). Sadly, the 49 percent that Nestle boasts looks impressive when compared to Mars, who "can trace only 24 percent of its cocoa back" to farms, but it isn't impressive, it's a failure. The only acceptable solution is a complete guarantee that none of the cocoa they bought has been made with child labor, not 49%, and certainly not 24%. With this being said, what is the solution?

The most obvious solution is a 100% ban on any imports that cannot be traced to farms free of child labor, a zero-tolerance policy. However, chocolate companies and some experts argue that that would not actually fix the issue of child labor, rather just drive it underground. In the article "Child Labor in Cocoa Supply Chains: Unveiling the Layers of Human Rights Challenges," Sydney Krisanda and Hannah Rojas, consumer goods research analysts', detail the complexities of the cocoa market that diminish the effectiveness of policies attempting to block child labor in the supply chain. Firstly, "five to six million smallholder farms under five hectares in size produce 90% of the global cocoa supply" (Krisanda & Rojas, 2024). The sheer number of these farms, combined with their location, means that regulations and investigation often only scratch the surface of child labor abuses. The second issue comes from the fact that we are focusing the pressure of tracing the cocoa back to its farm, on the party that will objectively have the hardest time doing so, chocolate companies. Farmers don't sell directly to chocolate companies instead they "sell cocoa beans to aggregators, who gather them in volume from multiple regions to sell to traders and exchanges, before they are acquired by processors. Ground beans are then sold to manufacturers, brands, and retailers" (Krisanda & Rojas, 2024). It would be much harder for a cocoa company to confirm at this stage in the cocoa market what farms they have sourced their cocoa from. If there was a burden put on not only the chocolate companies but, on the traders, and exchangers to only deal with aggregators who they have closely watched, then tracing would be significantly more successful, however that

places the enforcement back in the hands of corrupt and ineffective west African legal systems.

V. CAUSING THE PROBLEM

Laws and tracing alone still fail to address the core issue driving child labor in the cocoa industry, pay. Cocoa farmers now make just a percentage of what they used to proportionally: “during the 1970s, cocoa farmers received 50% of the value of a chocolate bar. Today, however, that value has fallen to just 6%” (Krisanda & Rojas, 2024). Meanwhile company profits have only grown, with the price of chocolate increasing by “14%” in 2023. In today's market, the “average cocoa farmer in Ghana and the Côte d’Ivoire earns 40% of a living income” (Krisanda & Rojas, 2024). The labor abuse of children is driven by the labor abuse of farmers by chocolate companies to drive up profit. A solution that would make the best of this current situation would be for companies to eat the loss of paying farmers more than a living wage, so they can afford legitimate means of staffing their farms. A livable wage, combined with implementing tracing and investigation on every level of the supply chain offers the best hope of solving what is truly a systematic issue. Despite what those changes could achieve, the underlying issue is that West African countries are systematically exploited and impoverished by international corporations abusing, but also worsening, legal voids that allow child labor and other human rights violations to be carried out in mass. In this system, chocolate companies are the definitive cause of child labor abuses.

The Chocolate industry has proven it can not, or will not, solve child labor concerns on its own. Historically the industry has worsened child labor abuses, with plans to expand global chocolate production, child labor abuses will expand too, increasing the number of children affected, while lining the pockets of shareholders and CEOs. The unrestricted actions of these chocolate companies are directly enabled and encouraged by western markets, it is time we stop protecting child slavery it and treat these chocolate companies like the transnational criminal organizations they are.

REFERENCES

Nestlé. (2025, February 13). Full-year results 2024. https://www.nestle.com/media/pressreleases/allpressreleases/full-year-results-2024

Nestlé USA, Inc. v. Doe, 593 U.S. ___ (2021). https://www.supremecourt.gov/opinions/20pdf/19-416_i4dj.pdf

Krisanda, S., & Rojas, H. (2024, March 26). Child labor in Cocoa Supply Chains: Unveiling the layers of human rights challenges. sustainalytics.com. https://www.sustainalytics.com/esg-research/resource/investors-esg-blog/child-labor-in-cocoa-supply-chains--unveiling-the-layers-of-human-rights-challenges

International Labour Office. (2007). Rooting out child labour from cocoa farms. – Paper No. 1: A synthesis report of five rapid assessments (IPEC Paper No. 1). https://www.ilo.org/sites/default/files/2025-09/Rooting%20out%20child%20labour%20from%20cocoa%20farms%20-%20All%20papers.pdf

Sadhu, S., Kysia, K., & Onyango, L. (2020). Assessing progress in reducing child labor in cocoa production in cocoa growing areas of Côte d'Ivoire and Ghana. NORC at the University of Chicago. https://www.norc.org/content/dam/norc-org/pdfs/NORC%202020%20Cocoa%20Report_English.pdf

U.S. Department of Labor. (2001, September 19). Protocol for the growing and processing of cocoa beans and their derivative products in a manner that complies with ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor [Protocol]. https://www.dol.gov/sites/dolgov/files/ILAB/legacy/files/Harkin_Engel_Protocol.pdf

Whoriskey, P., Siegel, R., & Georges, S. (2019, June 5). Hershey, Nestle and Mars broke their pledges to end child labor in Chocolate Production - Washington Post. The Washington Post. https://www.washingtonpost.com/graphics/2019/business/hershey-nestle-mars-chocolate-child-labor-west-africa/

Mala del Brenta

From Local Disorganized Bandits to a Transnational Criminal Organization

Lucrezia Rasera

Abstract — **Between the 1970s and the 1990s the Veneto region was terrorized by the Mala del Brenta, a criminal mafia-type organization that originated from local bandits. The research aims at establishing the connection, if present, between the Mafia characterization and the Italian policies aimed at eradicating such criminality. It is thought that the forced placement of mobsters spread this type of organized criminality in the whole peninsula. To assess the connection between the two phenomena, the research first recounts the history of the Mala del Brenta, then it delves into Italian policies of the 1960s and finally it presents the links between some Sicilian bosses and the core of the Brenta group. A final focus presents the results of a SNA[1] to assess the presence of southern mobsters within the organization.**

I. INTRODUCTION

Veneto is not usually one of the first Italian regions to come to mind when assessing the situation of criminal organizations of the Peninsula. Nevertheless, between the 1970s and 1990s the Mala del Brenta's activity was organized into distinguished sectors that started to differ from the low-value property thefts formerly conducted thus inducing the Tribunal of Venezia first, and the Court of Cassation then to define such criminality as of mafia derivation. Such development is thought to have been influenced by the Anti-mafia policies that revisited the notion of "*Confino*" through the new judicial institution of *soggiorno obbligato* (forced placement), forcibly placing Mafia members out of their regions and into others. This would have allowed the Mala to acquire the tools, such as connections and techniques to branch out in a rather organized manner and enter the transnational drug market.

II. ORIGIN OF THE MALA DEL BRENTA

A. Local Bandits

Originally, after World War II, the territory of the Veneto region was subject to criminal activities conducted mostly by local small gangs and having as objectives relatively small loots.

The criminal landscape was evidently based on limited groups of people who were connected amongst each other by kinships and geographical proximity that thus had local targets, mostly livestock.

In the 1960s there were cliques, characterized on the basis of their physical location, that started to gain momentum. Among these, the most known are the Mestrini, Nomadi-Giostrai and the San Donà group.

B. The Beginning of Felice Maniero

Among one of the aforementioned cliques, was that of the infamous Felice Maniero, often referred to as "*Faccia D'Angelo*"[2]. He conducted criminal activities starting at a very young age, having shot for the first time at 9 years old, inspired by his uncle and his companions who were known for having been the authors of some low-value local robberies. In 1974 can be located the first official report in which Maniero is presented as being one of the bandits operating in Veneto. It was, however, the chief of police Alberto Palumbo who later identified him as the head of his clique and the latter as being of the mafia-type. (Abazia, 2017) Such statement was grounded on the goal of the clique itself which was recognized as being the achievement of territorial control over the other gangs. For this to be possible, however, there was a need to finance their activity. This is why the Maniero gang initially was rather active in various robberies and in attempting to control the casinos of Venice.

Slowly, Maniero's control was cemented and other groups such as the one operating in San Donà di Piave led by Silvano Maritan, the *Mestrini* group or the so-called *Nomadi-Giostrai* began acting on orders coming from *Faccia D'Angelo,* respectively for robberies, thus *Mestrini* were essential in the embryonic stage of the organization, and abduction for extortion, highlighting the relevance of the *Nomadi-Giostrai* in a more mature phase of the Mala del Brenta. (Anselmi, 2024).

As highlighted by the reliance on two distinct groups, it is evident that each sector operated separately. The drug trafficking one, attributing the transnational character to the whole organization was not any different. It relied on Colombian suppliers and reached the territories of the former Yugoslavia, rather than depending on the already existing local gangs.

The shift from a local organization dealing with petty crimes into a proper mafia-type group is thought to have been influenced by the legislative instruments adopted around the 1970s and aimed at the elimination of the southern criminal organizations.

III. FROM MALA TO MAFIA DEL BRENTA

A. Italian Anti-mafia Policies

Around the same years, the criminal panorama of the South of Italy was rather unstable. At the end of the 1950s there had been the establishment of the Commission, often

© 2026 Lucrezia Rasera. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

[1] Social Network Analysis

[2] "Angel Face"

also called Cupola within the hierarchy of the Sicilian Cosa Nostra. However, at the beginning of the 1960s, different families and so-called *cosche* started to fight with one another to gain control of this central command structure. The first mafia war was a rather sanguinous one that ended with the 1963 Ciaculli massacre[3] (Dovizio, 2024).

This war was followed by the first relevant reaction on the part of the State. On the one hand some instruments failed: there were many arrests on the basis of Article 416 of the Italian Criminal Code but because of the lack of evidence of the actual contribution to the criminal acts the defendants were for the most part acquitted. On the other hand, some instruments initially proved successful, among these were the creation of the Parliamentary Anti-Mafia Commission and the employment of the juridical institution of the "soggiorno obbligato" (forced placement). Relevant to note is that an a posteriori analysis reveals that the final result was, in reality, the opposite of the intended eradication of the mafia phenomenon.

The forced placement policy was initially grounded on Law 1423/1956, to this was then added, after the first Mafia war, Law 575/1965: both have ever since then been abrogated in their original form by the Legislative Decree 159/2011 which consolidated the Code Anti-mafia.

The aim of such institution was to relocate individuals of criminal relevance within the mafia panorama of Sicily, Calabria and Campania, to developed areas such as those of Tuscany, Lombardy, Piedmont and Veneto as highlighted by the Parliamentary Commission of Enquire in its annual report of 1993. The final goal was to weaken their influences on power bases of the different criminal groups (specifically Cosa Nostra, 'Ndrangheta and Camorra) by means of isolation.

B. The Role of the Soggiorno Obbligato in the Development of the Venetian Mafia

The Parliamentary Commission was the first to recognize the impact that such anti-mafia policy, the *soggiorno obbligato*, had on the spreading of the Mafia phenomenon itself.

In a report of 1994, the topic of which was "*Settlements and infiltration of mafia-type individuals and organizations in non-traditional areas"* (Commissione parlamentare d'inchiesta sul fenomeno della mafia e sulle altre associazioni criminali similari, 1994), the Commission admitted that the way the forced placement policy was employed, applying it without further checks, is one of the element that made it possible for activities and organizations of mafia derivation to spread in non-traditional areas, that otherwise would have never known such criminal phenomenon.

This is not only linked to the lack of further assessment of existing criminal activities in the territory of detitanation prior to the effective relocation, but also to a lack of rules to follow once the mobsters were placed far from their organizations of origin. The Commission, as a matter of fact, assessed that the individuals to whom such a measure was imposed were easily able to reunite with their families in their new residence and therefore to also recreate criminal groups, irrespective of the territory in which they found themselves. Such process, had been defined as being one of infiltration grounded on the understatement, on the part of the authorities, of the possibility of the phenomenon to re-develop by following the mobsters

However, in some territories former Cosa Nostra, 'Ndrangheta or Camorra mobsters were not able to establish their control over the regions. This was mostly due to the existence of local criminal groups that were already attempting to get a foothold. The outcome, in such cases, was that mobsters instead of fighting against local developing gangs decided to aid them in such attempt of control. Assistance was offered by either providing the suggestions on how to organize themselves and how to conduct certain specific criminal offences; or by providing connections to the Mafia organizations in the South of Italy as a way to broaden their scope of action and enter into bigger markets.

It is exactly in reference to such occurrence that the Mala del Brenta collocates itself, as a matter of fact because of its control that was ever-spreading on the whole region, the southern Mafias could not colonize Veneto. For this reason, the outcome was that, instead of submission of local bandits to relocated mobsters, the latter became, to some extent, collaborators of the first without however ever having any position of control.

The mobsters who were relocated under forced placement were thus instrumental to the acquiring of the know-how and international contacts mostly in relation to drug trafficking, allowing as a result the shift of the Mala del Brenta from a rudimentary gang to a criminal organization gaining the title of Fifth Mafia, as defined in 1996 by the Court of Assizes of Venice (Abazia, 2017) on the basis of the criteria established in Law 646/1982 later applied and interpreted in a judgment of the Court of Cassation (Cass. pen., sez. un., 28-03-2001, n. 10.) The three elements that amount to the "mafia method" are

1. Use of intimidation by the organization as a whole
2. Subjection of members
3. Code of silence

C. Drug Trafficking and Weapons Smuggling

The drug trade to which the Mala del Brenta entered was one of transnational character. The structure thereof was influenced by the people with whom Felice Maniero, leader of the Fifth Mafia, entered into contact. While the connections with the presence of Galatolo Vito, flagged by the Carabinieri, was for instance mostly linked with robberies conducted by the Brenta's group (Commissione parlamentare d'inchiesta sul fenomeno della mafia e sulle altre associazioni criminali similari, 2022), other mobsters such as the Fidanzato Family, who met Maniero in the 1970s, formed a distinct clique which connected to the organization of *Faccia D'Angelo* and bridged it to the Sicilian Cosa Nostra, effectively becoming the first drug suppliers of the Mala.

As already underlined above, one of the characteristics of the Mala del Brenta is that it was deeply sectorized, more specifically the drug sector was then also divided in very distinguished cliques, one being that of the Fidanzato brothers.

Such connection to the Italian Mafia, then allowed to the Brenta organization to exit the borders of the Peninsula

[3] A bomb intended for a Mafia boss killed 7 police and military officers.

given that the Cosa Nostra provided connections to the Colombian dealers. Exploited was then the strategic position of Veneto itself, most specifically the close airport and the proximity of the Balkans which became the export destination.

D. Social Network Analysis

As a last point of study, it is possible to analyze the structure of the organization in order to assess whether the influence that the anti-mafia policies of forced placement had on the organization of the Mala del Brenta is evident within the nodes of the organization.

The social network analysis (SNA) taken in consideration was performed in 2017 on the basis of two judgements of the Tribunal of Venezia providing the names and the role of the people who were part of the organization, based on the information given by Maniero himself after his arrest when he started to collaborate with the authorities.

The methodology employed in the SNA was structured as follows: first, names of the members of the organization were taken from the aforementioned judgements; second, these names were then analyzed by means of a matrix that could highlight eventual charges, or lack thereof, associated to the names. The tools to perform this assessment were part of two broader packages, namely the "Igraph" and "Matrix" ones, vastly based on the work of Csardi and Napusz (Abazia, 2017). The information obtained through the matrix was then further developed to assess the connections among the members by studying the number of charges shared by several mobsters, thus developing the betweenness index. This process was conducive to the establishment of the shape of the network, allowing to plot the graphs portraying the betweenness centrality and the degree centrality.

The SNA conducted shows the highest betweenness degree was achieved by Maniero, who can then be considered the undisputed leader of this almost monarchical organization, having proven that almost all information flowed through him. [Figure 1]. At the same time, evident is the sectorization of the organization, this kept each field of action separate from one other as can be understood by further implementing the SNA and cross referencing it with the qualitative information provided by the judgment at issue: the typologies of crimes concerned in the different charges. [Figure 2]

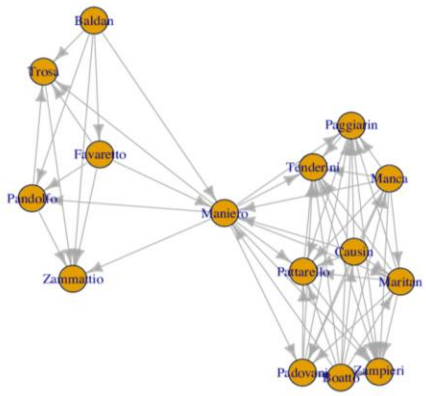

Figure 1. Clusters of Betweenness Mala del Brenta - (Abazia, 2017)

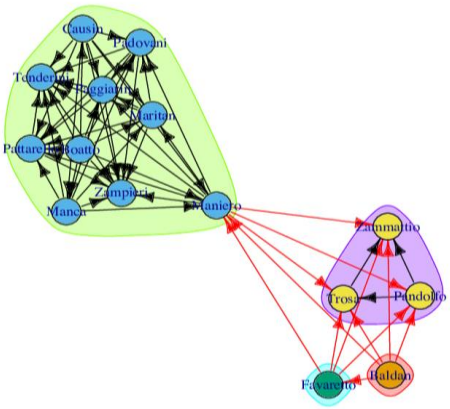

Figure 2. Members of the Mala del Brenta SNA (Abazia, 2017)

Both findings highlight the reasons behind the weakness of the Mala del Brenta: the organization rested on the central role of Felice Maniero as one of the only brokers, therefore when he was arrested it lost its foundations and collapsed. Instrumental to such end of the organization was, at the same time, the fact that Maniero knew everything concerning each clique and their activity, thus when he became an informant the truth on the whole of the group was quickly discovered. This excessive concentration of power for instance, differs from the more decentralized, while still hierarchical, structure of the Sicilian Cosa Nostra.

E. Controversies of the SNA

While in the analyzed judgements there are few data on the relevance of the relocated mobsters, it is still possible to qualify their contribution at least to the extent of a bridge with the drug suppliers that still allowed the Brenta group to achieve the status of transnational mafia-type organization. It may be difficult, strictly basing the analysis on the Tribunal of Venezia judgments, to assess the actual contribution to the activities of the Mala del Brenta, but this is linked to the very fact that the existence of the organization, even if rudimentary in nature, prior to the forced placement in Veneto of mobsters prevented the colonization of the region and precluded the relocated criminals any position of control. Nevertheless, it is worth keeping in mind that in any case the information on which the analysis rested is biased as its source is no other than Maniero himself.

This hints at a core issue of the approach of the state towards the problem: both the SNA and the policies are performed only ex-post and thus are not conducive to the prevention of the criminal activity, instead they have traditionally focused on the prosecution of the actors and the repressive intervention (Osservatorio per il contrasto alla criminalità organizzata e mafiosa e la promozione della trasparenza, 2020), thus failing to provide effective protection of victims (Commissione Parlamentare d'inchiesta sul fenomeno della criminalità organizzata mafiosa o similare, 2003).

Finally, it is relevant to note that the Mala del Brenta was not exactly organized perfectly mirroring southern mafia organizations. For this reason, some have denied altogether the links between members of the first with those of the second relocated under Law 1423/1956 and Law 575/1965. Instead, they have theorized that any similarity is mostly connected to a process referred to as

both of "imitation" (Sciarron 1998) or instead of "isomorphism" as defined by LaSpina. (Meli, 2018).

IV. CONCLUSION

The Anti-mafia Policies produced in the 1960s included the forced placement which relocated mafia members to territories thought to be immune to their criminal influence of Mafia derivation, with the aim of neutralizing their impact. However, as provided by many sources, amongst which the Parliamentary Commissions, in reality such displacement contributed to the spreading of the Mafia phenomenon to most regions of the Italian Peninsula. The Social Network Analysis conducted based on the information provided by Felice Maniero to the Tribunal of Venezia, was not conducive to a clear establishment of the physical contribution to the activity of the Mala del Brenta of the forcibly placed mobsters. Nevertheless, there are still many references of their links with the leader of the Brenta Organization, and the connection thereof with the drug market of the Sicilian Cosa Nostra, therefore the bridge between the southern and northern organization can still be identified as being the very, supposedly anti-mafia, policy of the *soggiorno obbligato*. If anything, their absence from the relevant nodes of the organization in the SNA performed, is a reiteration of the preclusion from powerful position linked to the Mala del Brenta acting as counterpart vis à vis the Southern mafia attempt to colonize the Veneto region.

Finally, it is rather important to note that most information on the members and nodes of the hierarchy not only is partial, coming it from a member of the organization at issue as the names presented in the judgements are those that Maniero revelaed. At the same time it allows only for ex-post assessments and SNA, this is to the detriment of the numerous victims of the Mala del Brenta's offences. The protection of the victims should in fact be the primary aim of the authorities, instead of it being the mere prosecution of the actors. This is even more true when we consider that one of the causes of the infiltration of mafia-type activities within Veneto was the very forced placement that was government-imposed, as highlighted by Senator Giovanni Fabris (Commissione parlamentare d'inchiesta sul fenomeno della mafia e sulle altre associazioni criminali similari, 1994), allowing us to claim a proper legislative failure that stood at the basis of the development within Veneto of mafia-type criminal conducts.

REFERENCES

Abazia, F. (2017a). *Cluster of betweenness Mala del Brenta* [Map].

Abazia, F. (2017b). *Mapping Crime: Network Analysis of the Mala del Brenta Criminal Organization*. Bocconi University.

Abazia, F. (2017c). *Members of the Mala del Brenta SNA* [Map].

Anselmi, N. (2024). *Criminal organizations and terrorism in Italy: analysis of the stagione stragista of the early 1990s through the court proceedings*.

Commissione Parlamentare d'inchiesta sul fenomeno della mafia e delle altre associazioni criminali similari. (1997). *Resoconto Stenografico della Seduta di Martedì 21 ottobre 1997.*

Commissione Parlamentare d'inchiesta sul fenomeno della mafia e sulle altre associazioni criminali similari. (1994). *Relazione sulle risultanze dell'attività del gruppo di lavoro incaricato di svolgere accertamenti su insediamenti e infiltrazioni di soggetti ed organizzazioni di tipo mafiosi in aree non tradizionali.*

Commissione Parlamentare d'inchiesta sul fenomeno della mafia e sulle altre associazioni criminali similari. (2022). *Relazione sull'attività svolta*.

Commissione Parlamentare d'inchiesta sul fenomeno della criminalità organizzata mafiosa o similare. (2003). *Relazione Annuale*

Corte di Cassazione, Sezioni Unite. (2001) Sentenza n.10 del 28 Marzo 2001

Decreto Legislativo 6 settembre 2011 n. 159 [Legislative Decree 6 September 2011 n. 159].

https://www.normattiva.it/esporta/attoCompleto?atto.dataPubblicazioneGazzetta=2011-09-28&atto.codiceRedazionale=011G0201

Dovizio, C. (2024). Hands over the city: the Mafia, L'Ora and the sack of Palermo. *Urban History,* 51(1), 257–282. https://doi:10.1017/S0963926821001012

Garufi, C. (2002). sezioni unite penali; sentenza 28 marzo 2001; Pres. Vessia, Est. Ferrua, P.M. Galgano (concl. conf.); ric. Cinalli e altri. Conferma App. Napoli 2 marzo 2000. *Il Foro Italiano*, 125(5), 297/298-305/306. http://www.jstor.org/stable/23198381

Legge 27 dicembre 1956, n.1423 [Law 27 December 1956 n. 1423]. https://www.normattiva.it/urires/N2Ls?urn:nir:stato:legge:1956-12-27;1423!vig=

Legge 31 maggio 1965, n. 575 [Law 31 May 1965 n. 575].https://www.normattiva.it/urires/N2Ls?urn:nir:stato:legge:1965-05-31;575~art1

Legge 13 settembre 1982, n. 646 [Law 13 September 1982 n. 646].https://www.normattiva.it/urires/N2Ls?urn:nir:stato:legge:1982;646!vig=

Meli, I. (2018). *Mafia's entrenched model: A case study in Rome*. Sapienza

Osservatorio sulla Criminalità Organizzata. (2017). *Quarto Rapporto sulle Aree Settentrionali per la presidenza della Commissione Parlamentare di Inchiesta sul Fenomeno Mafioso*. Università degli Studi di Milano.

Merenda, I. (2016). *La circostanza aggravante della finalità di agevolazione mafiosa: Incoerenze sistematiche e incertezze applicative*. *Archivio penale*, (3). https://doi.org/10.12871/978886741611012

Ministero dell'Interno. (2023). *Relazione del Ministro dell'Interno al Parlamento attività svolta e risultati conseguiti dalla Direzione Investigativa Antimafia: Gennaio-Giugno 2023*.

Osservatorio per il contrasto alla criminalità organizzata e mafiosa e la promozione della trasparenza. (2020). *Relazione di Fine Mandato*. Consiglio Regional del Veneto

Thompson, H. (2021). Cosa Nostra Courts. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.3977333

Comparative Study of Organised Crime and Terrorism

From the Comparison to the Hybridisation

Romane Michèle Marie-Line Testut

Abstract — **Terrorism is nowadays heavily used by the media to describe events related to their own national definitions of terrorism. While the transnational criminal organisations benefit from a clear definition under the Palermo Convention, the international community has faced difficulties in establishing a common definition of terrorism. This difficulty is linked to the development of new crime categories that fall under the scope of transnational organised crime and terrorism as it is theorised by scholars. Moreover the development of new technologies increases this phenomenon of overlapping between the two categories. This paper analyses the differences of definitions and the insufficiency of international regulations. It then examines the similarities and differences between both concepts before exposing the hybrid categories.**

I. INTRODUCTION

In September 2001, Al-Qaeda, a terrorist group perpetrated the attack on the Twin Towers in New York City. This was far from being the first act of international terrorism, it was devastating in a psychological way, because it marked a turning point in the population's perception of national security. However, when the time came to prosecute the perpetrators and investigators, the international legal community faced the insufficiency of its legal system. There was no international legislation able to judge the case. The trials were fragmented and the complexity of the situation resulted in frustrations for the victims and their families. This legal gap highlighted the necessity of an international legislation about terrorism.

While the definition of organised crime is relatively well-established in international law, notably through the Palermo Convention (2000), an universal and legally binding definition of "terrorism" remains undetermined and subject to debate. Defining terrorism is crucial regarding the evolution and internationalisation of the criminal category. By establishing a clear legal framework, the international community could protect populations and States against international terrorism that the national law cannot contain. Even though there is no clear universal definition, it would be a mistake to consider a total absence of legislation on the subject. Two reasons can be advanced: firstly, several resolutions were adopted to ensure a baseline of collaboration between States, such as Resolution 1373 (2001); secondly, there are regional conventions taken by local organisations such as the Council of Europe or the African Union. While regional legislation exists, they remain insufficient.

A lot of issues could be addressed regarding the lack of legislation, but it is important to establish first what is the difference between organised crime and terrorism, and how this distinction creates a conceptual deadlock among sociologists that cannot reach a common definition. Although they cannot agree on a specific definition, there is still convergence between all the definitions within the legal community that permits the establishment of a clear difference between organised crime and terrorism. Despite that convergence, there is still an issue concerning hybrid classifications that cannot be confined to a single category.

© 2026 Romane Michèle Marie-Line Testut. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. DEFINITION OF TERRORISM AND ORGANISED CRIME

If both definitions were complicated to establish, only one was officially written into the Palermo Convention while the other was the subject of debates that still today did not permit to reach an international definition of terrorism.

A. Contested Definition of "Terrorism"

First of all, the absence of an international consensus on the definition of terrorism significantly complicates the legal delimitation of the concept. Nevertheless, the lack of definition led Alex P. Schmid, the Director of research terrorism initiative and Albert J. Jongman (1988) to analyse over 100 definitions in order to identify an "academic consensus definition". By establishing the frequency of specific terms, he identified three core pillars:

1) The use of violence force (Present in 83.5% of the definitions);
2) The political purpose (Schmid & Jongman, 1988) (Present in 65% of the definitions);
3) The intention to generate fear or terror towards a wide audience (Present in 51% of the definitions).

The definition of terrorism has been extensively discussed by scholars such as Tamara Makarenko (2005). She theorised the "crime-terror continuum", a theory among which terrorism and organised crime are linked along a linear scale; within this model, organisations move according to their environment and actions.

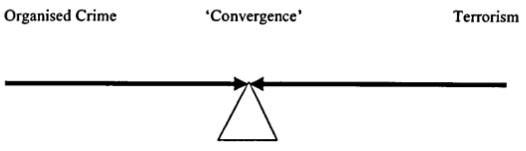

Figure 1. A simplified visual of the crime-terror continuum (Makarenko, 2005, p.193)

Tamara Makarenko argued that five defining characteristics must be present simultaneously to label a group or act as "terrorist". These criteria include:

1) The use of premeditated violence;
2) The intent to create fear;
3) A predetermined political objective;

4) A discretionary choice of target;
5) The aim of breaking the enemy's will to force submission to specific demands.

These elements provide a framework for a "working definition". Yet it is crucial to recognize that there are no "true" definitions as the concept is constantly evolving. Alex P. Schmid (2018) observed that the quantitative rise in worldwide terrorism has brought about a significant change; for instance, the emergence of cyberterrorism demonstrates how new technologies are shifting the boundaries of violence that was traditionally understood as physical violence. The new ability to cause mass damages either economic or psychological is a new opportunity of development for terrorism and organised crime. To prevent and react in a legal way efficiently, it is necessary to distinguish both concepts.

B. Legal Definition of "Organised Crime"

If the concept of organised crime had been debated for a long time, it was finally through the Palermo Convention (2000) that an official definition was established. The Convention defines a criminal organisation as: "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".

The definition inside the Convention is intentionally extensive to bring down under its scope as many organisations as possible. The reason is the complexity of the adoption process resulting notably in an absence of international convention about terrorism.

Thus, the primary objective of organised crime is clearly to secure a benefit. A notable characteristic of this legal definition is that it makes no specific reference to the methods or the nature of the activity itself; it simply requires that the offense is punishable by at least four years of imprisonment to be classified as a "serious crime". This broad spectrum allows the inclusion of a vast range of illicit activities, focusing more on the organisational structure than on the specific criminal acts. The general nature of the definition of organised crime permits to proceed to a comparison to understand the delimitation of each concept.

III. DIFFERENCES AND SIMILARITIES

While both definitions may suggest that these concepts are distinct, they share fundamental similarities in practice.

A. Similarities

Firstly, regarding the similarities, Alex P. Schmid highlighted a list of common points to both concepts:

1) They are generally rational actors who act purposefully;
2) They use their strengths and rely on intimidation systems through physical violence;
3) They employ similar tactics such as kidnappings, assassinations, and extortions;
4) They stand in opposition to the State;
5) They have to extort or steal money to achieve their objectives.

Ana Prokić (2017) further identifies similarities regarding recruitment. Both concepts tend to target marginalised individuals such as young men. In both cases the group's survival and objectives are more important than the individual.

It goes without saying that organised crime and terrorism are really similar. But the importance is not how to make them seem similar but how to distinguish them. How to qualify one in spite of the other one.

B. Differences

Meanwhile, although organised crime and terrorism might appear similar in their clandestine nature, they remain fundamentally distinct entities, principally distinguished by three different aspects:

1) Motivations. First, a structural divergence exists regarding the motivations and the ultimate objectives pursued by these groups. As emphasised by Bovenkerk and Abou Chakra (2004), the foundation of terrorism is inherently ideological or political because it is motivated by a desire for radical political change. Conversely, organised crime is strictly restricted to a logic of individual economic benefit.
2) Visibility and Media. The second difference lies in the complex relationship these actors maintain with visibility and media. On the one hand, Alex P. Schmid (2018) considers that media coverage is a vital strategic asset for terrorist organisations. They use violence as a communication tool to promote their ideology, intimidate a wider audience, and mobilize potential supporters. On the other hand, organised crime groups typically operate avoiding media exposure to ensure the continuity of their business transactions. As Brian J. Philips (2018) pointed out, this distinction can be summarised by a paradox of two criminal groups, one wanted to stay secret in a secure place while the other tried to use the light given by its crime to spread a political message.
3) Position towards the State. Finally, a major distinction must be made concerning their positioning towards the State and the specific nature of the violence employed. Alex P. Schmid (2018) explained that terrorists are engaged in a struggle for "legitimacy" competing to provide security. However, organised crime does not seek to replace the State or gain political legitimacy. As highlighted in Schmid's research, the nature of the violence differs: crime organisations use "criminally motivated violence" as a strategic way to eliminate opponents, it is viewed as a business cost necessary to secure a stable economic environment. In contrast, terrorist organisations exclusively employ "political violence" designed to assault moral norms and produce disproportionate psychological effects on a society.

Even with strong differences, the distinction is still sometimes complex to States, from the practice came hybrid categories of crime.

IV. THE HYBRID CATEGORIES

From a logical point of view the absence of definition should lead to the deficiency of misclassification, however, the legal community discovered different interference between organised crime and terrorism.

A. Typologies of Relation Between the Organisations

With the evolution of criminal organisations, hybrid forms have appeared. Mullins and Wither (2016) defined four types of hybridisation of these two concepts: interaction, appropriation, assimilation, and transformation.

1) Assimilation. It refers to what are commonly called "hybrid organisations" and corresponds to both concepts simultaneously with a difficulty to determine which one is dominant. It can be viewed as the convergence point theorised by Tamara Makarenko (2005);
2) Appropriation. It occurs when one uses the methods of the others. For instance, terrorist groups that may employ organised crime techniques to secure funding, conversely, criminal organisation that might use terrorist tactics to achieve their economic goal (e.g: Mexico cartels that used bombs or decapitation);
3) Transformation. It involves an organisation changing from organised crime to terrorist organisation and vice versa. This type of hybridation can be illustrated by the theory of Tamara Makarenko on the crime-terror continuum, considered as a simple line on which groups are moving;
4) Interaction. It occurs when both criminal organisations work together. The issue of that situation is the difficulty to classify. In general organised crime are reluctant to work with terrorist organisations because they are more likely to be searched by police and studied by journalists. But they can find in the collaboration advantages such as amplifying intimidation against their opponent.

The consequences are difficulties for national authorities to apprehend and to correctly qualify the organisation without divergence with the international community.

B. Phenomenon of Quasi-Terrorism

John P. Sullivan (1997) has established a theory of three generation gangs. This theory states that progressively, until the third generation, the gang reaches a level of complexity and sophistication called "quasi-terrorism". It implies that the group's actions and structure become indistinguishable from those of terrorists, with the only divergence being their underlying motivation. John P. Sullivan (1997) considers the third generation is characterised by three factors:

1) Politicisation, regard the political aim of the group;
2) Sophistication, concern the cohesion and hierarchical organisation;
3) Internationalisation, consider the geolocalisation of the group.

The most flagrant examples are cartels in Latin America. In the case of Mexico, Brian J.Philips (2018) argues that the violence used by cartels is "quasi-terrorist". He also states that all three factors are not strictly required, for instance, the lack of political motivation does not exclude the labelling of a group as "quasi terrorist". The large scope of the definition suggests these factors are intended to serve as a typological tool to simplify the juridical qualification of complex criminal phenomena.

However, these new qualifications designed to address intermediary situations raise significant legal questions. Most significantly, one must question whether broadening the definition to facilitate legal action might, paradoxically, overcomplicate the legal system. Furthermore, it remains questionable why intermediary categories are being theorised when a universal definition of terrorism itself has not even yet been established.

V. CONCLUSION

To conclude, the distinction between terrorism and organised crime, while not written, is challenged by the changing reality. Terrorism remains a complex and broad concept, often adapting alongside the evolution of society. However, the emergence of hybrid entities and quasi-terrorist groups like third-generation gangs, forces States to rethink their security strategies.

The presence of cross border terrorist organisations highlights the lack of international definition through their inaction at the international level. Even if there is national legislation to sanction that kind of organisation, two major issues remain. First the problem of the "Terrorist States" which due to the principle of non-interference, emphasised multiple times the lack of international legislation. This principle obstructs the international community's capacity to intervene even if other States are the only forces able to take significant actions. Moreover, the second problem is the cross-border terrorist groups. If a State does not implement efficient legislation, it cannot protect the population. An international definition of terrorism remains a necessity to protect both individuals and States. While the risk of an overly broad definition lies at the heart of the debate, we should engage in a critical reassessment of this reflection. Indeed, there is little utility to bring the legislative process to a standstill while there is always a possibility to create sub-categories as it has already been thought by John P. Sullivan (1997). Consequently, it would be better to stop considering the risk of establishing a too broad definition while nothing is done and the international community remains ill-equipped against international terrorism that is set to increase.

REFERENCES

Schmid, A. P., & Jongman, A. J. (1988). Political terrorism: A new guide to actors, authors, concepts, data bases, theories, & literature (revised). Transaction Publishers.

Sullivan, J. P. (1997). Street Gangs: Net Warriors. Frank Cass.London, Transnational Organized Crime, 3, 95–108.

General Assembly of the United Nations. (2000). Convention against Transnational Organised Crime.

Security Council of the United Nations. (2001). Resolution 1373.

Makarenko, T. (2003). 'The Ties That Bind': Uncovering the Relationship Between Organised Crime and Terrorism. In D. Siegel, H. Van De Bunt, & D. Zaitch (Eds.), Global Organized Crime (Vol. 3, pp. 159–192). Springer Netherlands. https://doi.org/10.1007/978-94-007-0985-0_17

Bovenkerk, F., & Abou Chakra, B. (2004). TERRORISM AND ORGANIZED CRIME. Forum on Crime & Society, 4, 3.

Conférence de l'Union Africaine. (2004). Protocole à la convention de l'OUA sur la prévention et la luttre contre le Terrorisme.

Council of Europe (No.196). (2005). Convention on the Prevention of Terrorism.

Makarenko, T. (2005). The Crime-Terror Continuum: Modelling 21" Century Security Dynamics. University of Wales, Aberystwyth.

Treverton, G. F., Matthies, C., Cunningham, K. J., Goulka, J., Ridgeway, G., & Wong, A. (2009). CHAPTER TWO : Organized Crime and Terrorism. In Film Piracy, Organized Crime, and Terrorism on JSTOR (pp. 11–26). https://www.jstor.org/stable/10.7249/mg742mpa.8 (Original work published Rand Corporation)

Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 (No. 37). (2013). United Nation.

Mullins, S., & Wither, J. K. (2016). Terrorism and Organized Crime. Connections, 15(3), 65–82.

Prokić, A. (2017). THE LINK BETWEEN ORGANIZED CRIME AND TERRORISM. Facta Universitatis, Series: Law and Politics, 15(1), 85–94. https://doi.org/10.22190/FULP1701085P

Phillips, B. J. (2018). Terrorist Tactics by Criminal Organizations: The Mexican Case in Context. Perspectives on Terrorism, 12(1), 46–63.

United Nations Office at Vienna. (2018). Module 1 INTRODUCTION TO INTERNATIONAL TERRORISM.

Schmid, A. P. (2018). Revisiting the Relationship between International Terrorism and Transnational Organised Crime 22 Years Later. International Centre for Counter-Terrorism. https://www.jstor.org/stable/resrep29431

Fonseca, G. D. (2020). The Use of Terrorist Tools by Criminal Organizations: The Case of the Brazilian Primeiro Comando da Capital (PCC). Perspectives on Terrorism, 14(4), 64–82.

Saul, B. (2021). Defining Terrorism in International Law.

The Psychology of Sextortion in the Philippines Through a Cultural Lens

What makes Philippines the Hub for Sextortion?

Matthew Sarmiento

Abstract — **This paper explores the disturbing rise of international blackmail and sextortion in the Philippines. A place where digital connectivity has turned human vulnerability into a tool for exploitation. It reveals how victims are manipulated through internal human emotions such as fear, shame, pride, often becoming trapped in cycles of abuse that feels impossible to escape. By examining the real case of Maria Caparas "The Queen of Sextortion"; which offers a powerful example of how deeply personal and psychologically devastating these crimes are. Sextortion goes beyond just technology; it takes advantage of financial pressures and cultural shame, which makes the harm worse and keep victims from speaking out. Ultimately, this issue demands urgent global attention, as it continues to affect countless lives in ways that are often hidden but profoundly damaging.**

I. INTRODUCTION

In the digital world, crime no longer respects the boundaries of borders. With the rise of the digital age, it allowed everyone with unfiltered access to one another. The digital age has enabled a new type of crime that can now cross borders and effect millions of people. Blackmail, human trafficking, sextortion and coercion can now reach more victims than before. The Philippines has become the global epicentre of digital crimes, but why specifically Philippines? This paper aims to analyse how blackmail operates in a digital context and answer why Philippines is the global hub for digital crimes like these.

To an outside observer in Europe, international blackmail in the Philippines may seem like a distant digital crime, yet this perception overlooks a far more urgent reality. First, we must establish what is blackmail? Blackmail is defined as the use of threats (unflattering information about individuals or organisations) to expose sensitive or explicit information to force compliance, it is deeply linked with sextortion, coercion, and human trafficking, and has become especially prevalent in the Philippines. (Lawyer Philippines, n.d.).

The Philippines is a perfect storm where socio-economic vulnerability, cultural stigma, widespread internet access, and global connectivity turn exploitation into a deeply personal and inescapable threat for many. (Statista, n.d.).

II. WHY THE PHILIPPINES?

When research for this topic, it is easy to assume poverty plays a factor in these crimes occurring, while poverty does play a role in explaining why these crimes occur it's not the main reason for why the Philippines is so susceptible to digital crimes.

Poverty rates are often used to compare levels of disadvantage across countries; it is important to note that these comparisons can be misleading due to inconsistencies in how poverty is defined and measured across Asian countries. The Philippines reported a poverty rate of 15.5% in 2023, around 17 million Filipinos live without sufficient income to meet basic needs. (WiFiTalents, n.d.; GMA Network, 2024). In contrast, Japan reports a similar poverty rate of around 15–16%, yet this figure is based on relative poverty (where households/individuals have income significantly below the median household income of their country). It is measured as income below half the national median rather than absolute deprivation (a severe state of poverty where individuals lack the minimum resources necessary for basic survival). Singapore further complicates this comparison, as it lacks a clear official poverty line altogether, despite having near-zero extreme poverty by global standards. (Medium, n.d.).

These discrepancies highlight that poverty alone is not the sole factor of the Philippines being the epicenter of digital crimes. If the poverty rates are alike to Japan, why isn't Japan also an epicenter for these crimes? The Philippines appears statistically comparable to wealthier nations in Asia; the lived reality differs significantly. Similar statistics don't reflect a similar reality. There is no link proving poverty statistics capture a countries vulnerability to cyber-crimes. However, a question still remains, is there a sole factor? or is it a combination of factors that appeal to these sorts of digital crimes seeking a refuge in Philippines? We must examine other factors like digital infrastructure; English fluency and cultural values to determine a more defined answer.

III. MARIA CAPARAS' BLUEPRINT FOR SEXTORTION

To examine factors such as digital infrastructure, English fluency and cultural values we must turn to Maria Caparas. Commonly, referred to The Queen of sextortion, her large-scale operation provides a powerful example of the techniques and vulnerabilities she used to exploit to build her empire. Her organised network that targeted victims globally, luring them into explicit interactions before blackmailing them (South China Morning Post, 2017).

We must examine her blueprint to determine how factors such as digital infrastructure, English fluency, cultural values and gaps in the legal framework allowed for her operation to flourish. Her model of exploiting and blackmailing victims could be scaled national and internationally.

Her rise was enabled by structural conditions documented in the Hernandez–Lacsina academic review,

© 2026 Matthew Sarmiento. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

which showcases that rapid expansion of digital infrastructure, cheap internet access, and widespread use of platforms like Facebook fostered an environment where online sexual exploitation, including sextortion, which could target victims around the globe. (Hernandez et al., 2018).

The academic review also shows that sextortion did not emerge in isolation but rather as part of a broader system of online sexual exploitation in the Philippines (Hernandez et al., 2018). This highlights that sextortion is not a random or a standalone crime it is lodged and entangled within the organised system of exploitation, meaning that online grooming, human trafficking and production of explicit content are very closely linked to sextortion. Commonly referred to as Sexual Exploitation and Abuse of Children Online (SEACO).

The study identified 3 dominant forms of SEACO:

1. Live streamed sexual abuse.
2. Child sexual abuse material.
3. Sextortion, including cases where minors were used as lures or chat participants.

By 2015, cases were reported in nearly every region of the country, indicating that online exploitation had become geographically diffuse around Philippines rather than confined to one isolated criminal hotspot. (Hernandez et al., 2018). Many small hubs operating in tandem rather than one centralised hub.

This is important because Maria Caparas' sextortion network operated within the same logistical, cultural, and technological conditions that sustained cybersex dens and live stream abuse operations.

A. English Fluency as an Enabler of Crime

One of the most explicit findings in the academic paper is that English proficiency repeatedly appears as a driver of online sexual exploitation. (Hernandez et al., 2018). English, which is widely spoken due to colonial history and education policy, allowed Filipino offenders to communicate convincingly with foreign clients and victims.

This linguistic advantage is vital for sextortion as it:

- enables believable romantic or sexual personas.
- sustains long conversations that built trust.
- delivers psychologically powerful threats.

The study notes that children acting alone often lacked English skills and therefore could not manage payments or negotiations, but their English fluency was just enough to be able to communicate convincingly with foreign clients. Which makes organised operations with English speaking adults far more effective. This helps explain how figures like Caparas could dominate sextortion at scale.

B. Psychological Analysis of Caparas' Methods

Caparas's operation was effective not because of any sophisticated technology, but because it exploited predictable human psychological vulnerabilities at scale. She weaponised shame, fear, and urgency to overwhelm her victims into doing what she wanted. The emotional states that reliably suppress rational decision making and provoke compliance.

Shame (Hiya in Tagalog) as a Control Mechanism

An important but often misunderstood factor is the Filipino cultural concept of hiya (shame). Both researchers and journalists highlight that shame surrounding sexuality, particularly male sexual vulnerability which intensified the power of Caparas' blackmail threats.

Caparas' blackmail relied on what psychologists describe as social evaluative threat. The fear of being judged, exposed, or ostracised by one's social group. Sextortion threats targeted victims' family members, their workplaces, or their social networks, which activated deep anxieties about humiliation and reputational loss. This was effective because shame is a self policing emotion: once it is triggered, victims often comply without needing repeated coercion or even the threat of violence.

The effectiveness of shame based control is reinforced in cultures both Western and Filipino, where sexual exposure carries moral stigma. NGOs and academic sources note that victims frequently avoid reporting sextortion precisely because disclosure itself feels worse than paying the extorter, which then creates a cycle of silence that benefits only the offenders.

Fear, Time Pressure, and Cognitive Overload

Normally, forcing someone to hand over money would require ongoing control, physical presence, threats of violence, or repeated confrontation. In Caparas style sextortion, none of that was necessary because the emotional state created by the threat did the work instead. Once victims believed that their explicit material was about to be sent to their families, their employers, or friends, they experienced intense emotional overload: where panic, shame, fear, and loss of control all acted at once. In that state, the brain prioritises immediate threat elimination over logic, long term consequences, or alternative choices.

Essentially, fear and shame act like invisible restraints. Which aim to emotional overwhelm a victim rather than the use of physical force, while also being cheaper, faster, and easier to repeat at a large scale. If a victim had only one exploitative image or video it could be used as a threat repeatedly.

Perceived Personalisation

A key psychological deception was manufactured intimacy. Early interactions were individualised and included: romantic language, validation and sexual attention. This creates attachment and lowers scepticism. Once control was established over the foreign client or victim, the process became procedural. The victim felt uniquely targeted, while in reality the operation followed a standardised script. This illusion of personal connection meant victims internalised responsibility ("I caused this"), which reduces reporting and increasing compliance. An effect well documented in sextortion and abuse psychology.

C. All these Dynamics Lead to Scalability

The effectiveness of Caparas's tactics made her operation highly scalable because shame and fear worked internally. Which eliminated the need for constant monitoring or physical escalation. A single recorded video could be reused repeatedly as leverage, while scripted threats allowed minimally trained operators to manage many victims simultaneously.

High English fluency, strong digital infrastructure, and an alignment with western norms enabled these psychological tactics to be industrialised across borders. Which turned emotional coercion into a repeatable labour process. In this way, Caparas converted powerful emotional triggers into low cost, high yield operational tools, a defining feature of scalable in coercive systems.

Maria Caparas' case shows how sextortion succeeds through psychological control rather than physical force, by weaponising internal human emotions like shame and fear to act as powerful and repeated leverage. Controlling these emotional pressures, she transformed individual blackmail into a scalable, transnational criminal system. Her operation gives an insight into how digital environments can amplify human vulnerability into industrialised coercion.

However, psychology alone does not explain this scalability; the next section examines the hidden structures that stabilise these criminal activities, that allow for the sustainability and normalisation of these operations.

IV. HIDDEN STRUCTURES THAT STABILISE THESE CRIMINAL ACTIVITIES

We've established that the blackmail methods used by Maria Caparas alone, does not explain the scale in which she was able to reach. It is important to mention the hidden structures in place that helped sustain and stabilise these sorts of criminal activities. Hidden structures such as Economic vulnerabilities and the Philippines' Cultural identity acted as driving factors for this sort of operation to flourish.

Economic vulnerability in the Philippines cannot be explained by poverty alone; rather, it is shaped by economic insecurity, which is characterised by unstable income and limited local opportunities. Economic vulnerability in the Philippines is also shaped by cultural values and by material conditions. While poverty alone does not correlate with risk, the country's widespread financial instability and limited local opportunities interact with deeply rooted norms such as family obligation, utang na loob (debt of gratitude), and sacrifice, especially among women.

The economy is deeply integrated into global labour and financial systems, with overseas migration. A significant portion of oversea workers are women (around 58%), (Statista, n.d.), who make up a large share of overseas workers and remittances functioning as a central economic pillar and household survival. The money sent to the Philippines by the women overseas reaches $35.6 billion in 2025 (~7.3% of GDP). (Philstar, 2026). In some estimates, remittances have contributed up to ~9% of GDP, highlighting a strong dependence on overseas income. This inadvertently creates a system where families rely heavily on financial support globally, increasing the risk of exposure to international scams. This culture of migration and sacrifice (especially among women) reinforces economic pressure to engage globally.

This therefore instils expectations of financial support within families and cultural structures. As a result, individuals and households are more exposed to international digital and financial networks, which increases interaction with foreign actors and heightens vulnerability to online risk, coercion, and blackmail.

These dynamics show that economic systems are globally interconnected rather than locally contained, amplifying vulnerability through structural dependence rather than individual choice alone. The Philippines is not targeted solely because of poverty, but because its economy is very dependent to global labour migration, such as income from abroad and it's strong online digital population. Which foster conditions that unintentionally create opportunities for transnational cybercrime and exploitation.

V. INTERNATIONAL RESPONSE AND LIMITATIONS

We've seen how this is a very nuanced problem in the Philippines, that the culture of women migrating overseas in search of better lives to support their husbands and families abroad leads to a greater opportunity for risks and scams to occur. When tackling an issue as nuanced as this we must analyse how effective the international response is and what is their limitations.

International Response:

1. International Law Enforcement Cooperation (Interpol Led Operations)

International policing organisations (Interpol) coordinate cross border investigations, intelligence sharing, and joint operations against sextortion networks. (ACM, 2023). Operations such as HAECHI and Operation Contender 3.0 have led to hundreds of arrests across Southeast Asia and Africa, a rise in international notices. Interpol's role is to facilitate cooperation among national police forces, not to investigate cases directly, making it a critical but indirect player in combating sextortion.

2. Legal Frameworks (UN, UNICEF, UNODC)

The UN, UNICEF, and UNODC have developed international conventions, guidance, and toolkits aimed at criminalising online sexual exploitation. They improved child protection laws and strengthened cross border cooperation. Instruments such as the Convention on the Rights of the Child, UNICEF's Legislating for the Digital Age guide, and UNODC's sextortion toolkits encourage states to modernise laws and adopt victim centered approaches. These frameworks provide global standards but however most of the work still falls upon individual states to act.

3. Social media and Financial Intervention

Governments and international bodies have engaged social media companies, payment platforms, and money transfer services to detect abuse. By preserving the data as evidence and freezing suspicious transactions. Some platforms cooperate by removing content and suspending accounts, while financial institutions such as banks assist with tracing transactions linked to sextortion rings. However, cooperation varies widely by jurisdiction.

Limitations:

1. *Legal Fragmentation and lack of Standardised Definition*

Sextortion is inherently transnational, but criminal law still remains national. Differences in definitions, penalties, and evidentiary standards mean that cases often stall when perpetrators, victims and payment systems are spread across multiple countries. Which therefore makes the extradition process very slow. Many countries lack specific sextortion laws or even a standardised definition of what sextortion is. This creates a loophole in the law for prosecutors as they can rely on fragmented statutes and legislations that do not fully capture the crime of sextortion.

2. Underreporting Hides the True Scale of Sextortion

International organisations consistently note that sextortion is massively underreported, largely due to shame, fear of exposure, and distrust in authorities. (The Korea Times, 2021). This silence limits investigations and how law makers tackles sextortion networks. The silence also hides the true scale of the problem and can enable repeat offending.

3. Structural and Economic Drivers Remain Untouched

International responses tend to focus on arrests and takedowns but rarely address the economic systems: the lack of labour opportunities and the cultural pressures that sustain these sextortion economies. As Interpol itself notes, scam centers often re emerge quickly after raids, sometimes relocating across borders or reshaping operations. This limitation is especially important as to take any considerable action to completely stop sextortion, there must be nation-wide change to the amount of job opportunities available in that country.

These international mechanisms converged in the response to Maria Caparas's sextortion network, where foreign police agencies (US, Hong Kong, Australia...etc.),

the Philippine authorities, and Interpol worked together by sharing intelligence from overseas victim reports. They traced international money transfers and coordinating arrests. Her case illustrates both the potential and the limits of international action: while cooperation made disruption possible, international action was slow, reactive, and dependent on reporting from abroad which highlights how transnational blackmail networks can operate for long periods before collective enforcement catches up.

VI. SOLUTIONS AND PROPOSALS

There is still a lot of work that needs to be done to mitigate sextortion. The solutions we can introduce to halt sextortion can be split into two types of solutions: Short-term small changes that can somewhat lower the stigma of sextortion for victims and the Long-term economic and cultural shifts that might take years or generations to take effect however in my opinion they are more viable but harder to implement.

Short-Term Solutions: Introducing Intervention Programmes for Victims

Normalising reporting through anonymity. By having confidential, one click reporting portals reduce the shame barrier that keeps victims silent. Introducing immediate response protocols like rapid takedowns, data preservation, and payment channel alerts within the first 24 hours can dramatically reduce repeated extortion. Implementing a psychological first aid support framework can education victims that sextortion is a crime, not a personal failure will reduce panic driven compliance. This works because sextortion relies on urgency and shame by removing the elements of isolation, stigma and the slowing decision making weakens its strong coercive effects.

Having more layers of Online Friction

Having mandatory "cool down" warnings when video calls begin with unknown contacts will add a layer of disruption that can give targets more time to react. Introducing more anonymity on friend lists and tagged contacts, can limit leveraging power. By limiting the amount of online friction that families in the Philippines heavily depend upon can lower their risk of being targeted. These additional layers of friction disrupt the emotional overload that the extorters depend on, even if criminals activities remain active.

Long-term Solutions: Addressing the Systemic Issues

Addressing sextortion requires more than punishing offenders. It involves tackling the systemic conditions that allow it to thrive. Especially, the conditions that allow sextortion to scale nationally and internationally.

Economic and Labor System Reforms

By expanding secure local employment pathways and offering more job opportunities in Philippines, especially for women and youth this allows for less Filipino women to migrate abroad out of necessity. Formalising digital labour markets to reduce informal online "grey economy" (economic activities that are legal in nature but are not monitored or recorded by the government) can help to reduce the likelihood of scams. Economic systems can be redesigned and changed through policy; however, culture values are slow to change and can take years of generations to see a difference.

Standardised Framework

Introducing a standardised global definition of sextortion (not fragmented across "threats," "cybercrime," or "obscenity" laws), can help nations clearly define the digital crimes occurring in their region and this also allows for other nations to cooperate and work together to take down digital crime hubs due to the uniformed definition of sextortion. Legal harmonisation reduces the number of safe havens for offenders.

Addressing Culture: Carefully and Realistically

Deep rooted cultural values (e.g., shame, family obligation, silence around sexuality) do contribute to vulnerability, but they are slow to change and risky to target directly if implemented incorrectly. Lowering the stigma by reframing the harm can help victims be more vocal about reporting these issues. ("you were targeted," not "you made a mistake"). Introducing more education on how crimes like sextortion operate, can help victims understand logically how the crime operates rather than being too stunned by emotions and leading them to be overwhelmed, by introducing nation-wide education on digital crimes, victims can truly understand the scale of the operation they are entangled with.

Sextortion thrives at the intersection of psychology, technology, and global economic systems. While cultural

values do play a role in influencing vulnerability. Analysing and understanding the economic stability, platform accountability, and financial regulation are more achievable and scalable than changing cultural values. The most effective strategy is therefore hybrid: reducing harm immediately through support and disruption, while steadily redesigning the structures that allow blackmail economies to flourish.

VII. CONCLUSION

Sextortion is a serious and evolving crime, but it is not an uncontrollable one. Evidence from recent international cooperation and victim cantered response models highlights that when specific procedures are in place like introducing systems that allow for rapid reporting, payment disruption and cross border policing can mitigate sextortion.

While it is unrealistic to claim the crime will disappear entirely, the conditions that once allowed the industrial scale schemes like Maria Caparas' sextortion network to operate for years are steadily being dismantled. As systems become better coordinated, faster acting, and more transparent, the space for large, organised blackmail empires continues to shrink. The future, therefore, is cautiously but genuinely optimistic: sextortion can be contained, disrupted, and stripped of its scalability, ensuring that cases like Caparas' are not repeated, and that the threat posed by such schemes becomes increasingly rare rather than routine.

REFERENCES

Hernandez, A., Lacsina, A., et al. (2018). Sexual exploitation and abuse of children online in the Philippines: A review of online news and articles. ResearchGate. https://www.researchgate.net/profile/Andrew-Lacsina/publication/329306576

YouTube. (n.d.). [Video]. https://www.youtube.com/watch?v=pBCmUL55uek

YouTube. (n.d.). [Video]. https://www.youtube.com/watch?v=5eHvHpLUtV4

YouTube. (n.d.). [Video]. https://www.youtube.com/watch?v=sYXgHV_SNeY

Association for Computing Machinery. (2023). [Article]. https://doi.org/10.1145/3608483

Lawyer Philippines. (n.d.). Legal actions against blackmail and extortion in the Philippines. https://www.lawyer-philippines.com/articles/legal-actions-against-blackmail-and-extortion-in-the-philippines

Elgar Online. (n.d.). [Book chapter]. https://www.elgaronline.com/edcollchap/book/9781800886643/book-part-9781800886643-25.xml

Association for Computing Machinery. (2024). [Conference paper]. https://doi.org/10.1145/3654522.3654548

Google Scholar. (n.d.). [Legal case]. https://scholar.google.com/scholar_case?case=16754667723302785757

Association for Computing Machinery. (2023). [Conference paper]. https://doi.org/10.1145/3625156.3625172

ScienceDirect. (2024). [Journal article]. https://www.sciencedirect.com/science/article/pii/S0747563224001663

YouTube. (n.d.). [Video]. https://www.youtube.com/watch?v=BMKS0ZZWd9M

YouTube. (n.d.). [Video]. https://www.youtube.com/watch?v=v7qk9DLshTM

The Korea Times. (2021). Asian stories for lust and money: When online sexual encounters end in despair and death. https://www.koreatimes.co.kr/world/20210630/asian-stories-for-lust-and-money-when-online-sexual-encounters-end-in-despair-and-death

WiFiTalents. (n.d.). Philippines poverty statistics. https://wifitalents.com/philippines-poverty-statistics/

GMA Network. (2024). 55% of Filipino families consider themselves poor, says SWS. https://www.gmanetwork.com/news/topstories/nation/944103

Medium. (n.d.). The paradox of plenty: A critical examination of poverty in Singapore. https://medium.com/sgdecoded/the-paradox-of-plenty-a-critical-examination-of-poverty-in-singapore-1e4bd963cef2

Statista. (n.d.). Cybersecurity and crime in the Philippines. https://www.statista.com/topics/11332/cybersecurity-and-crime-in-the-philippines

Statista. (n.d.). Labor migrants from the Philippines. https://www.statista.com/topics/8943/labor-migrants-from-the-philippines

Philstar. (2026). Remittances reach record high $35.6 billion. https://www.philstar.com/business/2026/02/17/2508451

South China Morning Post. (2017). Sextortion, lies and videotape in the Philippines. https://www.scmp.com/magazines/post-magazine/long-reads/article/2069492/sextortion-lies-and-videotape-philippine

The Pink Panthers

Analyzing the Influence and Structural Resilience of an International Jewel Thief Network

George Seresli

Abstract — **This paper explores the notorious transnational criminal organization, originating from the collapse of Yugoslavia, known as the Pink Panthers. This analysis focuses on the unique structure upheld by the group, in a criminal network of fluid nodes, relying on military-disciplined experience which allows them to remain resilient to law enforcement for as long as possible. While this original group of operatives has aged out of crime today, their methodology has evolved into an open blueprint and thus influenced a new generation of criminals within the digital world. The paper deconstructs the Panthers' physical heist mechanics and further explores their transition into the digital realm, discussing the challenges that this poses to law enforcement to remain relevant. The current use of digital reconnaissance and cryptocurrency laundering ultimately highlights the critical mismatch present between bureaucratic law enforcement and the ever-changing modern crime syndicates.**

I. INTRODUCTION

All throughout history, transnational organized crime has been stereotypically structured in the form of a hierarchy. According to Calandra & Giorgi (2016), this can be seen in Italy, where the crime families of Cosa Nostra and 'Ndrangheta follow a 'decentralized' branch of this structure. Here includes a main and secondary command, and numerous members who have a low level of autonomy. There is a common use of force and violence, and possible infiltration into lawful societies (Calandra & Giorgi, 2016). This has, however, become a commonly recognized strategy by the state, and has caused criminal organizations to change their methods. Groups are now finding newer and improved structures to avoid being caught. Williams (2001) mentions that the German BKA agency has noticed contemporary criminal organizations operating as "loose, temporary networks" or fluid cliques in recent years. This shift from traditional structures, in the domain of high-value property theft, has brought about an exploitation. In short, there is a collective of transnational, highly flexible and strategic criminal syndicates who use advanced communications to carry out their crimes, avoiding any risk of being detained by the law.

This interconnected approach to transnational crime is directly personified by a group of highly skilled jewel thieves originating from the Western Balkans, peculiarly labelled as the "Pink Panthers" (Europol, 2017). Finlan (2022) recounts the period between 1991 and 1999. Yugoslavia had fallen into collapse, and while the rest of Eastern Europe embraced the opportunity to move beyond the scars of communism, the Balkans seemed to step backwards. The remnants of this war-torn nation led to an economic crisis, and overall widespread unemployment (Finlan 2022). From here emerged a collective of approximately 200-800 members, many with knowledge of specialized military soldiers, joining together and applying their expertise and shared intentions to commit acts of deviance. They were truly unable to reintegrate into a devastated society, and their shared brutal pasts were a form of justification for their crimes. The Panthers were thieving from the ultra-rich, feeding a "lost generation" of soldiers left with nothing, representing themselves as a form of "Robin Hood" complex, as shown in the documentary by The Dock – Full Documentaries (2026). The globe first took notice of their crimes following a heist in 2003 in London at a Graff Jeweler. This is where a stolen diamond was discovered by police, concealed in a face cream jar, mirroring a scene from the 1963 *Pink Panther* film. Here, the group had intentionally prodded international law enforcement agencies such as Interpol, to label them as the Pink Panthers, as mentioned in papers by Skakavac (2018) and Walker (2025). The statistics behind their crimes have also been the reason for their publicity over the years. According to Europol (2017), between 1999-2015, the network is believed to have carried out approximately 380 armed robberies around the world that have accumulated to 334-500 million euros, targeting high end jewelry stores. In 2007, their international threat had become very critical, which led to Interpol officially initiating "Project Pink Panther". Here, there established a dedicated global network of investigators and intelligence exchange, with intentions to apprehend the members and stop their ongoing feud with law enforcement (Europol, 2017).

The resilience of the Pink Panthers' organizational structure is what precisely distinguishes the group and makes it extremely difficult for agencies such as Interpol to bring down. There is not an evident centralized command structure unlike a classic mafia syndicate. Here, it is seen that during any given heist, members may not even know where their accomplices stand within the broader structure of their web of operatives (Skakavac, 2018; Walker, 2025). They contrastingly work as a series of interconnected "nodes", temporarily forming together only for the desired project in present time. This is where they execute swift and calculated "smash-and-grab" robberies, often lasting under a minute, and then disbanding immediately and scattering across borders, mentioned by Walker (2025) and Williams (2001). Additionally, they exploit the changing digital world to utilize new technology for scoping strategies and coordinating logistics, further distributing their stolen goods with a pre-planned and agreed location (Williams, 2001). Thus, a governing body with the function of dismantling said crime syndicates, such as Interpol, struggle to neutralize a borderless network, where the arrest of only a few nodes simply notifies the broader system to only restructure itself.

This paper will go on to deconstruct the Pink Panthers' unique operational model. It will examine their use of a

© 2026 George Seresli. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

criminal network structure that is similar to a dark-web-style franchise, and their meticulous and strategic heist mechanics. The focus then moves to the shift in criminal activity in the cyber-world, maintaining the Panthers' ideologies, but now in modern society with acts such as digital reconnaissance and cryptocurrency laundering. Finally, the paper concludes with a comment on the difficult threat these new criminal organizations pose to bureaucratic forces who are potentially being left behind in the changing digital society.

II. THE ORGANIZATIONAL STRUCTURE OF THE PINK PANTHERS

Analyzing the organization's hierarchy reveals a stark divergence between law enforcement assumptions and criminological research. The estimation by Interpol of 200-800 members in the organization, is comparatively argued by critical criminologists such as Chambliss & Williams (2012), that the concept of the Pink Panthers acting as a uniform transnational syndicate is largely a myth. In the perspective of Interpol's decentralized estimate, there is a vast difference of structure to the traditional Italian Mafias, where there is no "Godfather" or rigid hierarchy. Authorities are also seen to group any form of self-contained gang under the Pink Panther umbrella if they simply follow three criteria: stealing high-end jewelry, being well dressed and polished, and originating from the Balkan region (Chambliss & Williams, 2012). The clash of ideas and broad assumptions makes it very difficult for the state to have any plan of attack to bring down even the lowest tier of members. This is, however, assuming that they have at least some form of organization and glue between each member. Contrastingly, Williams (2001) and Chambliss & Williams (2012) suggest that the Panthers operate as a series of fluid and decentralized "nodes" within cliques. This relates close as such to a dark-web franchise, with minor knowledge of each other but are purely motivated and connected by their shared doctrines, goals, and beliefs.

Shifting to the group's methodology, the structure of the operation is entirely focused on the project itself: executing a heist. Rather than ensuring the standing army of criminals are retained through each and every robbery, the job begins with a "fixer" or a person who can identify a profitable target. They go on to provide the initial capital to fund the logistics, such as clean vehicles and secure apartments (Walker, 2025; The Dock – Full Documentaries, 2026). This financier person then proceeds to the recruiting stage, finding a tailored team of individuals of approximately four to five specialists. These members fulfill the roles of getaway drivers, alarm technicians, and a safecracker, who are anywhere within a network of friends, cousins or mutual acquaintances (The Dock – Full Documentaries, 2026; Chambliss & Williams, 2012). Observing this meticulously planned structure demonstrates their comfort of operational security. The instant their robberies are completed, they activate what is known as a "ghost protocol" in which their entire cell disbands in an instant, scattering across international borders (Walker, 2025; The Dock – Full Documentaries, 2026). The operatives are extremely separated, and if one is found or arrested in Tokyo or Paris, they will not be surrendering the major organization to the police. They instead will have no knowledge of others identities or whereabouts of the upper-tier members.

A particular component of the group's structure when conducting a heist is the strategic weaponization of femininity, an example of "doing gender" within modern transnational crime, as stated in a paper by Arsovska & Allum (2014). Utilizing a female to commit crime is very much an idea that goes "outside the box" of traditional acts of deviance. Traditional law enforcement and private security historically profile property thieves committing violence as mostly male, whereas the Panthers invert this bias (Arsovska & Allum, 2014). The network follows a strict "one woman per cell" rule, disguising the intelligent lady as a wealthy, glamourous and elite client of the target. Her role is to conduct an extensive reconnaissance prior to the heist such entering the boutiques to map the security infrastructure, locating primary vaults, and assess the inventory without arousing suspicion (Arsovska & Allum, 2014). Operatives themselves have also confirmed that the male thieves are entirely dependent on the female-gathered intelligence, and without this initial infiltration or planning, the subsequent phase of the robbery cannot occur (Arsovska & Allum, 2014).

Therefore, the Panthers are held together by a sophisticated and logistical spine, shared by their origins, motivation of money and trust, which is what truly makes the Pink Panthers incredibly resilient to the traditional state policing.

III. THE PANTHERS' *MODUS OPERANDI* AND THE DIGITAL EVOLUTION OF CRIME

As added by Skakavac (2018), the Panthers do not possess a rigid *modus operandi*, but rather they adapt their meticulously planned methods and tools to each individual target. This is outlined as an eight-phase cycle: marking the target, assembling a bespoke cell, determining tactics, reconnaissance, execution, escape, loot distribution, and profit-sharing.

This displays the dynamic and speedy method of actions employed during every job. There is sometimes a variation of their approach, but what is consistent is always their conviction, and confidence that everything will be executed in order. Operatives may enter in disguise as an ordinary customer with a drawn pistol, or they may instead use heavy machinery such as sledgehammers or even large vehicles driven directly through reinforced storefronts (Skakavac, 2018). Despite the hefty munitions, this use of extreme force is purely for the breach into a building and to pose as a threat, however the Panthers strictly avoid any violence involving people. In close to 200 documented robberies, the group has not killed anyone, often ordering people or employees to go to the floor while they secure their loot in a matter of minutes (Chambliss & Williams, 2012). Here, the ethical choice by the group to not cause violence to members of the public is a curious yet consistent approach with their ideals of acting as a sort of "Robin Hood" for society. Furthermore, avoiding casualties preserves the Panthers' secrecy and fluidity, preventing an unnecessary escalation of law enforcement response.

Later on, the stolen goods are distributed and passed off immediately, ensuring that if they are directly apprehended only a block away, they will possess no physical evidence (Skakavac, 2018).

A new generation of criminals has adapted these traditional mechanics into the digital realm. The previously used physical reconnaissance by operatives who are required to be in the vicinity of the target location has today been replaced by an augmentation of digital scoping. Here, this new process eliminates any risk of being caught before the robbery has even occurred. A perfect illustration of a cyber-assisted act of deviance is the October 19, 2025 heist at the Louvre Museum in Paris. This describes a team of four thieves who lay waste to $102 million worth of Napoleonic jewelry in broad daylight, as outlined by Boxer (2025). In the beginning, the French authorities suspected the criminals of being local and unimportant, however they seemed rather as veterans, mimicking methods extremely similar to the Pink Panthers. They made use of a truck-mounted goods lift to scale the façade, slicing through security glass, and in the end escaping on scooters all in under 10 minutes (Boxer, 2025).

This successful new wave of criminals is what displays how reconnaissance in the comfort of sitting behind a screen can enable an unprecedented breach into targeted locations. Art crime expert Dr. Noah Charney made an observation following the theft at the Louvre Museum, stating that the visibility of the museum's security structure is what allowed intruders to identify vulnerabilities, without requiring accomplices inside (Boxer, 2025). This explains how all prior planning could be conducted through a digital, online process completely in private. Taking advantage of 3D street mapping, open-source architectural plans and digital surveillance, thieves can easily identify a flaw in a building's security. In this case, there is the Louvre director's admission that no cameras were able to detect the targeted exterior balcony (Boxer, 2025). The example of adopting the operational methods of the Pink Panthers in a new, advanced digital world creates an up-to-date generation of criminals that can execute their actions even in broad daylight.

The age of cyberspace also extends into the realm of money laundering, something the Panthers and many other transnational organized criminal groups would have to implement to stay up to date against the law, and maintain their profits. Gundur et al. (2021) mention that modern syndicates are exploiting cryptocurrencies to directly hide mass amounts of their illicit profits, funneling their funds through "mixers" and "tumblers" that are able to scramble transaction histories. There is also a process being employed known as "chain hopping". This is where funds are rapidly transferred across different blockchain ledgers, in particular privacy-focused alternative coins that cut off any digital paper trail or activity. Finally, they "cash out" through unregulated exchanges or underground banking systems (Gundur et al., 2021).

Extending on this, there is also a final procedure in washing the stolen jewels back into society seamlessly. Siegel (2008) and Boxer (2025) explain that the stolen assets are immediately handed off, smuggled across borders and funneled into processing hubs for cutting jewels such as Antwerp, Belgium. Here, corrupt businessmen melt down the artifacts and recut the stones in which there is no historical identity.

Interpol and Europol have comparatively made a response to this new age of cyber-crime, developing countermeasures that are equally as sophisticated. Sixty Minutes (2025) and Europol (2017) have stated that Interpol has established massive digital databases to track the Panthers' DNA and biometric footprints across borders. Furthermore, as explored in the thesis of Kljajic (2023), the state is increasing the incorporation of Artificial Intelligence (AI) and machine learning, and also advanced blockchain analysis into their Anti-Money Laundering (AML) protocols to be able to track illicit crypto-flows. Finally, Interpol has produced an initiative labelled as "Titanium" which specifically focuses on creating tools that can aid in investigating underground market transactions. This can detect any anomalies and also trace ever-changing money laundering techniques in the digital space (Gundur et al., 2021).

Overall, there poses an entirely new set of challenges for law enforcement across the globe in the escalation of technology and the changing world online. Here it means a change in many legal definitions to be able to not just gain a tactical advantage, but to remain relevant in today's society. This is explored through the Actor-Network Theory, as stated by Van der Wagen (2019), where crime can no longer be just the acts of strictly a human and their intentions, but legally understood as a "socio-technical assemblage". To break this down, this states that machines are unified and equal to humans, as a hybrid entity. These digital tools are now an active participant in what shapes the crime. By the state recognizing this, they can better target nodes within a criminal organization who are keeping their networks alive by their heavy utilization of technology (Van der Wagen, 2019).

IV. CONCLUSIONS

The grand occurrence of the Pink Panthers in history has displayed the tactical evolution in transnational organized crime today. This is seen by the gradual shift away from a traditional, hierarchical, mafia-type syndicate structure to a completely contrasting criminal network. In short, this was born out of an economic collapse in the former Yugoslav nation, leaving ex-military soldiers with no route other than using their skills to break the law. They formed an elusive team of Panthers, in which they believed they were some form of "Robin Hood" (The Dock – Full Documentaries, 2026). Law enforcement has been left in the shadows with this vast change in structure. Jobs are strategically formed by a "fixer", who handpicks a team of members from the knowledge of distant friends, cousins or a mutual other. They go on to gather details of their targets, at times with the help of a glamourous disguised female, until they finally execute a dynamic and extremely fast heist and disband across borders (Arsovska & Allum, 2014; Skakavac, 2018).

Today, research suggests that the original and main cells from the post Yugoslav war have likely aged out of operations. This however does not mean a complete disappearance and end to their reign, but rather their "Pink Panther" model lives on and has evolved into a blueprint for future organizations to replicate (Chambliss &

Williams, 2012). The 2025 Louvre heist demonstrates this, with the new generation of criminals, native to the digital world, inheriting their operational techniques, with reconnaissance and money laundering in the cyber-space (Boxer, 2025; Gundur et al. 2021). This has become no longer a single threat as the gang from the Balkans, but a global methodology that anyone can adopt.

Ultimately, this encapsulates the difficult mismatch the law has against the lawless in the modern world, where emerging groups are continuously thriving and replicating this unique structure. While bureaucratic forces operate rather slowly, syndicates are always able to find the edge and be in an advantageous position. This is where new tools to get ahead tend to be born in the same dark realm of an illegal, underground society.

Here, it brings forward a recommendation to the international law enforcement agencies to transcend traditional policing and begin to embrace modern analytical frameworks such as the Actor-Network Theory. They must recognize these groups as a "socio-technical assemblage", where digital implementations are of same value to humans that operate it (Van der Wagen, 2019). Only with this can the state adapt and remain effective in this current frictionless reality in the hope to counteract the transnational organized syndicates with structures that hide within shadows.

REFERENCES

Arsovska, J., & Allum, F. (2014). Introduction: Women and transnational organized crime. *Trends in Organized Crime*, *17*(1), 1–15. https://doi.org/10.1007/s12117-014-9223-y

Boxer, S. (2025). Global Network. *Center for Art Law Louvre Chamber of Apollo Galerie d'Apollon Sarah Boxer*. https://itsartlaw.org/art-law/the-louvre-heist-in-context-art-crime-and-institutional-vulnerability/

Calandra, F., & Giorgi, A. (2016). The Mafia Psychology: the study of the 'Ndrangheta and the Cosa Nostra. In *Cybercrime, Organized Crime, and Societal Responses: International Approaches* (pp. 135-177). Cham: Springer International Publishing. https://doi.org/10.1007/978-3-319-44501-4

Chambliss, W. J., & Williams, E. (2012). Transnational organized crime and social sciences myths. In *Routledge handbook of transnational organized crime* (pp. 52-64). Routledge. https://www.taylorfrancis.com/chapters/edit/10.4324/9780203698341-5/transnational-organized-crime-social-sciences-myths-william-chambliss-elizabeth-williams

Europol. (2017, January 20**).** *Project Diamond begins where Pink Panther left off – Europol hosts international conference on jewelry robbery and burglary.* https://www.europol.europa.eu/media-press/newsroom/news/project-diamond-begins-where-pink-panther-left

Finlan, A. (2022). *The collapse of Yugoslavia: 1991–99*. Bloomsbury Publishing. https://doi.org/10.5040/9781472895219

Greenberg, I. (2012, March 30). Serbian jewel thieves: In search of the Pink Panthers. *British GQ.* https://www.gq-magazine.co.uk/article/ilan-greenberg-on-the-serbian-jewel-thieves

Gundur, R. V., Levi, M., Topalli, V., Ouellet, M., Stolyarova, M., Chang, L. Y.-C., & Mejía, D. D. (2021). Evaluating Criminal Transactional Methods in Cyberspace as Understood in an International Context. In *CrimRxiv*. https://doi.org/10.21428/cb6ab371.5f335e6f

Kljajic, S. (2025). *Preventing criminal activity with cryptocurrency*. https://thesis.unipd.it/handle/20.500.12608/78451

Siegel, D. (2008). Diamonds and organized crime: the case of Antwerp. In *Organized crime: Culture, markets and policies* (pp. 85-96). New York, NY: Springer New York. https://link.springer.com/chapter/10.1007/978-0-387-74733-0_7

Skakavac, Z. (2018). The Pink Panther - A distinctive phenomenon of criminal organizations in a contemporary society. In *Criminal justice and security in Central and Eastern Europe: From common sense to evidence-based policy-making* (p. 419). University of Maribor Press. https://doi.org/10.18690/978-961-286-174-2

The Dock - Full Documentaries. (2026, February 2). *Smash & Grab: The Story of the Pink Panthers FULL DOCUMENTARY | Crime Documentaries | The Dock* [Video recording]. https://www.youtube.com/watch?v=rXRoH2FvFI0

Van der Wagen, W. (2019). The Significance of 'Things' in Cybercrime How to Apply Actor-network Theory in (Cyber) criminological Research and Why it Matters. *Journal of Extreme Anthropology*. https://doi.org/10.5617/jea.6895

Walker, J. (2025, October 21). *The Pink Panthers: The most successful robbers in history*. Grey Dynamics. https://greydynamics.com/the-pink-panthers-the-most-successful-robbers-in-history/

Williams, P. (2001). Transnational criminal networks. In J. Arquilla & D. Ronfeldt, *Networks and netwars: The future of terror, crime, and militancy* (pp. 61–97). RAND Corporation. https://www.rand.org/pubs/monograph_reports/MR1382.html

60 Minutes. (2025, October 21). *International diamond and art thieves: "The Pink Panthers" | 60 Minutes Archive* [Video recording]. https://www.youtube.com/watch?v=4t3sQshRjGY

Hidden Ownership

How Anonymous Companies Enable Transnational Organized Crime

Ruven Shapovalov

Abstract — **This paper discusses how anonymous company ownership via offshore jurisdictions, including nominee directors and shell companies registered in secrecy havens such as the British Virgin Islands, Panama, and Delaware, can help organize crimes at each stage of money laundering: placement, layering, and integration. By using the data disclosed through the Panama Papers, the paper discusses how shell company usage allows criminals to launder money throughout the three stages of money laundering by using complex ownership structures within a secrecy jurisdiction. In addition, it discusses how international regulators have responded to such problems through the introduction of FATF's 40 Recommendations and multiple EU Anti-Money Laundering Directives. While these international regulations have increased in scope and ambition, their actual effects are limited due to their soft nature as international legal instruments, the fragmented nature of the offshore system, and varying degrees of enforcement among participating member countries.**

I. INTRODUCTION

In April 2016, the International Consortium of Investigative Journalists published what would become one of the most consequential financial disclosures in modern history: the Panama Papers. Comprising over eleven million documents leaked from the Panamanian law firm Mossack Fonseca, the dataset exposed how thousands of shell companies, trusts, and nominee structures, spread across secrecy jurisdictions from the British Virgin Islands to Panama, were being routinely used to conceal the identities of their true owners (ICIJ, 2016). Among those exposed were heads of state, sanctions-listed individuals, and actors with documented links to transnational organized crime (TOC). Yet despite the scale of the revelation, few jurisdictions underwent meaningful or sustained reform in its aftermath.

This paper examines the structural relationship between corporate anonymity and transnational organized crime. Specifically, it investigates how anonymous legal entities, commonly referred to as shell companies, enable criminal organizations to conceal identities, move illicit proceeds across borders, and insulate themselves from law enforcement. The paper further considers why the existing regulatory framework, despite significant efforts by bodies such as the Financial Action Task Force (FATF) and the European Union through its successive Anti-Money Laundering Directives, has proven insufficient to close the regulatory gap.

The analysis proceeds as follows. Section II outlines the mechanics of corporate anonymity and the jurisdictions that enable it. Section III examines how organized criminal networks exploit these structures at each stage of the money laundering process. Section IV assesses the regulatory response and its limitations, including the structural barriers that allow the problem to persist. The conclusion then offers reform reflections.

This paper asks: How do anonymous companies facilitate transnational organized crime through the stages of money laundering, and why have FATF and EU anti-money-laundering measures not closed that gap? It argues that shell companies and nominee structures enable concealment across all three laundering stages, while the regulatory response remains limited by soft-law enforcement, uneven implementation, and jurisdictional fragmentation.

II. THE MECHANICS OF CORPORATE ANONYMITY

To understand how anonymous corporations function as tools of organized crime, it is necessary to define how they operate. To put it simply, a shell corporation is a legal organization without any activity in terms of doing business or holding assets within its corporate structure. Such organizations exist mainly on paper and have been formally established in one particular jurisdiction for the purpose of asset holding, opening bank accounts and signing contracts under the name of their true owners. The feature of shell companies making them suitable for criminal purposes lies in the ability of registering a different entity as a shareholder than a real beneficial owner of a corporation (FATF, 2022).

There are a number of legal instruments helping the concealment process. Nominee directorships involve a registration of non-connected individuals as directors of an organization replacing a true owner's identity on paper. A bearer share instrument is one of the oldest examples of such a scheme. The ownership of bearer shares goes to whomever owns a piece of paper containing the name of a company. Although bearer shares have long been banned by most countries due to international pressure, this still leaves some problems in place (Sharman, 2017).

Equally important is the role of secrecy jurisdictions, territories that combine low or zero taxation with minimal disclosure requirements for company ownership. The British Virgin Islands, the Cayman Islands, Delaware in the United States, Luxembourg, and Panama have historically been among the most significant. The Panama Papers revealed that Mossack Fonseca alone had incorporated over 200,000 companies across 21 jurisdictions, with beneficial ownership information systematically withheld from public records (ICIJ, 2016). What makes this architecture particularly resistant to investigation is the technique of layering: criminal actors rarely rely on a single shell company but instead construct chains of entities across multiple jurisdictions, each owning the next, so that identifying the ultimate beneficial

© 2026 Ruven Shapovalov. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

owner requires cooperation from several national authorities simultaneously - a practically formidable task.

It must be acknowledged that not all use of corporate structures for privacy purposes is inherently criminal. Legitimate business confidentiality, protection from political persecution, and tax planning within legal limits are all recognized interests. The problem, as Sharman (2017) notes, is that the legal infrastructure designed to serve these interests is structurally indistinguishable from that used for criminal concealment, making targeted enforcement exceptionally difficult.

III. HOW ORGANIZED CRIME EXPLOITS THESE STRUCTURES

Having established what anonymous companies are and how they operate, it is now possible to examine the specific ways in which transnational organized crime groups (OCGs) exploit them. The relationship between corporate opacity and criminal finance is not incidental - it is functional. Anonymous companies serve criminal networks at each of the three traditionally recognized stages of money laundering: placement, layering, and integration (Reganati & Oliva, 2018).

At the placement stage, the first and most operationally exposed moment, when illicit cash enters the financial system, shell companies provide a critical buffer. A criminal organization may establish a company in a low-scrutiny jurisdiction and use it to open bank accounts into which proceeds from drug trafficking, human trafficking, or corruption are deposited as purported business revenues. The company's opacity means that the underlying criminal actor cannot be identified through routine due diligence by banks or financial institutions, particularly where beneficial ownership information is either not collected or not shared between jurisdictions (UNODC, 2011).

The layering stage, designed to obscure the origin of funds through a succession of transactions, is where anonymous company structures are most extensively deployed. By routing funds through a chain of shell companies, each incorporated in a different jurisdiction, each with nominee directors and no publicly accessible ownership records, criminal actors create a paper trail that is legally coherent but factually opaque. A payment from a BVI company to a Panamanian company to a Luxembourg holding vehicle may be entirely documented in commercial terms while remaining utterly impenetrable to investigators lacking cross-border legal assistance agreements with all three jurisdictions (Sharman, 2017).

A concrete illustration of this dynamic appears in the Panama Papers material connected to the Brink's-Mat gold robbery. ICIJ reported that Mossack Fonseca created the Panamanian shell company Feberion Inc. for interests linked to Gordon Parry, who laundered proceeds from the robbery. One of Feberion's directors was Jürgen Mossack himself, acting as a nominee. Internal records indicated that the company was suspected of handling funds derived from the theft, yet the offshore structure still helped distance the assets from their criminal origin. When British investigators obtained documents that could have allowed them to control the company, Mossack Fonseca arranged for Feberion to issue new shares, a step that appears to have frustrated the investigation and preserved the anonymity of the beneficial interests behind the structure. The case illustrates how shell companies, nominees, and other formalities associated with offshoring can be employed not only for concealing ownership but also for hindering recovery and extending the process of money laundering.

The Panama Papers case study offers the best evidence regarding this. Documents released by Mossack Fonseca did not only provide insight into the number of anonymous structures that existed but also provided evidence on how sanctioned or criminally accused persons could use anonymous structures for their advantage. It was evident that individuals associated with organized criminal gangs from countries like Eastern Europe, Latin America, and the Middle East used anonymous nominee services and structures for their protection and transactions (ICIJ, 2016).

The use of anonymous structures for investing in real estate, luxury goods, or legitimate business operations is common during the integration stage. It is important to note the use of anonymous structures during the investment phase in high-value real estate markets like London, Miami, and Dubai (Transparency International, 2019). The integration of dirty money through legitimate corporate vehicles is not only the final stage of laundering but also the point at which organized crime achieves its broader goal: the conversion of criminal proceeds into durable, legally protected wealth.

It is worth noting that the crime typologies exploiting these structures are diverse. While drug trafficking organizations have historically been the primary users of corporate money laundering vehicles, research increasingly documents their use by human trafficking networks, sanctions-evading states and their proxies, and corruption-linked political elites, a convergence that underscores the systemic rather than marginal nature of the problem (Zvekic & Colletta, 2024).

IV. THE REGULATORY FRAMEWORK AND ITS WEAKNESSES

The international approach to the problem of anonymous companies and illegal finance has been guided mainly by two regulatory regimes, which largely overlap: the Financial Action Task Force (FATF), operating at the global level, and the successive Directives against Money Laundering, established by the European Union at the regional level. Although both regimes undoubtedly constitute significant progress, their overall impact is not enough to fill the regulatory gap used by the global criminal networks.

The FATF is an inter-governmental organization created in 1989 under the auspices of the OECD, initially by the G7 countries. The main objective of the FATF was to develop effective measures to address the growing problem of money laundering and terrorist financing (Giassi, 2025). The main legislative norms adopted by FATF are the 40 Recommendations, formulated in 1990 and amended in 1996, 2003, and 2012. Special mention should be made here of Recommendation 24, according to which all member states are required to provide competent authorities with adequate, reliable, and timely information

concerning the beneficial ownership of legal persons. In theory, such a recommendation makes it impossible for anonymous companies to operate in the shadows. But in reality, everything looks quite different.

The central vulnerability in the FATF system stems from its status as a generator of soft law. The Recommendations of the FATF hold no legal binding power, and compliance is evaluated through mutual evaluation reports undertaken in an exercise that is peer-based by the participating states, with enforcement largely dependent on reputation. Indeed, the risk of being placed on a blacklist as evidence of being non-cooperative is the chief tool used by the FATF, signaling the international financial sector that the country or jurisdiction should be viewed as a haven (Giassi, 2025). Although the process works well in terms of encouraging enactment of the law, it cannot assure implementation of the same.

In contrast, the European Union has tried to push the boundaries even further through its various Anti-Money Laundering Directives, of which there have been five since 1991. In particular, the Fourth Directive (2015/849/EC) and Fifth Directive (2018/843/EC) have added a new element to the AML regulations by requiring member states to set up central registers of beneficial ownership data, the latter of which must also provide access to the public for persons with a proper purpose (Giassi, 2025). The Sixth Directive (2018/1673) has attempted to harmonize criminal penalties for ML offenses among member states. Nevertheless, serious issues still exist.

First, there have been issues with the harmonization of these directives in the national legislation of several member states. These countries have been cited for infringement cases regarding failure to adopt the Fourth and Fifth Directives properly. Second, the Court of Justice of the European Union made a ruling in 2022 in the WM and Sovim case that limited access to information in the register due to privacy concerns, thus introducing yet another level of uncertainty into the transparency framework established by the Fifth Directive (CJEU, 2022). Finally, the EU regime is only applicable within the borders of the European Union; the offshore secrecy jurisdictions of the British Virgin Islands, the Cayman Islands, and other places that are used as incorporation centers for the shell companies mentioned in the Panama and Pandora Papers are not affected. In this context, it will be impossible to create an efficient mechanism while the offenders can use off-EU jurisdictions.

The two frameworks are complementary in design yet mutually insufficient in practice. FATF has global reach but no binding enforcement power; the EU framework is more ambitious in substance but geographically confined to its member states and further weakened by judicial restrictions on public access. Neither, alone or in combination, reaches the offshore jurisdictions where the structures documented in the Panama and Pandora Papers are primarily incorporated.

V. CONCLUSIONS

The findings outlined above clearly illustrate that anonymous companies are not an issue that can be dismissed when discussing transnational organized crime but, rather, a key driver of such crimes. The separation of legal and beneficial ownership offered by shell company structures enables organized criminal groups to hide their assets, placing them into various layers and integrating them in ways that would not be possible without resorting to financial operations. The Panama and Pandora Papers offer the best evidence for this assertion, proving that criminal abuse of corporate anonymity is systemic.

However, the response, though much more substantial compared to that of three decades ago, still fails to address the scope of the problem effectively. The FATF recommendations, despite the increase in substance compared to previous versions, continue to fall prey to the soft-law approach used by the body, using reputation as a driving factor rather than enforcement of binding laws. The EU's Anti-Money Laundering Directives are a far stronger effort on a regional level; however, their influence is severely hampered by weak implementation, restrictions on public information, and, most importantly, geographical limits, which leave offshore secrecy jurisdictions, central to the problem, out of reach.

For this reason, a more effective response would require verified beneficial ownership data, not merely formal registration obligations. Also, it would require stronger cooperation and interoperability between national registers, so that cross-border ownership chains can be traced more efficiently. In addition, nominee services should be regulated more strictly, because they remain one of the main tools through which corporate anonymity is preserved.

What is immediately apparent in light of this examination is the contradiction between the international aspect of financial crime and the necessarily geographical nature of legislation. While organized crime is deliberately borderless, regulation is not, limited by the geographical division of states and their sovereign rights. As long as beneficial ownership data remains in voluntary registries, restricted to non-public access and not enforceable across international lines, the system of hidden ownership continues to benefit those who have the most to conceal.

REFERENCES

Court of Justice of the European Union. (2022). *Joined Cases C-37/20 and C-601/20, WM and Sovim SA v Luxembourg Business Registers*. CJEU.

Financial Action Task Force. (2022). *Guidance on beneficial ownership and transparency of legal persons*. FATF/OECD.

Giassi, A. (2025). Domestic, supranational and international regulatory framework against money laundering: Italian mafia-type organisations as model case. *Students Journal on Transnational Organized Crime*, *1*, 71–74.

International Consortium of Investigative Journalists. (2016). *The Panama Papers: Exposing the rogue offshore finance industry*. ICIJ. https://www.icij.org/investigations/panama-papers/

International Consortium of Investigative Journalists. (2021). *Pandora Papers: An offshore data tsunami*. ICIJ. https://www.icij.org/investigations/pandora-papers/about-pandora-papers-leak-dataset/

Reganati, F., & Oliva, M. A. (2018). *Money laundering: Trends and determinants*. Palgrave Macmillan.

Sharman, J. C. (2017). *The despot's guide to wealth management: On the international campaign against grand corruption*. Cornell University Press.

Transparency International. (2019). *Doors wide open: Corruption and real estate in four key markets*. Transparency International. https://files.transparencycdn.org/images/2017_DoorsWideOpen_EN.pdf

United Nations Office on Drugs and Crime. (2011). *Estimating illicit financial flows resulting from drug trafficking and other transnational*

organized crimes. UNODC. https://www.unodc.org/documents/data-and-analysis/Studies/Illicit_financial_flows_2011_web.pdf

Zvekic, U., & Colletta, N. J. (2024). *Transnational organized crime and fragile states*. Oxford University Press

War, Grain and Organized Crime

How Armed Conflicts Reshape Supply Chains: The Case of Ukraine's Wartime Grain Trade

Tetiana Shevchenko

Abstract — **This paper examines how armed conflict reshapes supply chains in ways that create opportunities for transnational organized crime. Focusing on Ukraine's wartime grain trade, it analyzes how the Russian invasion disrupted maritime logistics and forced the rapid reconfiguration of export routes through emergency corridors, Danube ports, and multimodal transport systems. The paper argues that wartime supply-chain vulnerability arises not only from physical disruption, but from the pressured adaptation required to preserve continuity. It shows how emergency logistical restructuring and weakened regulatory capacity enabled criminal actors to embed themselves within legal grain exports and facilitated the maritime trade in looted grain from occupied territories. The Ukrainian case demonstrates that wartime trade can remain operational while becoming structurally more vulnerable to illicit penetration, highlighting the need to align resilience with adaptive governance.**

I. INTRODUCTION

In contemporary international trade, supply chains are not merely economic infrastructures but strategic systems that sustain food security, state revenues, and geopolitical stability. Their functioning depends not only on physical routes and infrastructure, but also on regulatory oversight, institutional coordination, and legal predictability. Armed conflict can profoundly disrupt these systems. Yet war does not simply halt trade; rather, it forces supply chains to adapt under pressure through emergency routes, improvised governance mechanisms, and accelerated decision-making. While such adaptation is essential to preserve continuity, it can also create structural vulnerabilities that transnational organized crime is well positioned to exploit. Recent research on illegal supply chains in conflict settings shows that logistical fragmentation, institutional overload, and weak oversight significantly increase opportunities for criminal infiltration within otherwise legal trade systems (Tuliakov, 2025).

The war in Ukraine provides one of the clearest contemporary examples of this dynamic. Before the full-scale Russian invasion in February 2022, Ukraine was one of the world's most important agricultural exporters. In 2021, it exported approximately 44–45 million tonnes of grain, with more than 90 percent of these exports moving through Black Sea ports such as Odesa, Chornomorsk, and Pivdennyi (FAO, 2022; USDA, 2026). The Russian blockade of Ukrainian ports and repeated attacks on maritime infrastructure therefore had immediate consequences far beyond the battlefield, contributing to a sharp rise in global grain prices and renewed concerns over food insecurity (UNCTAD, 2022).

© 2026 Tetiana Shevchenko. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

However, wartime grain trade did not collapse. Through emergency mechanisms such as the Black Sea Grain Initiative, Danube routes, and EU solidarity lanes, Ukraine's export system was rapidly reconfigured. This continuity was crucial for Ukraine's economic survival and for global market stability. At the same time, the reconfiguration of export routes and growing reliance on intermediaries created new opportunities for customs fraud, shadow market activity, and the maritime trafficking of looted grain.

This paper examines how wartime adaptation reshaped Ukraine's grain supply chains and created opportunities for transnational organized crime. It argues that the main risk of war lies not only in disruption, but in the pressured reconfiguration of trade systems, where continuity often takes precedence over transparency. By focusing on maritime logistics, shadow export practices, and looted grain trafficking, the paper shows how wartime resilience can coexist with institutional fragility.

II. WARTIME DISRUPTION AND EMERGENCY ADAPTATION

The full-scale invasion of Ukraine did not simply interrupt an existing export system; it exposed how deeply maritime trade depends on governance structures designed for stability rather than coercive disruption. Before 2022, Ukraine's Black Sea grain logistics operated through a relatively centralized and predictable model. Large export volumes moved efficiently from inland agricultural regions to major deep-water ports, where established customs procedures, storage systems, and shipping schedules supported rapid international distribution. This model maximized throughput and competitiveness, but it also assumed secure sea access, functioning port infrastructure, and normal regulatory conditions. In this sense, Ukraine's pre-war grain system was optimized for efficiency rather than resilience under conflict conditions (Tuliakov, 2025).

The Russian invasion fundamentally altered this governance environment. The naval blockade of Ukrainian Black Sea ports, the mining of sea lanes, and repeated missile and drone strikes on port infrastructure transformed the maritime domain into a contested security space. The initial effect was a dramatic contraction in export capacity. Grain stocks accumulated inland, storage capacity came under pressure, and farmers faced mounting uncertainty over whether harvested crops could reach international markets. This disruption also reverberated globally. Ukraine and Russia together accounted for roughly 30 percent of global wheat exports before the war, meaning that the sudden closure of Black Sea routes immediately affected global supply expectations and freight markets (FAO, 2022). Between February and May 2022, dry bulk freight costs rose by nearly 60 percent, while wheat futures

surged sharply as markets priced in prolonged instability (UNCTAD, 2022).

The key development, however, was not collapse but rapid wartime adaptation. Faced with the prospect of economic paralysis and a wider food crisis, Ukraine and its international partners moved quickly to create emergency mechanisms capable of restoring at least partial export continuity. The most significant of these was the Black Sea Grain Initiative (BSGI), brokered by the United Nations and Türkiye in July 2022. The initiative established a humanitarian maritime corridor and an inspection mechanism in Istanbul, allowing ships to safely transit from Ukrainian ports despite the ongoing war. By the time Russia withdrew from the agreement in July 2023, the corridor had enabled the export of more than 32.9 million tonnes of grain and foodstuffs across more than one thousand voyages (United Nations, 2023). The BSGI was therefore not only a diplomatic arrangement, but also an emergency governance framework that temporarily restored a degree of predictability to wartime maritime trade.

At the same time, Ukraine developed alternative logistical routes to reduce dependence on the Black Sea corridor. The Danube emerged as the most important backup export system. Ports such as Izmail, Reni, and Ust-Dunaisk were rapidly expanded, while cargo was rerouted through Romania's port of Constanța and through EU solidarity lanes using rail and road transport. By 2025, Ukrainian Danube ports had handled over 8.9 million tonnes of cargo, highlighting their critical role in maintaining wartime export capacity (GMK Center, 2025). Ukraine also established a new coastal maritime corridor along the western Black Sea, operating closer to Romanian and Bulgarian waters in order to mitigate exposure to Russian naval threats.

These adaptations were crucial for maintaining state revenues, supporting agricultural producers, and reducing pressure on global food markets. At the same time, they fundamentally transformed the operational structure of Ukrainian grain exports. Wartime trade no longer moved through a relatively centralized maritime corridor anchored in major Black Sea ports. Instead, exports became dispersed across river ports, rail crossings, temporary storage hubs, and interconnected transit routes extending through multiple jurisdictions. This emergency restructuring increased the logistical complexity of grain transport and required far greater coordination between customs authorities, port administrations, transport operators, and international intermediaries. Under wartime conditions, governance systems designed for stable and concentrated trade flows were forced to manage rapidly evolving networks characterized by improvisation, acceleration, and continuous route adaptation.

This transformation is central to understanding the relationship between war and organized crime. The Ukrainian case demonstrates that wartime vulnerability does not arise solely from physical disruption, but also from the institutional consequences of emergency adaptation. The rapid restructuring of maritime logistics preserved export continuity under extraordinary conditions, yet it also transformed the regulatory and operational environment in ways that would later complicate oversight, coordination, and enforcement. As wartime trade became increasingly dependent on dispersed routes, intermediary actors, and accelerated procedures, the governance systems responsible for regulating grain exports faced growing pressure to maintain continuity under conditions for which they had not originally been designed.

III. CRIMINAL EMBEDDING IN WARTIME GRAIN TRADE

A central feature of wartime supply-chain crime is that criminal actors often exploit systems not when they collapse entirely, but when they continue operating under pressure through more fragmented and less transparent arrangements. The Ukrainian grain trade illustrates this dynamic particularly clearly. After the full-scale Russian invasion disrupted Ukraine's pre-war maritime export model, grain exports did not cease; instead, they were rapidly restructured through emergency routes involving Black Sea humanitarian corridors, Danube river ports, rail crossings, and EU solidarity lanes. This adaptation was essential for Ukraine's economic survival and for global market stability. Yet the same process of emergency reconfiguration also created structural conditions that facilitated criminal embedding within legal trade flows.

The first major source of vulnerability was logistical fragmentation. Before 2022, Ukrainian grain exports moved primarily through a relatively centralized maritime system based on large Black Sea ports, stable customs procedures, and direct international shipping routes. Wartime conditions replaced this model with a more dispersed and multimodal export chain. Grain increasingly moved from farms to inland storage facilities, then by truck or rail to Danube river ports, onward by barge or feeder vessel, and often through additional border crossings and foreign terminals before reaching final buyers. Each additional transfer point increased the number of intermediaries, documents, and control interfaces involved in the movement of cargo. Supply-chain research consistently shows that such fragmentation increases opportunities for fraud, diversion, and illicit market insertion, particularly when systems operate under stress and urgency (Tuliakov, 2025).

This logistical complexity coincided with severe institutional pressure. Ukrainian authorities faced the urgent need to maintain grain exports in order to sustain state revenues, support farmers, prevent storage bottlenecks, and avoid a wider macroeconomic crisis. Under these conditions, customs authorities and port administrations were incentivized to prioritize speed and throughput. While understandable in wartime, this created space for regulatory shortcuts, weakened scrutiny, and opportunities for rent-seeking. Tuliakov's analysis of Ukraine's wartime grain sector identifies these pressures as key enablers of illegal supply chains, arguing that geopolitical instability and emergency logistics increased both opportunity and capability for criminal actors to penetrate legal trade systems (Tuliakov, 2025).

One of the most significant manifestations of this vulnerability was the expansion of the "shadow grain" economy. Rather than moving exclusively through large, established agribusiness firms, a substantial share of wartime grain exports passed through shell companies, informal brokers, and so-called "risky enterprises."

According to Tuliakov (2025), between 30 and 40 percent of grain exporters in the Odesa region were operating within shadow structures. This is a striking finding because it suggests that criminality was not limited to isolated incidents of smuggling or corruption, but was embedded within a substantial segment of the wartime export system.

Criminal penetration of wartime grain trade often relied less on sophisticated smuggling networks than on the exploitation of weakened administrative and commercial controls. A common scheme involved shell companies purchasing grain directly from farmers in cash under conditions of severe wartime liquidity pressure, particularly in regions affected by transport disruptions, labour shortages, and uncertainty over future harvests. While these transactions provided immediate financial relief for producers operating under wartime strain, they frequently bypassed formal documentation, taxation procedures, and origin verification systems. This created opportunities for shadow intermediaries to manipulate export documentation through the underreporting of cargo volumes, VAT evasion, falsified origin certificates, and forged invoices or bills of lading.

Once mixed into larger export consignments, illicit grain became difficult to distinguish from legally sourced cargo. In this sense, criminal actors did not need to create parallel black markets; they could profit by inserting themselves into legal export chains and exploiting documentation opacity.

Customs corruption further facilitated these practices. In the Odesa region, bribes linked to grain exports reportedly reached approximately USD 0.40 per tonne of grain and up to USD 1,000 per shipment documentation package (Tuliakov, 2025). These figures suggest not isolated misconduct, but routinized forms of wartime corruption embedded within export administration. Under conditions where customs delays carried significant economic and political costs, exporters faced strong incentives to secure accelerated clearance and reduced scrutiny through informal payments. In practice, such arrangements lowered regulatory barriers for illicit actors seeking access to wartime export channels.

Investigative journalism supports this picture. The Kyiv Post's "Black Grain of Odesa" investigation documented cases involving customs collusion, money laundering, false declarations, and tax fraud linked to wartime grain exports (Kyiv Post, 2023). The Global Initiative Against Transnational Organized Crime similarly described Odesa as an "oasis for organized crime," highlighting how wartime pressures and weakened oversight created opportunities not only in grain, but across wider smuggling and shadow-economy sectors (GI-TOC, 2023). These findings reinforce the broader point that wartime logistics hubs can simultaneously function as essential resilience nodes and as sites of criminal opportunity.

Recent cases also suggest that wartime vulnerabilities extended beyond informal shadow actors into state-linked institutions. In April 2026, Ukraine's anti-corruption bodies uncovered a major embezzlement scheme involving the State Food and Grain Corporation of Ukraine, a state-owned enterprise. Investigators alleged that former officials and foreign business partners had misappropriated grain and caused losses of approximately USD 19 million (NV, 2026). This case is particularly important because it shows that wartime criminal risks were not confined to actors operating outside the state. Under sustained crisis conditions, institutional overload and weakened controls can also expose vulnerabilities within state-managed resilience systems.

Taken together, these developments demonstrate how wartime trade systems can become increasingly permeable to illicit actors even while continuing to function at scale. In Ukraine, emergency export mechanisms were essential to economic survival and global food stability, yet they also expanded the operational space within which shadow intermediaries, corrupt officials, and fraudulent commercial actors could operate. Organized crime in this context did not function primarily outside legal wartime commerce. Rather, it became embedded within the adaptive logistical and administrative structures created to sustain grain exports under conditions of war.

IV. LOOTED GRAIN AND THE MARITIME ENFORCEMENT GAP

If the shadow grain economy demonstrates how criminal actors can embed themselves within legal wartime trade, the maritime trade in looted grain reveals a more direct form of wartime supply-chain capture: the direct appropriation and reintegration of occupied resources into global commercial circulation. This is analytically significant because it shows that armed conflict can reshape not only the governance of trade routes, but also the ownership and legal status of goods moving through them. War did not merely create opportunities for corruption at the margins of Ukraine's grain exports; it enabled the forcible extraction of agricultural commodities from occupied territories and their reinsertion into international markets through commercial maritime systems.

From the first months of the invasion, Russian forces occupied some of Ukraine's most agriculturally productive regions, particularly parts of Kherson and Zaporizhzhia. These areas contained farmland, silos, storage facilities, and transport routes leading toward Crimea. Ukrainian authorities began reporting in spring 2022 that grain was being systematically seized from farms and storage sites. By mid-2022, Ukrainian officials estimated that at least 400,000 tonnes of grain had already been stolen, with later estimates suggesting much higher cumulative volumes. Satellite imagery, port data, and vessel tracking subsequently confirmed repeated transfers of grain from occupied southern regions to Crimean ports such as Sevastopol and Kerch for onward export (Lloyd's List, 2022; Reuters, 2022).

What makes this trade particularly revealing is that stolen grain was not moved through a separate black market. Instead, it was laundered through the same maritime infrastructures and commercial practices that underpin ordinary global trade. Once transported to Crimea, grain could be loaded at commercial terminals, mixed with legally sourced Russian grain, relabeled, and sold onward to buyers in third countries. This highlights a broader feature of wartime supply-chain crime: illicit actors often exploit the opacity of legal systems rather than operating outside them. Grain's fungibility made this especially difficult to police. Unlike arms, luxury goods, or artworks, agricultural commodities are inherently difficult

to trace once mixed or re-documented. In this sense, the physical properties of the commodity itself amplified the enforcement challenge.

The cases of Matros Pozynich and USKO MFU illustrate the structural limits of wartime maritime enforcement. In April 2022, Matros Pozynich reportedly loaded approximately 30,000 tonnes of grain in occupied Crimea after disabling its transponder. Although Ukraine alerted foreign authorities and the vessel's movements were publicly documented, the cargo was ultimately rerouted and sold, demonstrating that visibility did not translate into effective interdiction (Reuters, 2022). By contrast, in July 2024 Ukraine seized the Cameroon-flagged USKO MFU in the Danube port of Reni, alleging that it had repeatedly transported looted grain from occupied territories. Yet such direct enforcement remained exceptional. By mid-2024, Ukrainian prosecutors had identified at least 21 vessels suspected of involvement in looted grain trafficking, but practical seizures were rare.

More recent incidents involving the vessels Abinsk and Panormitis further illustrate the fragmented and uneven nature of wartime maritime enforcement. In April 2026, Ukrainian authorities accused Abinsk of transporting grain originating from occupied Ukrainian territories to the Israeli port of Haifa. Despite diplomatic objections raised by Ukraine, the vessel reportedly unloaded its cargo without direct interdiction. Only weeks later, Panormitis approached Haifa carrying approximately 26,000 tonnes of grain allegedly linked to occupied territories through intermediary vessels operating from ports near occupied Berdyansk (SeaKrime, 2026; Reuters, 2026). Ukrainian authorities again publicly objected to the shipment, while President Volodymyr Zelensky condemned the trade as unlawful and announced preparations for sanctions targeting not only those transporting the grain, but also the individuals and legal entities attempting to profit from the scheme (Reuters, 2026). Ukrainian officials further warned captains, operators, insurers, importers, and governments against participating in what they described as the trade of stolen Ukrainian grain. Yet despite the public visibility of the case and the diplomatic pressure surrounding it, no direct state interdiction occurred before the vessel approached Israeli commercial infrastructure. The decisive interruption instead came through the refusal of the Israeli grain importer Zenziper to unload the cargo, reportedly forcing the supplier to seek an alternative destination (Haaretz, 2026; TheMarker, 2026).

Taken together, these cases demonstrate that the principal challenge of wartime maritime crime is not simply the existence of illicit activity, but the difficulty of translating visibility into coordinated enforcement. Wartime supply chains operate through transnational commercial networks that frequently move faster than the legal and political mechanisms designed to regulate them. As a result, enforcement becomes distributed unevenly across states, private companies, insurers, port operators, and other commercial actors, producing fragmented and inconsistent forms of control. The Ukrainian grain trade therefore illustrates a broader dynamic of contemporary wartime logistics: global trade systems may continue functioning under conditions where legality, commercial continuity, and practical enforcement no longer fully align.

V. CONCLUSIONS

The war in Ukraine demonstrates that armed conflict does not simply disrupt global trade, it reshapes the logistical and governance systems through which trade operates. This paper has shown that the principal vulnerability of wartime supply chains lies not only in physical destruction or market shock, but in the pressured adaptation required to preserve continuity. In Ukraine's grain sector, emergency maritime corridors, Danube routes, and alternative export channels were essential to sustaining state revenues, supporting farmers, and stabilizing global food markets. Yet the same mechanisms that enabled resilience also weakened oversight and complicated regulatory coordination under wartime conditions.

These wartime conditions created structural openings for transnational organized crime. Criminal actors were able to exploit fragmented logistics, overloaded customs systems, and documentation opacity in order to embed themselves within legal grain trade. At the same time, the looted grain trade from occupied territories revealed how wartime supply chains can be directly captured and repurposed through ordinary maritime infrastructures. In both cases, criminality did not emerge solely from institutional collapse, but from the legal and logistical grey zones produced by emergency adaptation.

The broader implication is that market continuity should not be mistaken for systemic integrity. Wartime trade can remain operational and even appear resilient while becoming more vulnerable to illicit penetration beneath the surface. Ukraine is therefore not an isolated anomaly, but a particularly clear example of a wider wartime dynamic: under conditions of conflict, the imperative to keep essential goods moving often outpaces the capacity of institutions to regulate how they move. If supply-chain resilience is to be meaningful in wartime, it must involve not only restoring flows, but also adapting governance systems quickly enough to prevent continuity from becoming a channel for criminal exploitation.

REFERENCES

Aranega, A. D. T., & Fernandes, A. F. (2024). Wicked ties: Understanding the crime-conflict nexus, its implications, and strategic motivations in the Russo-Ukrainian war. Journal of Illicit Economies and Development, 6(2), 48–60. https://jied.lse.ac.uk/articles/10.31389/jied.237

Center, L. G. M. K. (2025, January 14). Ukrainian Danube ports handled over 8.9 million tons of cargo in 2025. https://gmk.center/en/news/ukrainian-danube-ports-handled-over-8-9-million-tons-of-cargo-in-2025/

Food and Agriculture Organization. (2022). The importance of Ukraine and the Russian Federation for global agricultural markets and the risks associated with the war in Ukraine. FAO. https://openknowledge.fao.org/server/api/core/bitstreams/4fce6098-a3ba-4742-b8f4-685454a5d409/content

Global Initiative Against Transnational Organized Crime. (2023). Odesa: organized crime and wartime vulnerabilities. https://globalinitiative.net/analysis/odesa-an-oasis-for-organized-crime/

Haaretz. (2026, April 30). Israeli importer drops shipment of allegedly Russian-stolen Ukrainian grain. Haaretz. https://www.haaretz.com/israel-news/israel-security/2026-04-30/ty-article/.premium/vessel-with-wheat-allegedly-stolen-by-russia-from-ukraine-wont-unload-in-israel/0000019d-dde4-d473-a1bf-fde5e9810000

Kyiv Post. (2023). The black grain of Odesa: corruption and shadow exports in wartime. https://www.kyivpost.com/post/11154

Lloyd's List. (2022). Russia accused of shipping stolen Ukrainian grain via Crimea. https://www.lloydslist.com/LL1141291/Russia-accused-of-shipping-stolen-Ukrainian-grain-via-Crimea

Lysenko, D. (2025). Modern organized crime in Ukraine: Status and trends, causes and conditions, main areas of prevention. Visegrad Journal on Human Rights, (1), 63-70. https://journals.uran.ua/journal-vjhr/article/view/331686

Nelles, J., Tuliakov, O., Kshetri, N., & Srai, J. S. (2025). Towards an understanding of illegal supply chains: The case of Ukrainian grain. International Journal of Operations & Production Management, 45(5), 1148–1172.

Reuters. (2024, July). Ukraine seizes cargo ship suspected of transporting stolen grain. Reuters. https://www.reuters.com/world/europe/ukraine-seizes-cargo-ship-detains-captain-exporting-looted-grain-2024-07-11/

Reuters. (2026, April 28). Ukraine in diplomatic tussle with Israel over grain Kyiv says "stolen" by Russia. https://www.reuters.com/world/europe/israels-purchase-stolen-ukrainian-grain-is-not-legitimate-zelenskiy-says-2026-04-28/

Reuters. (2026, April 30). Vessel carrying grain Ukraine says stolen by Russia will not unload in Israel, Kyiv says. Reuters. https://www.reuters.com/world/europe/vessel-carrying-grain-ukraine-says-was-stolen-will-not-unload-israel-kyiv-says-2026-04-30/

United Nations Conference on Trade and Development. (2022). Review of maritime. https://unctad.org/rmt2022

Project Expedite Justice. (2024). San Cosmas: Tracking suspected stolen Ukrainian grain shipments. Project Expedite Justice. https://www.projectexpeditejustice.org/investigative/san-cosmas

Tuliakov, O. (2025). Illegal supply chains in wartime: The case of Ukrainian grain exports. International Journal of Operations & Production Management, 45(5), 1148–1172.

Tuliakov, V. O. (2025). Shadows in the wheat fields: Unravelling the implications of organized crime in the Black Sea Grain Initiative. Journal of Illicit Economies and Development, 6(2), 89–104. https://jied.lse.ac.uk/articles/10.31389/jied.241

United Nations. (2023). Black Sea Grain Initiative: Initiative achievements. https://www.un.org/en/black-sea-grain-initiative/achievements

United States Department of Agriculture. (2026). Ukraine grain and feed quarterly report. USDA Foreign Agricultural Service. https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Grain%20and%20Feed%20Quarterly_Kyiv_Ukraine_UP2026-0002.pdf

The Effectiveness of Interpol in Transnational Organised Crime
What Reforms are Necessary?

Isabella Stringer

Abstract — **Transnational organised crime has become increasingly complex, globalised, and technologically driven, posing significant challenges to law enforcement bodies. This essay evaluates the effectiveness of Interpol in combating transnational organised crime. It argues that Interpol plays a vital role in facilitating international police cooperation through tools such as global databases and Red Notices, which have contributed to successful cross-border operations targeting drug trafficking, human trafficking, and organised criminal networks. However, its overall effectiveness is constrained by structural limitations, including its lack of enforcement powers and reliance on member States, as well as the political misuse of its systems, specifically by authoritarian regimes. The growing sphere of financial and cybercrime presents additional challenges. This paper concludes that while Interpol remains an essential mechanism for transnational cooperation, its ability to combat transnational organised crime depends on stronger safeguards, increased transparency, and institutional reform.**

I. INTRODUCTION

Transnational organised crime is committed by organised criminal groups across borders. Under the United Nations Convention Against Transnational Organised Crime, also known as the Palermo Convention, an organised 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*', (UNTOC, 2000). Examples of the types of crimes committed by these groups are drug trafficking, human trafficking, money laundering, people smuggling, environmental crimes and cybercrimes. The crime becomes transnational, under Article 3 of the Palermo Convention if it is committed in more than one State, or if it occurs in a single State but a substantial part of its preparation, planning, direction or control, takes place in another. A crime is also transnational if it involves an organised criminal group operating across multiple States, or when, although committed in one State, it produces substantial effects in another.

Transnational organised crime is increasingly difficult to combat, especially in the digital society. It is hard to prosecute organised criminal groups over borders; this is where the International Criminal Police Organisation (Interpol) steps in to facilitate cooperation across States. Interpol was founded in 1923 in Vienna, Austria, with the primary aim of combating international crime, including transnational organised crime. This essay will discuss how Interpol is effective in facilitating cooperation against transnational organised crime; however, its impact is restricted by structural limitations and political misuse. Concluding with proposed reforms.

II. INTERPOL'S ROLE IN COMBATING TRANSNATIONAL ORGANISED CRIME

Interpol operates across 196 countries, and has four main sectors, counter terrorism, cybercrime, financial crime and anti-corruption and organised and emerging crime. They work closely with the United Nations (UN), although the two remain separate and independent bodies.

The main aims of Interpol, as set out in Article 2 of its Constitution, are to '*ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights*', (International Criminal Police Organization [Interpol], 1956).

In fulfilling this mandate, Interpol relies on several key operational tools. These include the I-24/7 global communication system, the issuance of notices, the monitoring of media sources, and crisis support mechanisms. A central component of its effectiveness is its databases, which enable information sharing and have contributed to bringing countless criminals to justice and dismantling criminal networks. Another key tool is the use of Red Notices, which aim to locate and provisionally arrest an individual that is pending extradition, surrender or similar legal action, based on an arrest warrant or court order issued by the judiciary in the requesting country. It contains two types of information:

1) information to identify the wanted person, name, date of birth, photos of them, and
2) information related to the crime that they are wanted for, such as murder, rape or armed robbery.

This is vital in enabling the dismantling of criminal networks as will be shown from the successes of Interpol. However, Interpol does not have the jurisdiction to arrest criminals without the agreement of national authorities; which is a structural limitation.

III. SUCCESSES IN COMBATING TRANSNATIONAL ORGANISED CRIME

Interpol has had many successes in countering transnational organised crime; this can be demonstrated through their effective operations in disrupting cross-border criminal networks.

An example of this is Operation Stolen SUVs in 2023. This was a two-year investigation involving the cooperation of six European countries. It led to the arrest 13 individuals linked to an organised crime group behind the theft and trafficking of SUVs from Europe to West

© 2026 Isabella Stringer. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

Africa. The group held a flexible structure with 'co-ordinators' placing orders for certain SUVs with car thieves in Europe. Minors would then drive the stolen vehicles to ports in Europe; they would be hidden in cargo containers and sent to West Africa. Over 170 vehicles were spotted, transported from Belgian, Dutch, French, German and Spanish ports. This operation was conducted with Interpol's Stolen Motor Vehicle unit. Through this collaboration, the two main leaders of the criminal enterprise were arrested in France. Interpol was able to disrupt this criminal network, the investigations were connected across the countries through their shared databases, illustrating how effective the organisation can be.

Another example of the successes of Interpol is Operation Lionfish-Mayag III. This spanned across 18 Asian and North American countries to combat the manufacture, trafficking and smuggling of synthetic drugs. In 2025, enough fentanyl to kill 151 million people was seized, along with methamphetamine and Yaba pills. Many precursors to these drugs were also confiscated, with the value of approximately USD 6.5 billion. The operation, which lasted just over two weeks in June and July 2025, resulted in 386 arrests. One of the most notable arrests was the subject of a Red Notice, suspected of running a methamphetamine smuggling operation in Incheon National Airport. In India, there were similar successes, with the help of Interpol. The Narcotics Control Bureau deconstructed 'Ketamelon", a Darknet drug cartel. This revealed that the seller was responsible for more than 600 drug shipments in the previous 14 months. Similar successes were seen in Myanmar and Laos from this operation.

Operation I-CAN was launched in 2020 to increase global awareness and understanding of the 'Ndrangheta, 24 countries are currently involved, with the aim to apprehend perpetrators. Interpol provided investigative support and strategic analytical reports. Since January 2025, more than 60 'Ndrangheta members have been arrested, all over the world, including 6 fugitives. More than 160 arrests have been made in connection with the operation. These arrests are expected to help dismantle the criminal organisations involved in drug trafficking. Individuals such as Emanuele Gregorini and Federico Starnone were arrested as a result of Red Notices. Alessio Di Pietro, Marco Lenti and Federico Mennuni were arrested due to cooperation between law enforcement in Spain and Italy, with the support of I-CAN. They were wanted for international drug trafficking, with cash, jewellery and other valuable items seized.

Interpol have also had successes in stopping human trafficking, with the initiative of Operation Liberterra, which included 116 countries as of 2024. 3,000 victims were identified and over 2,000 arrests made. Police continued raids in 2024, as well as checking border points and flights known as trafficking and smuggling hotspots. Arrests and rescues were made involving scam centres, fruit and vegetable farms, organ harvesting and migrant smuggling.

These operations show how successful Interpol has been at fighting transnational organised crime as policing has become less political, with countries cooperating on crimes such as terrorism and organised crime for reasons of urgency and risk avoidance (Walker, 2008). These mutual interests mean States have become interdependent, largely due to the help of Interpol.

IV. LIMITATIONS IN ADDRESSING TRANSNATIONAL ORGANISED CRIME

Interpol has been successful in facilitating cooperation against transnational organised crime as explained above. However, this impact is constrained by the political misuse of Red Notices and structural limitations such as jurisdiction and the modern technological world.

A constraint to the operation of Interpol is the political misuse of Red Notices. Resources have been diverted away from real transnational organised crime threats to political targets. For example, Russia is responsible for 38% of all public Red Notices in the world (Schenkkan and Linzer, 2021). Tajikistan, an authoritarian state that accounts for 0.12% of the world's population had issued 2528 Red Notices by 2017. This was 2.3% of the total amount of Red Notices in circulation at the time (Lemon, 2019). In Turkey, following the failed military coup in July 2016, authorities attempted to upload 60,000 names onto Interpol's notification system (Russell, 2018). These examples show how authoritarian regimes have flooded the red notice system, seemingly with the cooperation of democratic States. The use of such notices is due to the fragmented international legal order, meaning countries have to rely on this system to fill the gaps left by international law. The misuse of Red Notices by authoritarian regimes such as Russia and Turkey, undermines Interpol's ability to prioritise genuine transnational organised crime threats. It is very hard for Interpol to question whether the arrest requested by a state was in good faith or has legal legitimacy, they can only rely on the police bodies in each state. Some argue that this is because police bodies have implicit trust in other law enforcement bodies, as well as unity over the common goal of fighting crime (Deflem and Bayer, 2014).

Fair Trials International, a global criminal justice watchdog, have looked into the misuse of Interpol by authoritarian regimes, as they seek to undermine individual freedoms and threaten the security of those targeted (Fair Trials International, 2013).

There is also very little transparency from Interpol, member countries have little access to how Red Notices are handled (European Parliament, 2019). Basic information about the number of Red Notices submitted per year was not released until 2022 (Fair Trials, 2022). The release of this information does show that Interpol was willing to listen to criticisms made by the international community.

A structural limitation is the lack of enforcement power. As criminal groups operate across multiple jurisdictions, Interpol cannot act directly, which can slow the disruption of organised criminal groups.

Furthermore, Interpol operates on the cooperation of police forces, they do not have any jurisdiction to arrest individuals. This can mean that if a police force is unwilling to cooperate with Interpol, they are unable to arrest suspects. This limits its ability to combat transnational organised crime effectively.

In the modern world Interpol can struggle to keep up with the decentralised, adaptive and tech-driven groups. International crime groups have always been ahead in acquiring and using advanced technologies. Many of these groups are highly decentralised, for example in people smuggling, it is a very flexible network, working through trust. There are separate entities that operate in the different countries where the smuggling takes place and can be replaced easily. This means it can be harder for Interpol to take down such huge operations that are spread across continents without reform.

The Global Organised Crime Index 2025 was labelled as 'Crime at a crossroads'. Transnational organised crime has significantly intensified in recent years, becoming more widespread, technologically advanced, and globally interconnected. Financial crime remains the most dominant criminal market worldwide and has experienced the greatest growth since 2023. At the same time, global drug markets are increasingly dominated by synthetic drugs and cocaine, with synthetic substances now exerting substantial influence in approximately 40% of countries and worsening conditions in the majority of States.

While violence linked to organised crime continues to threaten public safety, there has been a notable rise in non-violent crimes, particularly cyber-dependent and financial crimes. Cybercrime has expanded rapidly, worsening in most regions globally, reflecting the growing role of technology in criminal activity. Additionally, less visible crimes such as counterfeiting are increasing due to economic pressures.

Crucially, organised crime is deeply embedded within state structures in many countries, while foreign criminal actors are becoming more mobile and cooperative across borders. This highlights the increasingly transnational and complex nature of organised crime today.

Transnational organised crime is at a crossroads. Interpol have been able to combat crimes such as human trafficking and drug trafficking, however it is increasingly difficult for them to facilitate the fight against cybercrime and financial crime. The structural limitations as well as the hinderance of misuse of Red Notices stops Interpol from being able to perform in the most effective capacity, reforms to limit these issues could help to combat transnational organised crime in the future.

V. REFORM NEEDS

Many reforms have been suggested to prioritise Interpol's capacity to respond to transnational organised crime threats. There are some that directly relate to the weaknesses mentioned previously, others are more general to improve the functioning of the organisation.

In order for Interpol to remain an effective tool in transnational police cooperation, both member States and Interpol itself must make sure that the principles of the Universal Declaration of Human Rights are integrated into the operation of Red Notices. This would ensure that any Red Notices that are published do not threaten political dissidents of authoritarian countries that regularly violate human rights. This would allow Interpol to focus more on transnational organised crime instead of Red Notices.

The European parliament completed a review into transnational organised crime; they advocated for the development of hybrid justice models, (European Parliament, 2019). This includes special courts to prosecute organised crime groups when they are linked to governance failures and security threats. This would be on an ad hoc basis. They also supported the establishment of a mutual legal assistance helpdesk to enhance the exchange of information between countries and to create better cooperation between borders. Many of the proposed reforms are centred on the European Union, such as harmonised legislation and the appointment of a special envoy on transnational organised crime. Support from the EU could strengthen efforts to implement these reforms.

The parliament also advocates for updated international frameworks, especially relating to the Palermo Convention to capture a more updated nature of organised criminal activity. As well as a joint EU position, this would show how united Europe is on the issue and push the international community to advocate for reforms.

The US Senate of the Transnational Repression Accountability and Prevention (TRAP) Act was introduced in 2021, which 'targets the abuse of INTERPOL by strengthening transparency and liability within the organization', (Nia, 2021). This has helped some improvements to take place, but authoritarian States are still abusing their powers.

Others have suggested that Interpol should be introduced as an institution affiliated with the UN, this would give the organisation a more supported legal backing.

Interpol has had some positive reforms, such as becoming more transparent over the data on Red Notices, however, this has not been enough to stop States such as Russia and Turkey from abusing the system. Reforms such as bringing in the Universal Declaration of Human Rights into this could help to establish a better international framework.

VI. CONCLUSION

In conclusion, Interpol is effective in facilitating cooperation between States against transnational organised crime. Its global systems, databases and tools such as Red Notices have allowed States to share information, identify suspects and carry out arrests transnationally. Operations such as Operation Stolen SUVs, Operation Lionfish-Mayag III, Operation I-CAN and Operation Liberterra show that Interpol can successfully support the disruption of organised criminal networks, particularly in areas such as drug trafficking and human trafficking.

However, this effectiveness is limited. Interpol does not have the jurisdiction to arrest individuals itself and relies on national police forces, which can lead to inconsistent outcomes. The political misuse of Red Notices by some States also reduces its ability to focus on genuine transnational organised crime threats. In addition, the growth of financial and cybercrime highlights areas where Interpol is less effective.

Overall, Interpol is an important tool in tackling transnational organised crime, but it cannot do so alone. Its effectiveness depends on cooperation between States and stronger reforms, particularly to limit misuse of Red Notices and improve transparency. Without these changes,

Interpol will continue to face challenges in responding to the evolving nature of transnational organised crime.

REFERENCES

Deflem, M., & Bayer M. D. (2014) International law enforcement. Albanese JS (ed.) *The Encyclopedia of Criminology and Criminal Justice*. Malden, MA: Wiley-Blackwell, 1168–1173.

European Parliament: Directorate-General for External Policies of the Union. (2019). *Misuse of Interpol's red notices and impact on human rights: recent developments*. European Parliament.

Global Initiative Against Transnational Organised Crime. (2025). *Crime at a Crossroads.* Global Organised Crime Index.

International Criminal Police Organization-Interpol. (2024). *Constitution of the ICPO-INTERPOL*. https://www.interpol.int/content/download/590/file/01%20E%20Constitution_2024.pdf

INTERPOL (2023). *Annual Report*.

Kanetake, M. (2026). INTERPOL's Red Notices: Human Rights Safeguards for Targeted Individuals. *AJIL Unbound*, *120*, 17–22.

Khanjani, S. & Sajjad Kazemi, S. (2018). The Role of International Police (INTERPOL) in Fighting Transnational Organised Crimes. *Journal Of Organizational Behaviour Research*, 3(2), 1-14.

Lemon, E. (2019) Weaponizing Interpol. *Journal of Democracy* 30(2), 15–29.

Russell J (2018) Turkey's war on dissent goes global. *Foreign Policy*, 1 May.

San, S. (2022). Transnational policing between national political regimes and human rights norms: The case of the Interpol Red Notice system. *Theoretical Criminology*, *26*(4), 601-619.

Schenkkan N, Linzer I (2021). *Out of sight, not out of reach: The global scale and scope of transnational repression*. Freedom House.

The United Nations Convention against Transnational Organised Crime, 15 November 2000, https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html.

Walker, N. (2008). The pattern of transnational policing. In Newburn T (ed.) *Handbook of Policing*. Cullompton: Willan, 119–146.

The Women Behind the Yakuza

The Role of the Women in the Male-Dominated Japanese Underworld

Lea Stüber

Abstract — **In the international sphere scholars find an increased involvement of women in transnational criminal organizations. On the contrary, the Japanese Yakuza formally forbids women from joining their syndicates. This paper explores the involvement and the roles women play in the Yakuza despite the significant gap of research concerning this topic. Through qualitative analysis, the paper finds that women always have been involved in the activities of the Yakuza. Depending on their husbands' position, wives have a more passive (gokutsuma) or active (ane-san) influence, since the latter function as advisors of their husbands and subordinates. Anti-gang laws have led to a significant drop in membership and provide more opportunities for women to fill positions. Therefore, it is important to conduct research on women's participation in the Yakuza, as a lack of research can lead to loopholes in law enforcement.**

I. INTRODUCTION

The Japanese Yakuza is one of the best known criminal organizations. Particularly the transparency regarding the activities and organization of the Japanese underworld enhances this phenomenon. The rigid hierarchical structure of the syndicates and the so called “brother” or “father-son” relationship of the gang’s bosses is known by many. The pop culture often displays the lives of Yakuza members and the numerous affiliated and “quasi-members”, which enhances the popularity of the crime syndicates. These media productions also portray women as playing a big role in the Japanese underworld, through depicting them as invincible, successful gang bosses.

However, the picture that is created in the media differs severely from the reality. Research into the role of women in transnational organized crime is limited, and even rarer when focusing on women in the Yakuza (Farfán-Méndez, 2020). Even though an international trend of increasing participation of women in organized crime can be observed, such as women playing key roles in the Italian or Russian mafia, the participation of women in the Yakuza seems not as significant (Alkemade, 2014; Siegel, 2014). Until now, women have not played a substantial role in official statistics, and little to no information about women in organized crime in Japan can be found in research, because the Yakuza is a male-centered organization that does not allow women to be official members (Alkemade, 2014). This is also evident in the percentage of convictions of individuals in any way connected to gangs in 1991 (Otomo, 2007). Only 6.6 percent were women. These women weren’t formal members, but wives, companions of gang members or “quasi-members”.

Since it shows that women do take on roles in the Yakuza, but the extent is difficult to assess, this paper aims at characterizing the role women play in the Japanese Yakuza, a world they are not even formally allowed to be a part of.

To analyze the connection between women and the Japanese underworld, the past participation of women in the Yakuza will be analyzed, as well as the association of women to the Yakuza. Therefore, this paper will consider the different positions of women and, finally, assess the newest developments based on the international influence and national provisions.

II. PARTICIPATION OF WOMEN IN THE YAKUZA IN THE PAST

In the past, it was not unlikely for women to participate in the activities of the Yakuza and to simultaneously hold high-ranking positions and power (Otomo, 2007). Shortly after the second World War women occupied autonomous positions without being subordinated to men. Afterwards, the gang environment transformed and the typical distinction between fields of action as professional gamblers and traveling salesmen vanished. Women, who were usually active as professional gamblers or in the position of control of dockworkers, disappeared from the Yakuza (Otomo, 2007).

Yoshiko Matsuda was a well-known female gangster boss shortly after the Second World War, who took the reins of a powerful gang after her husband was killed in a fight (Otomo, 2007). Another example is Hirota, who led a group from the extreme political right. She was engaged in criminal operations and was acknowledged and integrated by the bosses of the *Yamaguchi-gumi*[1] to that extent, that she was part of the rituals of the organization (Otomo, 2007).

The stories of high-ranking female Yakuza members belong to the past nowadays. Today there are no longer any female gang leaders or even gang members, since women are forbidden to join these male-only organizations (Otomo, 2007).

III. ASSOCIATION OF WOMEN TO THE YAKUZA

Even though women aren’t allowed to become formal members, there are many women that are associated with the Yakuza in various ways. To name a few, they are the children, mothers, and wives of Yakuza members. Otomo (2007) states, that the partners of the gang members mostly come from the underworld themselves. He explains that many grew up in poor environments or were victims of social discrimination, which led to them sympathizing with the Yakuza. Many gang members have faced similar issues, such as growing up in disadvantaged homes

© 2026 Lea Stüber. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

[1] The *Yamaguchi-guki* is the largest Yakuza syndicate in Japan (Hill, 2003).

(Alkemade, 2014). Furthermore, Alkemade (2014) states, that some young women used to be criminals themselves and are therefore already excluded from the ordinary society, which results in an increased likelihood of them affiliating with a Yakuza member. Additionally, there are numerous gang members who met their wives in the entertainment, nightlife and *mizu shōbai*[2] industry (Alkemade, 2014; Otomo, 2007).

Regarding many other criminal societies, it is argued that women enter into a relationship with mafiosi because they desire the wealth of said person (Alkemade, 2014). Alkemade (2014) nevertheless denies that this is the case for the Yakuza women, because they often need to provide financially for their husbands.

Even though the previously analyzed patterns exist, the women stem from every background (Alkemade, 2014). In the end, the partners of Yakuza members cannot be characterized as one homogenous group, despite some similarities.

IV. POSITIONS OF THE WOMEN IN THE YAKUZA

Because of the principle of the Yakuza, that forbids women to become involved in gang business, the wives of Yakuza members are perceived as just being passive actors (Alkemade, 2014; Otomo, 2007). Since there is not much data on the participation of women within the syndicates, Otomo (2007) assumes that the women only participate in a way to support their husbands or as "quasi-members".

Oftentimes, the men use the name of their wives, relatives or girlfriends to cover up the activities of the criminal organization while registering businesses (Hill, 2003). The women are also involved in conducting bank transfers and signing contracts and leases, but do not actively participate otherwise (Alkemade, 2014). However, the influence depends on the woman's own character and the position of their partner within the organization (Otomo, 2007).

In any case the female partners are more likely to develop a fascination for crime, because they are confronted with it daily and therefore often also engage in acts of deviance (Alkemade, 2014). In spite of that, Alkemade (2014) characterizes the everyday life of these women as relatively uneventful, since the majority of the husbands are protective and their partners are advised to stay hidden. He argues that the women are stuck in their position, because they cannot move freely between the criminal underworld and the common society. He characterizes them as "outsiders amongst outsiders" (Alkemade, 2014, p. 1), since they are not allowed to join the Yakuza.

Nevertheless, this position creates a sense of solidarity and pride (Alkemade, 2014). Based on the sexism the women face in the underworld, they created a subculture in which they mirror the behavior and rituals of their spouses. Many women adopted the practice of covering their body in tattoos (Farfán-Méndez, 2020). Others are wearing uniforms that are influenced by the practice of the gang members wearing the same clothes with the intent to intimidate their contacts (Otomo, 2007). Although most men do not condone these practices, the women keep on creating their own world (Alkemade, 2014).

A. Gokutsuma

The wives of lower position members in the Yakuza are referred to as *gokutsuma*. Usually they are not only emotionally supporting their husbands, but are also in charge of the financial support (Alkemade, 2014). Otomo (2007) points out that, according to a study by a national police agency, 28 percent of organized crime members acknowledge that they are financially dependent on their wife. These circumstances are unique to the Yakuza in the world of criminal organizations (Alkemade, 2014).

A pattern can be found in the work the women take on to be able to financially provide for the family (Alkemade, 2014). Many women are working in the nightlife and entertainment industry. Nevertheless, some women also engage in illegal activities such as bookmaking, loan-sharking, trafficking amphetamines and illegal gambling, especially when their husbands step up a level in the gang (Otomo, 2007). Researchers are uncertain whether the women are content with their role of providing for their husband financially or if they are involuntarily put into that position since they cannot join the underworld organization (Alkemade, 2014).

B. Ane-san

In contrast to the *gokutsuma* the wives of the Yakuza bosses, the *ane-sans*, don't need to take on any responsibility to earn money. Farfán-Méndez (2020) describes the *ane-sans* as being the shadows of the bosses. Therefore, they are very knowledgeable about the activities and inner workings of the syndicates (Alkemade 2014). Resulting from that, they influence their husbands and advise the group and sometimes even mediate in conflicts between subordinates. Nevertheless, they are not in a position to take part in the official decision-making processes.

Because the *ane-sans* have a relationship with the subordinates and have a say over their activities, they are able to ensure the cohesiveness of the group to a certain extent (Farfán-Méndez, 2020; Otomo, 2007). They step into the role of a mother figure at home, as well as for the subordinates (Alkemade, 2014). The *ane-sans* not only have power but also authority and can rebuke gang members (Farfán-Méndez, 2020; Otomo, 2007). Moreover, the finances are often managed by the women of the bosses, since they are in charge of the household chores and it is a common practice in the Japanese society for the women to look after the household finances (Alkemade, 2014). Many wives of the bosses take on side-jobs voluntarily or lead their own criminal activities such as handling gambling houses independently, but are protected since their husbands are in high positions of the local gangs (Otomo, 2007).

Sometimes, the *ane-san* takes over the group if the husband is detained or dies and there is no delegated successor, since she enjoys authority and has knowledge about the gang activities (Otomo, 2007). An example for this is the story of Fumiko, the wife of a crime syndicate boss, who took over the syndicate after the death of her

[2] The *mizu shōbai* industry denotes the Japanese sex industry. It translates to "water business" and refers to the male "ephemeral pleasures" of alcohol consumption and womanizing (Kada, 1985, as cited in Norma, 2011).

husband and strictly handled the organization and activities. She was later prohibited to take part in the activities, since the new boss was of the opinion that the interference of women led to more bad than good results. Nevertheless, Otomo (2007) clearly states that those stories of women, who substitute for their husbands, are a very rare exception.

V. CURRENT DEVELOPMENTS AFTER THE ANTI-GANG LAWS

Through the enforcement of the 1991 *Bōryokudan Taisakuhō* law in 1992, which aims at restricting the activities of the Yakuza, the perception of the Yakuza, as well as their activities, began to change (Baradel & Bortolussi, 2021). After the introduction of the law the syndicates recorded problems in the retention of members and the recruitment of new members (Farfán-Méndez, 2020). With the introduction of the *Bōryokudan Haijojōrei* law in the years 2010/2011, which supplements the previous law, the situation intensified (Baradel & Bortolussi, 2021). In the year 1991 the Yakuza still counted 3,200 organizations and 87,000 individual members, while the numbers diminished to 15,600 members and 14,900 associates in the year 2018 (Farfán-Méndez, 2020; Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, 1992). Consequently, economic and socioeconomic changes can be recorded and "quasi-members" are playing a more significant role compared to the past (Otomo, 2007).

The spaces that weren't available in the past are now (partly) filled through the female participation, even though membership is formally restricted to men only (Alkemade, 2014; Farfán-Méndez, 2020). However, the scholars state, that the positions are nearly solely taken by the women associated with high ranking Yakuza members, since the *gokutsuma* still need to financially support their husbands and aren't likely to additionally take part in the Yakuza business.

Since the Yakuza is becoming increasingly involved in international criminal activities, the women with whom the Yakuza is interacting in any way through its activities are also becoming more international. Based on the international influence, the perception of women in the Japanese underworld could change gradually, especially since the syndicates are in need of new members (Otomo, 2007).

VI. CONCLUSION

It comes as no surprise that women are associated with the Yakuza, since they were successful actors in the Japanese underworld until the organization transformed after the Second World War. Even though the male Yakuza members and their companions, girlfriends or wives share similar backgrounds and the relationships are often assumed to be built on mutual understanding. However in reality, the empathy is not always reciprocated. That is due to the women not being allowed to become members of the Yakuza and therefore being excluded in the already isolated world in which the gang members and their relatives live in. Therefore, these women form subcultures, not because they don't want to engage in illegal activities, but because they cannot take part in the gang activities and rituals.

It becomes clear, that the influence of the women in the organization depends on the position of their husbands. The *gokutsuma* influence the Yakuza by providing financial support for their husbands, enabling them to pursue their gang activities. They can be considered as one of the backbones of the lower members. Although the *ane-sans* have a more direct influence and are more involved in their husbands' syndicates, they are not formally recognized. Nevertheless, their advice is important to the business. They provide support to the gang from within.

Despite women not being formal members, the importance of the roles the women are playing shall not be undermined, even though it is not as obvious and extensive as in other countries, in which women lead whole criminal organizations. Additionally, the international customs are influencing the Japanese underworld increasingly due to the growing number of international operations of the Japanese syndicates.

Moreover, the lack of research can be considered a big advantage for the Yakuza, since the law enforcement does not have much information about women acting in the field and their contributions to the criminal activities. Especially these days, with the Yakuza being in a tight spot recruiting members and keeping the flow of their business, it is of even greater importance to fill the gaps in research and focus on the current developments to diminish organized criminal activities nationally and internationally.

REFERENCES

Alkemade, R. (2014). *'Outsiders amongst outsiders': A cultural criminological perspective on the sub-subcultural world of women in the yakuza underworld*. Wolf Legal Publishers. https://www.unodc.org/cld/uploads/res/bibliography/outsiders_amongst_outsiders_a_cultural_criminological_perspective_on_the_sub-subcultural_world_of_women_in_the_yakuza_underworld_html/AlkemadeYakuza.pdf

Baradel, M., & Bortolussi, J. (2021). Under a setting sun: the spatial displacement of the yakuza and their longing for visibility. *Trends in Organized Crime, 24*, 209–226. https://doi.org/10.1007/s12117-020-09398-4

Farfán-Méndez, C. (2020). Women's Involvement in Organised Crime and Drug Trafficking: A Comparative Analysis of the Sinaloa and Yamaguchi-gumi Organisations. In J. Buxton, G. Margo & L. Burger (Eds.), *The Impact of Global Drug Policy on Women: Shifting the Needle* (pp. 159-168). Emerald Publishing. https://doi.org/10.1108/978-1-83982-882-920200022

Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, United States Senate, One Hundred Second Congress, First Session. (1992). *Asian Organized Crime*. Senate Hearing 102-346. October 3rd, November 5- 6, 1991. Washington, DC: US Government Printing Office. https://www.ojp.gov/pdffiles1/Digitization/147409NCJRS.pdf

Hill, P. (2003). *The Japanese Mafia: Yakuza, Law, and the State*. Oxford University Press. https://doi.org/10.1093/0199257523.001.0001

Norma, C. (2011). Prostitution and the 1960s' origins of corporate entertaining in Japan. *Women's Studies International Forum*, *34*(6), 509-519. https://doi.org/10.1016/j.wsif.2011.07.005

Otomo, R. (2007). Women in Organized Crime in Japan. In G. Fiandaca (Ed.), *Women and the Mafia: Female Roles in Organized Crime Structures* (pp. 205-217). Springer. https://doi.org/10.1007/978-0-387-36542-8

Siegel, D. (2014). Women in transnational organized crime. *Trends in Organized Crime, 17*, 52–65. https://doi.org/10.1007/s12117-013-9206-4

Beyond the Boundaries of Control
The Evolution of DeFi in Transnational Money Laundering

Mirko Annunziato Tondo

***Abstract* — Transnational criminal organizations have pivoted from traditional banking to Web3 and DeFi, financial systems built on blockchain that operate without central intermediaries. They exploit the 'trustless' nature of these systems, where transactions are verified by code rather than by institutional trust. By moving illicit capital through decentralized protocols, these networks engage in jurisdictional arbitrage, effectively bypassing international legal frameworks like the Palermo Convention and MLATs. The core challenge lies in the structural asymmetry between rigid, territorial legal systems and fluid, decentralized computer protocols. Current Anti-Money Laundering policies rely on "gatekeepers", centralized intermediaries. However, DeFi eliminates these checkpoints, allowing capital to flow without human oversight. Ultimately, law enforcement's reliance on physical and territorial control renders current strategies ineffective against decentralized systems. There is an urgent need to move beyond traditional "gatekeeper" models and develop new legal instruments specifically designed for the unique architecture of digital assets and decentralized code.**

I. INTRODUCTION

For decades, the fight against transnational organized crime has been founded on the control of traditional financial intermediaries. However, modern criminal organizations, operating as rational multinational corporations, constantly evaluate the cost-benefit ratio of their operations. Traditional money laundering, based on cash couriers and offshore banks, is now seen as risky and burdensome. Consequently, criminal organizations are shifting capital toward Web3. They favor stablecoins, which provide instant liquidity without the risks of market volatility (United Nations Office on Drugs and Crime, 2024). This transition has triggered a profound criminal hybridization: traditional cartels, lacking advanced technological skills, rely on networks of cyber-criminals, giving rise to the phenomenon of Money Laundering as a Service. Transnational crime thus evolves into a fluid and collaborative network.

In this new architecture, the crucial layering phase no longer occurs through opaque corporate shells, but through algorithmic obfuscation. By exploiting smart contracts, Decentralized Exchanges, and mixing protocols such as Tornado Cash—tools whose illicit potential has been globally enshrined by the operations of the Lazarus Group (Chainalysis, 2024), a network that acts to all intents and purposes as a modern transnational crime syndicate—criminals move assets from one blockchain to another, permanently blurring the connection to the original theft. The blockchain becomes a true digital safe haven. This achieves absolute de-territorialization, where jurisdictional arbitrage nullifies the very concept of national borders. The final integration of illicit funds then takes place via brokers in permissive jurisdictions, merging high technology with ancient trust-based systems like Hawala, an informal remittance network where money is transferred via a global web of brokers, relying on honor rather than physical cash movements or bank records.

The international regulatory framework is paralyzed by this emerging threat. The Palermo Convention and Mutual Legal Assistance Treaties prove inadequate: their bureaucratic timelines collapse in the attempt to chase capital traversing multiple protocols in fractions of a second. Here emerges the FATF (Financial Action Task Force) regulatory paradox: anti-money laundering policies have historically been based on chokepoints, delegating control to traditional "gatekeepers". In Decentralized Finance, the structural absence of intermediaries renders such obligations inapplicable (Zetzsche et al., 2020) (FATF, 2021).

The objective of this paper is to demonstrate how the asymmetry between the trustless nature of Web3 and current legal tools makes the ongoing fight against decentralized money laundering ineffective. This study will analyze evasion methodologies and possible countermeasures—ranging from algorithmic tracking to sanctions issued by OFAC directly against computer code—outlining the necessary transition towards a preventive-technological approach based on solid public-private partnerships.

II. THE NEW CRIMINAL RATIONALITY AND THE RETICULAR REORGANISATION

The analysis of modern Transnational Criminal Organizations requires the abandonment of the traditional view that depicts them as hierarchical, static entities anchored exclusively to the physical control of territory. Contemporary economic criminology, applying rational choice theory to organized crime, demonstrates how TCOs operate to all intents and purposes as multinational corporations. Modern Cartels have effectively shed their "Godfather" to embrace a lean where the primary goal is to minimize transactional friction with law enforcement. From this perspective, they constantly evaluate the transaction costs and risks associated with their operations, shifting capital towards channels that present the least legal and technological 'friction' (Albanese, 2000).

A. Evolution of the Criminal Modus Operandi

For decades, money laundering has relied on physical and documentary methodologies: shell companies, offshore banking, the cross-border transport of cash via "mules," and smurfing techniques. However, the progressive tightening of global Anti-Money Laundering

© 2026 Tondo Mirko Annunziato. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

regulations has rendered these practices not only economically burdensome but, above all, highly vulnerable to interception by law enforcement agencies.

It is a striking irony that the most sophisticated financial technology of the 21st century has found its perfect partner in a trust-based remittance system that predates modern banking by centuries.

The traditional banking system has become a hostile environment for Transnational Criminal Organizations.

In the face of these rising costs and risks, criminal adaptability has driven organizations toward the digital ecosystem. While cryptocurrencies like Bitcoin were initially utilized for illicit transactions, their inherent volatility posed a logistical problem for cartel balance sheets. The true strategic turning point coincided with the massive adoption of stablecoins, digital assets designed to maintain a fixed value relative to a fiat currency like the US dollar. Stablecoins offer TCOs the perfect laundering vehicle: they guarantee value parity with the US dollar, which is the economic point of reference; simultaneously, they maintain the speed and borderless nature typical of blockchain technology. By doing so, illicit capital is dematerialized at the source (United Nations Office on Drugs and Crime, 2024). This drastically reduces exposure to territorial risk.

B. Criminal Hybridisation

The transition from the physical world to the digital realm of Web3 has, however, imposed a structural challenge on traditional mafias. Organizations such as Latin American cartels (e.g., the Sinaloa Cartel) possess unparalleled expertise in narcotics trafficking and military control, yet they almost entirely lack the technical know-how required to interact with smart contracts, bypass blockchain tracking protocols, or utilize crypto-mixers.This skills gap has fundamentally changed how these groups organize. Within the Transnational Organized Crime landscape, structures are shifting from closed hierarchies to fluid, horizontal, and collaborative networks. We are witnessing what literature defines as "criminal hybridization": the operational convergence between traditional mafias and cyber-crime syndicates(Europol, 2021) (often located in Eastern Europe or Southeast Asia).

Cartels do not need to hire full-time hackers; they simply outsource the laundering phase. This gives rise to the Money Laundering as a Service model, a direct offshoot of the broader Crime-as-a-Service paradigm (Europol,2023). Specialized intermediaries and technological brokers offer "turnkey" digital concealment services in exchange for a percentage commission. This reticular reorganization ensures a watertight of responsibilities: the entity producing and distributing narcotics in the physical world is not the same subject moving capital on-chain. This operational split fragments investigations, making it extremely complex for authorities to reconstruct the entire lifecycle of the criminal enterprise. Within the criminal action and intent, who carries the ultimate burden of guilt in the eyes of the law?

III. ARCHITECTURE OF CONCEALMENT

The traditional money laundering cycle has historically been structured into three sequential phases: placement, layering, and integration. In the context of contemporary transnational crime, the adoption of virtual currencies and stablecoins radically alters this paradigm (FATF,2020).

The placement phase—often the most hazardous as it involves the physical entry of illicit capital into the financial system—is increasingly being bypassed or digitized at the source. Consequently, the core focus of concealment activities for modern Transnational Criminal Organizations has shifted entirely toward the layering and integration phases, exploiting the information asymmetries offered by Decentralized Finance.

A. Layering phase

Layering within Web3 exploits the disintermediated nature of Smart Contracts and Decentralized Exchanges. Criminal brokers, operating on behalf of cartels or cyber-crime networks (such as the Lazarus Group), execute dozens of automated transactions in a matter of moments. The primary technique is chain-hopping. This involves rapidly converting illicit funds across different blockchains and cryptocurrencies, such as moving from Bitcoin to Monero and then to Ethereum. This process fragments the cryptographic trace, making it unreadable for investigators (Elliptic, 2022). In other words, through chain-hopping, criminal syndicates create a digital “labyrinth”. This permits them to jump blockchains until the original blood on the money is so diluted by cryptographic layers that It becomes invisible to standard tracking.

At the pinnacle of this concealment architecture lies the use of crypto-mixers (e.g., Tornado Cash). These decentralized protocols pool large quantities of cryptocurrencies from countless users, redistributing them to unrelated addresses in a randomized fashion. The mixer acts as an investigative 'black hole' by irreversibly severing the mathematical link between the deposit and the withdrawal (U.S. Department of the Treasury, 2022) . Whether the funds come from narcotics trafficking or ransomware, the process provides criminal organizations with 'clean' capital ready for reinvestment

B. Integration and Modernisation of the Underground Banking

The final phase of money laundering requires that the accumulated digital wealth returns to the physical world to finance criminal logistics, the purchase of weaponry, corruption, and the acquisition of safe-haven assets (real estate and luxury goods). It is in this phase that one of the most important dynamics of organized crime manifests: the convergence of high technology and street-level criminality. As they are unable to liquidate tens of millions of dollars in cryptocurrencies through centralized exchanges, criminal networks turn to collusive over-the-counter brokers operating in permissive jurisdictions (Europol 2020).

These brokers facilitate the liquidation of digital funds by leaning on informal remittance systems embedded in trust-based traditions, such as Hawala (European Commission,2022) — underground banking. In this

modernization of informal systems, cryptocurrencies are used to instantaneously transfer the "representation of value" at a transnational level, bypassing customs and banking controls (Mirabile, 2022). Once the digital ledger confirms the transaction, the broker in the destination country disburses the equivalent in untraceable cash to the final recipient. This hybrid mechanism merges the depersonalization and speed of the blockchain with the interpersonal trust and omertà typical of traditional criminal networks, rendering the detection of physical flows nearly impossible for law enforcement agencies.

IV. THE JUDICIAL PROBLEM

What we are seeing is a paradoxical marriage: an example is the merger of the ancient code of silence of the Hawala with the immutable code of the blockchain. It's high-tech laundering built on a foundation of trust.

The trustless nature of the blockchain (the lack of a need for a central governing entity) has marked a point of no return in the fight against transnational organized crime. As argued in this study, criminal networks do not merely use Web3 to hide funds, but to structurally bypass the repressive apparatus of states'. This chapter analyzes the legal breakdown that occurs when regulations based on territorial borders collide with a global, decentralized financial system devoid of intermediaries.

A. Challenge to Sovereignty

In the past, organized crime relied on physical tax havens and shell companies for money laundering. Today, Decentralized Finance offers genuine digital "safe havens." The blockchain does not reside within a specific state, but across a global network of computers. Criminals exploit this borderless nature to move illicit funds via smart contracts hosted on servers scattered across the globe (Europol,2021). This effectively makes it impossible for authorities to determine with certainty where the crime took place. In a system where the user is the sole possessor of the private keys to their funds, the State loses one of its primary weapons: the power to order a credit institution to freeze capital. State sovereignty is bypassed through cryptography.

B. Failure of the Palermo Convention (UNTOC)

The current international enforcement system is still anchored in instruments like the 2000 Palermo Convention (UNTOC). This is a regulatory framework designed for a world based on traditional diplomacy, which proves far too slow to compete with the dynamics of Web3. Current MLATs are analog relics in a digital world. They are too slow for the digital age. When a magistrate completes the paperwork for a cross-border request, illicit capital has already circled the globe via decentralized protocols. These procedures often require months of diplomatic channels and judicial authorizations. In fact, by the time a magistrate obtains the authorization to track a payment on a foreign platform, the illicit capital has already been fragmented (Tropina,2016), transferred to other blockchains, and converted. Criminal networks exploit this distinct temporal advantage. This renders existing treaties ineffective against advanced digital money laundering.

C. GAFI's Paradox

The central problem clearly emerges in the failure of current anti-money laundering (AML) policies. The FATF (Financial Action Task Force) has attempted to regulate cryptocurrencies by imposing identification procedures on centralized exchange platforms.

However, AML regulations function only if an intermediary exists—such as a bank or a professional—who is legally obligated to identify the client and report suspicious transactions. DeFi eliminates this figure at its core. A smart contract is simply computer code; it has no compliance officer to interrogate or sanction, and it cannot request identity documents. As long as law enforcement focuses solely on centralized "chokepoints", (FATF, 2021) criminal groups will continue to operate undisturbed within decentralized protocols. Imposing rigid rules on traditional platforms has primarily served to push more sophisticated cartels toward the increased use of peer-to-peer systems and autonomous mixers, highlighting the fundamental inadequacy of this regulatory approach.

Can we truly expect traditional regulations to govern a system that was specifically designed to exist outside of them? Or are we simply applying 20th-century band-aids to a 21st-century hemorrhage?

V. PARADIGM OF CONTRAST

The demonstrated inefficiency of traditional regulatory instruments makes a radical paradigm shift in the fight against transnational organized crime indispensable. To overcome the current stalemate, law enforcement agencies must evolve beyond a reactive approach based on territoriality and classic financial intermediaries, instead embracing next-generation technological and sanction-based strategies.

The response to the a-jurisdictional ecosystem of Decentralized Finance requires tools capable of operating with the same agility as Web3.

The public architecture of the blockchain, while offering pseudo-anonymity, provides an invaluable investigative advantage: the immutable traceability of transactions (Trozze, et al. 2022). For instance, the integration of Artificial Intelligence into investigations allows for the analysis of enormous data volumes in real time. This technological approach makes it possible to map illicit flows across cross-chain bridges and identify criminal patterns, nullifying the temporal asymmetry that renders traditional international rogatories ineffective.

A fundamental legal breakthrough is represented by moving beyond sanctions aimed exclusively at natural or legal persons. The action taken by the U.S. OFAC (Office of Foreign Assets Control) against the crypto-mixer Tornado Cash (U.S. Department of the Treasury 2022) marked a watershed moment: for the first time, an autonomous computer code (a smart contract) was sanctioned. Striking the technological infrastructure itself is the most coherent legal response to the absence of gatekeepers.

The technical complexity of Web3 makes it impossible for state apparatuses to operate in total isolation. The creation of robust synergies between government agencies and private companies specializing in on-chain tracking is essential (Yeoh, 2020). Only by merging the coercive

prerogatives of the State with the engineering expertise of the private sector is it possible to dismantle these criminal networks.

VI. CONCLUSION

The evidence suggests that the analysis conducted in this study unequivocally demonstrates that transnational criminal networks are exploiting the trustless and a-jurisdictional architecture of Web3 to undergo a profound strategic transition. As highlighted, the use of Decentralized Finance and crypto-mixers does not merely serve the need to hide illicit capital; it represents a calculated jurisdictional arbitrage aimed at structurally bypassing current international cooperation instruments, primarily Mutual Legal Assistance Treaties and the Palermo Convention.

The current legal breakdown stems from the persistent reliance of global anti-money laundering policies on territorial control and the supervision of traditional financial "gatekeepers." When faced with decentralized computer protocols devoid of intermediaries, this approach is inevitably paralyzed. As long as law enforcement agencies continue to base their fight against organized crime on classic physical "chokepoints," they will fail to halt the evolution of money laundering in Web3.

To effectively dismantle these new networks, a radical paradigm shift is therefore imperative. The future of AML requires a move away from the bureaucratic chase in favor of a preventive and technological approach. Only through sanctions targeted directly at digital infrastructures, the systematic employment of blockchain analytics, and the construction of robust public-private partnerships can institutions bridge the current asymmetry and reaffirm their enforcement capabilities.

Ultimately, the window of opportunity to regulate this space is rapidly closing. If international lawmakers fail to harmonize their efforts and adapt to the sheer speed of cryptographic innovation, society risks cementing a parallel financial ecosystem where impunity is no longer just a systemic flaw, but a guaranteed feature.

REFERENCES

Albanese, J. S. (2000). The causes of organized crime: Do criminals organize around opportunities for crime or do criminal opportunities create new offenders? Journal of Contemporary Criminal Justice, 16(4), 409-423.

Broadhurst, R., et al. (2014). Organizations and cyber crime: An analysis of the nature of groups engaged in cyber crime. International Journal of Cyber Criminology, 8(1), 1-20.

Chainalysis. (2024). The 2024 Crypto Crime Report.

Elliptic. (2022). The State of Cross-chain Crime.

European Commission. (2022). Commission staff working document: Assessment of the risk of money laundering and terrorist financing affecting the internal market and relating to cross-border activities (SWD(2022) 344 final).

Europol. (2020). Internet Organised Crime Threat Assessment (IOCTA) 2020.

Europol. (2021a). Cryptocurrencies: Tracing the evolution of criminal finances. Spotting the signals of criminal abuse of Virtual Assets. European Union Agency for Law Enforcement Cooperation.

Europol. (2021b). Internet Organised Crime Threat Assessment (IOCTA) 2021.European Union Agency for Law Enforcement Cooperation.

Europol. (2023). The other side of the coin: An analysis of financial and economic crime in the EU. European Union Agency for Law Enforcement Cooperation.

Financial Action Task Force (FATF). (2020). Virtual Assets Red Flag Indicators of Money Laundering and Terrorist Financing.

Financial Action Task Force (FATF). (2021). Updated Guidance for a Risk-Based Approach to Virtual Assets and Virtual Asset Service Providers.

Mirabile, M. (2022). Debating hawala, infrastructures and critical issues: A continuum from hawala to blockchain technologies?CONfines de Relaciones Internacionales y Ciencia Política, 18(34), 72–92.

Tropina, T. (2016). Cybercrime and the Limits of Mutual Legal Assistance.International Criminal Justice Review, 26(3), 244-259.

Trozze, A., et al. (2022). Cryptocurrencies and future financial crime.Crime Science, 11(1), 1-35.

United Nations Office on Drugs and Crime (UNODC). (2024). Casinos, Money Laundering, Underground Banking, and Transnational Organized Crime in East and Southeast Asia: A Hidden and Accelerating Threat .

U.S. Department of the Treasury. (2022). U.S. Treasury Sanctions Notorious Virtual Currency Mixer Tornado Cash. Office of Foreign Assets Control (OFAC).

Yeoh, P. (2020). Public-private partnerships (PPPs) in anti-money laundering: challenges and opportunities. Journal of Money Laundering Control, 23(3), 675-688.

Zetzsche, D. A., Arner, D. W., & Buckley, R. P. (2020). Decentralized Finance.Journal of Financial Regulation, 6(2), 172-203.

From Colonial Marginalization to Transnational Crime

The Historical and Structural Origins of Brazil's First Capital Command

Isabella Valandro Alves

Abstract — **This paper examines the structure and formation of Brazil's First Capital Command - or Primeiro Comando da Capital (PCC) - arguing that the emergence and transnational expansion of the organization should not be detached from the country's colonial inheritance. The present paper wishes to trace a line of continuity from Portuguese colonialism and chattel slavery through the racialised geography of the favelas, the violence within the country's incarceration system and finally the founding and transnational expansion of the PCC. Additionally, the status acquired as one of the most dangerous criminal organizations is here argued to be, not merely an occurrence of criminality, but the country's marginalization structure that allowed its existence, blandit felis.**

I. INTRODUCTION

Casa de Detenção de São Paulo is the largest prison in Latin America, also known as *Carandiru* Penitentiary. On October 2nd, 1992, a military police intervention caused the death of 111 unarmed inmates and no officer was ever convicted for their acts. The event illustrates the impunity with which the State behaves towards Brazil's incarcerated population.

The *Carandiru* massacre is a pivotal point to the emergence of the *Primeiro Comando da Capital*, as its founders were present that day. Less than a year later, eight prisoners were transferred to the Taubaté high-security facility, and from there these inmates aimed to seek justice for *Carandiru'*s victims, as well as better prison conditions. The organization they founded would grow into something far larger - today being recognized by the United States government as one of the most powerful criminal organizations in the world, with operations across South America, West Africa and Europe (Brookings Institution, 2024).

This paper presents the argument that the PCC's emergence and expansion cannot be understood as a simple tale that arose from thin air, but a product of centuries of colonial marginalization, of slavery, social exclusion and a criminal justice system that sees vulnerable individuals not as right-bearing citizens, but as deviants to be contained.

To understand the PCC is to acknowledge Brazil's unresolved colonial inheritance; and to do so this paper will proceed in three sections of analysis. Section II will trace colonial structural foundations as the facilitator of the *Favelas* as a geographical exclusion center; section III will examine the rise of the PCC within that scenario and its relationship with State violence; and finally, section IV will analyze the organization's contemporary transnational expansion. The conclusion, then, portrays the implications of this structural criminal organization in relation to the justice system.

© 2026 Isabella Valandro Alves. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. COLONIAL HERITAGE OF EXCLUSION

A. Slavery and Racial Marginalization

Since its colonial foundations, Brazil has institutionalized systems and social behaviors that have long enabled the marginalization of its Black and poor populations. After the signing of the Golden Law (*Lei Áurea*) in 1888, which formally abolished slavery and granted freedom to those victims of the practice, no instruments to facilitate their social and economic integrativo were implemented (Loveman, 2014). The result of such negligence contributed to patterns of urban marginalization that would give rise to the *favelas* (Loveman, 2014).

In urban *São Paulo*, this dispossession was measurable, with the majority of black workers engaged in low-paying occupation (Loveman, 2014). The industrialization of the city in the early twentieth century further deepened this division: while European immigrants were actively recruited into factory labour through a State-sponsored immigration scheme, Afro-Brazilian workers were systematically pushed towards informal, precarious work at the urban periphery (Andrews, 1991). This racialised allocation of labour was a deliberate continuation of the colonial logic of exclusion, which understood Blackness to be incompatible with citizenship and economic participation.

Despite the country's policy of 'racial democracy,' the existence of racial discrimination is widely documented, and as Almeida (2019, cited in Ferreira de Carvalho & Gomes, 2023) states: individual behaviour and institutional processes result from a society in which racism is the rule, and not the exception. Additionally, colonialism does not simply impose material inequality but legitimizes exclusion, creates deadly power relations and structures the relationship of the State towards this portion of the population.

This colonial inheritance is particularly visible in the criminal justice system. Darke and Khan (2021) argue that contemporary Brazilian society consists of a hierarchical reality in which some are considered to be worthy of rights and their respective protections as others will only face the duties and obligations that rise from the legal system - targets rather than beneficiaries of law. Therefore, the selectivity of the Brazilian criminal justice system cannot be separated from the selectivity of its colonial precursor.

B. The Favela as the Successor of the Senzala

The colonial logic above described provides for a linear connector to the contemporary reality of Brazil's prison system - with black and mixed-race individuals constituting two-thirds of the country's incarcerated

population, a number that far exceeds their representation in the general population (Department Penitenciário Nacional, 2023).

A *favela* is not merely a space of poverty, it is the geographically dedicated space to those who were never fully included - while its physical borders shifted, the underlying logic of containment remained the same. This allowed a subculture to emerge, and with it, for crime to organize itself - not as the exception but as the norm. In this context, and in addition to the growing sense of vengefulness, the choice for many is not between legality and criminality, but between joining an organization or remaining excluded even among the excluded.

In this sense, the *favela* serves as the successor to the *senzala* (the slave quarters), filling the post-abolition vacuum left (Rolnik, 1989). Research on *São Paulo*'s periphery demonstrates that urban spaces in Brazil are racially produced, with police terror and public policies tracing the boundaries of who belongs in there (Alves, 2014). The inhabitants of such spaces are not just poor, but also rendered socially expendable by the State. It is within this geography that organized crime - and ultimately the PCC - would manifest.

III. THE BIRTH OF THE FIRST CAPITAL COMMAND

A. Carandiru and State Violence

The *Carandiru* massacre of 1992 did not create the PCC, but paved the way for its creation. The killing of 111 unarmed prisoners by military police - without any subsequent legal accountability - demonstrated with brutal clarity the State's regards for its incarcerated nationals.

The First Capital Command was founded in August 1993 by eight prisoners transferred to the Taubaté penitentiary (InSight Crime, 2024). Its founding declarations called for justice for *Carandiru*'s victims, better prison conditions and initially expressed its solidarity with the Red Command criminal organization, also adopting its slogan of 'peace, justice, freedom' (InSight Crime, 2024). The organization's early ideology statement - positioning itself against the State and in solidarity with the incarcerated population - reflects directly the colonial dynamic described: where the State withdraws its protection, alternative structures will fill the void.

B. Prison as a Facilitator of Organized Crime

Chronic overcrowding, systematic abuse, and the State denial of basic rights created the conditions in which an organization premised on protection and solidarity could prosper. At the time of the massacre, *Carandiru* housed over seven thousand inmates inside a facility built for fewer than four thousand prisoners, with documented cases of extrajudicial violence by guards and near-total absence of rehabilitation (Human Rights Watch, 1998). The PCC was largely a reaction to these factors, as well as a united front for protection against prison authorities and rival gangs (InSight Crime, 2021).

The State's subsequent response - to transfer PCC leaders across different prisons in the country as an attempt to disrupt the organization - accelerated the national expansion of the gang, and with it their grip on power. Through alliances with existing criminal organizations and their presence in many penitentiaries, the PCC further propagated its principles until it became a national force. In 2001, it coordinated simultaneous rebellions across 29 prisons in *São Paulo* state, demonstrating an organizational and communication capacity that prison cells could not contain (InSight Crime, 2021).

The First Capital Command's governance is also notable: rather than relying exclusively on violence, it developed an internal model of discipline, dispute resolution and mutual support that would bind members for life. Feltran et al. (2023) describe this governance as a 'criminal platform': a set of rules, obligations and dispute-resolution mechanisms that allowed the PCC to coordinate actors across different prisons, *favelas* and eventually countries, without ever relying on hierarchical command structures. Additionally, the 'crime as the order' dynamic - in which an organization fills in the vacuum left by the State - is a recurring feature of criminal organizations that emerge from colonial conditions of exclusion (Sampó & Ferro, 2018).

IV. TRANSNATIONAL EXPANSION

A. From Brazil to Europe

The passage from a prison gang into a transnational criminal organization became part of their operational strategy. A turning point came in 2014, when the group experimented with the export market - expanding beyond its domestic drug sales. The PCC then gained influence over the *Port of Santos*, largest one in South America (Secretaria de Portos, 2023; Polícia Federal do Brasil, 2024). From this position, the organization managed to form alliances across five continents - countries including Mexico, Colombia, Russia and Italy.

The PCC's ability to penetrate port logistics reflects the same structural conditions that shaped its domestic growth - the concentration of precarious and informal labour in port-adjacent communities, the susceptibility of underpaid officials to corruption, and the integration of illegal commerce in Brazil's peripheral communities (Feltran et al., 2023; Sampó & Ferro, 2018).

Moreover, the partnership with Italy's '*Ndrangheta* (the most powerful mafia in Europe) has been particularly significant as it allowed the PCC to control over fifty percent of Brazil's cocaine exports to Europe in 2023 (The Economist, cited in Diálogo Américas, 2024). The scale of the operation is measured by its seizures: in December 2023 alone, Spanish authorities seized eleven tonnes of cocaine in maritime containers arriving from Latin America with European distributors as their final destination (Diálogo Américas, 2024).

This expansion reflects a broader shift in the global cocaine market. Feltran, Vianna, Pinho and Bird (2023) document how the PCC has become an important intermediary in the transcontinental cocaine value chain, connecting Bolivian, Peruvian and Colombian producers with European consumers through Brazilian ports. Furthermore, the organization's business model which favors a quiet expansion over violent confrontation - has made it both an efficient and difficult-to-target scheme.

B. West Africa and Beyond

Since 2016, the majority of cocaine deliveries have originated from Brazil, and the First Capital Command is central in this operation (Feltran, Vianna Pinho & Bird, 2023). In partnership with Nigerian trafficking groups, the PCC has established a presence in cities including Lagos and Abuja, where its members reportedly operate in neighborhoods in a way that mirrors their control of *São Paulo*'s periphery (The Economist, cited in Diálogo Américas, 2024).

The organization's global ambition goes further still. The PCC maintains commercial relations with Hezbollah in the Triple Frontier between Brazil, Paraguay and Argentina, covering cigarette contraband, arms trafficking and money laundering (Polícia Federal do Brasil, 2024). In 2021 the United States Department of the Treasury imposed sanctions on the First Capital Command alongside Mexican cartels and Chinese criminal networks - a formal acknowledgement of its status as a global criminal threat (Brookings Institution, 2024). As of 2023, the PCC is understood to be shifting from a criminal organization into a global mafia, with a growing capacity to penetrate the legal economy and influence politics, as it makes alliances with corrupt administrative agents (InSight Crime, 2024).

The trajectory - from eight prisoners in Taubaté to a transnational organization exceeding USD 900 million annually - is the outcome of structural conditions, not individual pathology (InSight Crime, 2024).

V. CONCLUSION

This paper has argued that the First Capital Command's emergence and expansion are a byproduct of Brazil's colonial inheritance. This organization is rooted in a society that for centuries has racially excluded, a State that allows and encourages such behaviour, a prison system that institutionalized violence, and a geography - the *favela* - that concentrated marginalization into racialised spaces.

The structural reading advanced here has important implications for criminal justice policy. Punitive responses to the PCC - increased imprisonment, harder prison conditions, transfer of leaders - have historically accelerated the organization's growth rather than containing it. Addressing the PCC as a transnational criminal threat without addressing the structural conditions that produce it is to treat the symptom while ignoring the disease.

The *Carandiru* massacre remains the *Primeiro Comando da Capital* founding event precisely because it captured a truth that Brazil's marginalized communities had long known: the State was not there to protect them. Unless the State's relationship with its marginalized populations changes - ensuring that the descendants of the enslaved are genuinely included as right-bearing citizens - organizations that offer alternative governance, protection and belonging will continue to expand. The PCC is, in this sense, as much a political phenomenon as a criminological one.

REFERENCES

Alves, J. A. (2014). The anti-black city: Police terror and black urban life in Brazil. University of Minnesota Press.

Andrews, G. R. (1991). Blacks and whites in São Paulo, Brazil, 1888–1988. University of Wisconsin Press.

Brookings Institution. (2024). The internationalization of organized crime in Brazil. *Brookings Institution*. https://www.brookings.edu/articles/the-internationalization-of-organized-crime-in-brazil/

Darke, S., & Khan, O. P. (2021). Coloniality, just war and carceral injustice in Brazil. *Punishment & Society, 24*(4). https://doi.org/10.1177/14624745211041849

Departamento Penitenciário Nacional. (2023). Levantamento nacional de informações penitenciárias. Ministério da Justiça e Segurança Pública.

Diálogo Américas. (2024, January 19). South America's largest drug organization expands to Europe and Africa. *Diálogo Américas*. https://dialogo-americas.com/articles/south-americas-largest-drug-organization-expands-to-europe-and-africa/

Feltran, G., Vianna Pinho, I., & Bird, L. (2023). Atlantic connections: The PCC and the Brazil–West Africa cocaine trade. Global Initiative Against Transnational Organized Crime.

Ferreira de Carvalho, B., & Gomes, C. (2023). Coloniality and structural violence in the criminalization of Black and Indigenous populations in Brazil. In *Decolonizing the criminal question: Colonial legacies, contemporary problems*. Oxford University Press. https://academic.oup.com/book/46569/chapter/408133588

Human Rights Watch. (1998). *Behind bars in Brazil*. https://www.hrw.org/legacy/reports98/brazil/

InSight Crime & CLALS. (2021). The rise of the PCC: How South America's most powerful prison gang is spreading in Brazil and beyond. American University.

InSight Crime. (2024). First Capital Command – PCC profile. https://insightcrime.org/brazil-organized-crime-news/first-capital-command-pcc-profile/

Loveman, M. (2014). Racial inequality in Brazil from independence to the present. In B. Loveman (Ed.), *Inequality in the Americas*. Springer. https://doi.org/10.1007/978-3-319-44621-9_8

Polícia Federal do Brasil. (2024). *Relatório de atividades da Polícia Federal*. Ministério da Justiça e Segurança Pública. https://www.gov.br/pf/pt-br

Rolnik, R. (1989). Territórios negros nas cidades brasileiras. *Espaço e Debates, 9*(28), 29–37.

Sampó, C., & Ferro, A. (2018). Brazilian criminal organizations as transnational violent non-state actors: A case study of the Primeiro Comando da Capital (PCC). *Trends in Organized Crime*. FIU Digital Commons.

Secretaria de Portos. (2023). *Porto de Santos: Dados estatísticos*. Ministério de Portos e Aeroportos. https://www.gov.br/portosaerodromos

The Evolution of Human Trafficking in Afghanistan

Giulia Valle

Abstract — **This paper explores the evolution and the underlying factors that transformed human trafficking in Afghanistan. After a comprehensive historical contextualization, the primary focus will be on a comparative understanding of the trafficking landscape before and after the 2021 Taliban takeover, analyzing how the withdrawal of the American-led occupation devastated the country. The examination proceeds to categorize the vulnerable groups affected by this market, paying specific attention to the main exploitative practices adopted by the traffickers. To fully deconstruct the reasons behind this humanitarian crisis, the paper will also introduce the three sociological theories of Parsons, Coser and Maslow, establishing a bridge between the pre-2021 state negligence, toward the post-2021 survival-driven exploitation.**

I. INTRODUCTION

According to the Europol definition (Europol, n.d.) human trafficking is "a serious crime that abuses people's fundamental rights and dignity. It involves the criminal exploitation of vulnerable people for the sole purpose of economic gain."

Within this framework, Afghanistan occupies an important position in this context, as the global organised crime index (*The Organized Crime Index*, n.d.) places it at the top of their classification with a score of 9 out of 10.

Afghanistan operates both domestically and transnationally, collaborating with neighbouring countries such as Pakistan and Iran, where the whole market nevertheless is based on the abuse of the most fragile group of people, women, children and minorities. After the fall of the first Taliban regime, Afghanistan managed to implement antitrafficking legislation, protection programs, and civil society initiatives. In urban areas women had the possibility to take part in the politics and the economy of the country.

The 2004 constitution (Amnesty International UK, 2026) enshrined equal rights for both genders and in 2009, Afghanistan adopted the Elimination of Violence Against Women (EVAW) law. This progress was not de facto totally achieved due to the inability of the Afghan government to reach rural areas and the deep-seated misogynist culture of impunity for violence of control against women. After August 2021 the Taliban imposed a strict interpretation of Sharia law ignoring any international human rights norms and generating a climate of legal uncertainty favourable for human traffickers.

This paper analyses how human trafficking has evolved within the territory of Afghanistan after the acquisition of power by the Taliban in 2021. It draws the attention on the geopolitical causes, the main victims and the theories developed: from human trafficking generated by the government's negligence to human trafficking for necessity.

II. HISTORICAL BACKGROUND

To understand the causes of human trafficking there must be considered Afghanistan's long history of conflicts, poverty and political instability. The origin can be dated back to 1838 (Anand & Singh, 2025), the year in which the British forces invaded the country. This occupation was started by the British's interest in preventing other powers (such as the Soviet Union, Persia and France) from taking advantage of the countries near India and undermining their colonial control. Their presence determined the outbreak of three wars that ended with the final retreat of the British army from their country in 1919.

Exactly sixty years later, after the Afghan communists overthrew Daud's government, Russia was requested to intervene with the aim of impeding the loss of their client state. A new power rose in this climate of uncertainty: the Taliban.

They were perceived by ordinary people as good Muslims, as if their presence could finally restore the "*boni mores*" and bring some firmness in the state.

In 2001, when the US was targeted by the Al Qaeda terrorist attack, the American intelligence agencies discovered that their headquarters were not only located in Afghanistan but also had strong connections with the Taliban. After the failed US extradition request of Osama Bin Laden, the President George Bush started the so-called "War on Terror". American troops were sent to Afghanistan to chase Bin Laden and overturn the power of the Taliban. After the achievement of their campaign, they decided to stay and place Hamid Karzai as president.

The Taliban kept out of sight until 2006, when NATO implemented the mission International Security Assistance Force, created in 2001 after the fall of the first Taliban regime. The aim was to assist the new Afghan government, limited precisely only to the city of Kabul.

However, in 2006 the mission expanded to the whole Afghan territory, including the area of Helmand. This was a critical catalyst for the insurgency, since in that specific area the British had been heavily defeated by the Afghans during the II Afghan war and therefore their presence in that territory was perceived as a possible imminent revenge.

The Taliban's offensive consisted of a sequence of attacks on police posts and suicide bombings.

The failure of the American-led occupation determined President Barack Obama to end what was turning to be an indefinite commitment (Anand & Singh, 2025), indeed in

© 2026 Giulia Valle. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

2011 he affirmed that most US forces would have left the country by 2014. The withdrawal was then continued by Donald Trump in 2016, who, without the consultation of the Afghan government, managed to agree with the Taliban the American retreat by May 2021.

This date was delayed by 3 months by President Biden until 15 August 2021, when the Taliban marched into Kabul recovering their power.

III. BEFORE 2021

Before 2021 Afghanistan's government had taken some steps forward in the prevention of human trafficking thanks to international pressure. From 2015 to 2019 in Asia and the Middle East was implemented the Global Action against Trafficking in Persons and the Smuggling of Migrants (*GLO.ACT's Efforts in Afghanistan: Health And Alternative Development*, n.d.), designed to assist governments and civil organisations in fostering cooperation and international adherence. The whole project was promoted by the UNODC, generating a safe space for the assistance of victims of human trafficking and strengthening the protection mechanism.

Owing to the UNODC intervention, in January 2017 Afghanistan passed the Law to Combat Crimes of Trafficking in Persons and Smuggling of Migrants officially outlawing all forms of human trafficking even including other forms of exploitation "that go beyond those in the 2000 UN TIP Protocol, such as medical experiments and forcing a person to commit "other illegal activities"" (U.S. Department of State, 2017)

The 2017 law consolidated previous laws such as the 2008 Law Countering Abduction and Human Trafficking/Smuggling, article 516 of the penal code and the 2009 Law on the Elimination of Violence Against Women. The US annual Trafficking in Persons (TIP) report, which analyses and ranks the efforts of each government in the elimination of illicit trafficking, took into account this progress and placed Afghanistan on Tier 2: this position means that the state is "*not fully compliant, but making "significant efforts" to be compliant with the minimum standards*" (Aim, 2025).

The main flaw that was evidenced in the system was the complicity of the official authorities in the sexual exploitation and recruitment of children by Afghan security forces.

Furthermore, the definition of "trafficking" was not clearly defined for law enforcement and judicial authorities, since in Dari (which is one of the two official languages in Afghanistan) there is the same word for defining both the crime of smuggling and trafficking. There were attempts to create two separate definitions however in practice the situation remained untouched because of the inability of the government to affirm its power in the rural areas.

Even if the government de jure had implemented a ban on human trafficking, de facto it resulted as a law without enforcement, where only 63 out of 103 investigations of alleged traffickers ended with prosecution.

IV. VULNERABLE GROUPS

Both before and after 2021 the targets of human trafficking can be divided into three categories of vulnerable groups:

- Women and Children
- Refugees and internally displaced persons
- Third-country nationals

The former has been the subject of in-country human trafficking, rooted in the patriarchal and social practices where children and women are considered as men's "commodities".

The main forms of trafficking to which women are subject to are sexual servitude and forced marriage perpetuated by their fathers and other male family members.

According to the Afghan conception of marriage, "any extra-marital sexual contact for women and girls is strictly banned and criminalised" (Hoang, 2022), this however doesn't consider the possibility that a woman may be obliged to perform sexual acts against her consent, consequently, if a woman manages to escape from a situation of abuse or sexual exploitation she is not considered as a victim, but as being guilty of a "moral crime" (such as adultery or prostitution).

Besides women and young girls, also young boys have been the target of this illicit trafficking: Afghan children are still nowadays forced into the practice of the "*bacha bazi*", a form of exploitation, where these young boys (the name of the practice itself translated means "beardless boys") are obliged to dress in feminine clothes and perform dances or sexual practices to their male patrons. The victims reported to NGOs that the ones taking advantage of Bacha Bazi are "the powerful" (U.S. Department of State, 2019) which include the "military commanders and community leaders" but also "the ANA, ANP, ALP, pro-government militias, and the Taliban" (U.S. Department of State, 2019).

During the twenty years of the US-led occupation of Afghanistan it was discovered that the Taliban had used the sex-trafficking of women to fund their insurgency. Women or children could be sent to Taliban or simply sold for various reasons: to repay a debt (many women have been forced to marry creditors and become their domestic and sexual servitude) or as a mode of dispute settlement (to restore the "lost honour" of the family member).

Children could be sent to forced labour in extremely hazardous conditions, mainly in the carpet-weaving, farming, bricklaying and poppy cultivation sector, or, in the worst of the cases, trained as children-combatants.

After the return of the Taliban in 2021 the trafficking for organ removal started to increase, "Media reports documented a significant rise in the illicit kidney enterprise in Herat, a city with seemingly unlimited fresh supplies of human organs." (Hoang, 2022). Due to the worsening of the humanitarian crisis, indebted and poor people started selling their own kidneys to accumulate a miserable amount of money: since those operations take place in clandestine clinics people rarely manage to recover completely, being left with a maximum of $1,500 and the need of repaying their own cures.

According to the IOM, while the intra-national human trafficking is highly developed trans-national trafficking occupies a much smaller percentage (International Organization for Migration [IOM], 2004), and within this smaller portion it is important to cite the other two categories (IDPs and TCNs) due to their extra-national nature. The ones controlling the trans-national trafficking adopt the same techniques as the in-country one, adapting them to the new possible situation: indeed, refugees may be obliged to sell their organs, offer sexual services, sell their children to pay migration costs.

The 2019 TIP report (U.S. Department of State, 2019) evidenced how only a very small portion (73'000) of the Afghan undocumented returnees from Pakistan and Iran (which were nearly nine million people) managed to be assisted by NGOs, the vast majority instead, was targeted by traffickers in "Herat, Nangarhar, Badakhshan, and Nimroz provinces for forced labour in agriculture, brick kilns, and carpet weaving" (U.S. Department of State, 2019)

V. THEORIES

To explain why human trafficking in Afghanistan has become deeply normalised and has even increased with the 2021 Taliban's return there are three main theories (Anand & Singh, 2025).

The first one is Talcott Parsons' "structural-functional theory", which affirms that Afghanistan's human trafficking crisis has been caused by structural and functional lacunas. The main institutions, which should be at the basis of society, are fragile and complicit: families, the legal system and education have ignored and normalised this tragedy. The fact that, even police officials are corrupted in this system, determines the collapse of executive and judicial oversight of vulnerable group. Women and children are left alone, with no shelters, legal aid nor psychological support.

There is a total institutional failure that leads to both the ignorance and the acceptance of trafficking as a mode of survival. After the 2021 Taliban's return people resorted to exploitative arrangements for subsistence: there was no more foreign aid, assets were frozen overseas (which amounted to $7 billion) and international sanctions were imposed (US congress, 2024), resulting in an inflated economy and mass unemployment. This mechanism highlights the deep interconnection between a country with 90% of the population living below the poverty line, and the act of looking for illegal modes of profit. With the aim of re-establishing an equilibrium, institutions must be strengthened and equality should be fostered with the objective of protecting children and women, eliminating the social constructions that preserve exploitation.

The second theory is the so-called "conflict theory" and analyses the conflict generated between people over limited resources. The sociologist Lewis Coser argued that conflicts are "inherent in social relationships in our daily lives" (Anand & Singh, 2025), but still, we must distinguish between external and internal levels.

The former regards external conflicts, which are described as those conflicts between an inner group and an external one, that culminate with the generation, within the internal group, of a sense of cohesiveness and strong connection.

The latter instead considers a conflict that happens within an internal group between the dominant and the vulnerable part. According to Coser's view conflict at internal level may also have a positive result (by creating new social norms and laws) however this functional utility may be achieved only if there is space for the "release of bitterness" through a safety valve. Communication is crucial therefore to strike a balance between the two groups because without this "safety valve" the conflict becomes dysfunctional, not leading to a better society, but to oppression.

By applying this model to Afghanistan, parallels between the different levels are immediate: at the external level the 20 years US-led occupation increased the group solidarity of the Taliban permitting them to unite and collaborate with other groups with the same ultra conservative conception of the Sharia.

This created in them a rigid structure where there is no space for "safety valves": if at internal level before 2021 there were some forms of "safety valves" (NGOs, international oversight, the 2017 law), after their return to Kabul Sharia had been used as a form of social control, not for releasing injustices. Coser affirms that this dysfunctional conflict between vulnerable and dominant groups generates the vacuum where traffickers operate. Since the dominant group (the Taliban) prioritizes the fight with the vulnerable one (the population), traffickers enter the market exploiting the same unprotected group.

The third theory is Maslow's Hierarchy of Needs theory. In his opinion, people live with the necessity of meeting their personal needs, and these can be divided into a five-section model. Maslow depicts human needs as a pyramid, where at the base there are the most basic and fundamental ones, while, progressively at the top, we find the ones concerning self-actualization: with the fulfillment of the primary needs an individual will proceed forward, demanding the satisfaction of the second tier of needs and motivating them to pursue their development.

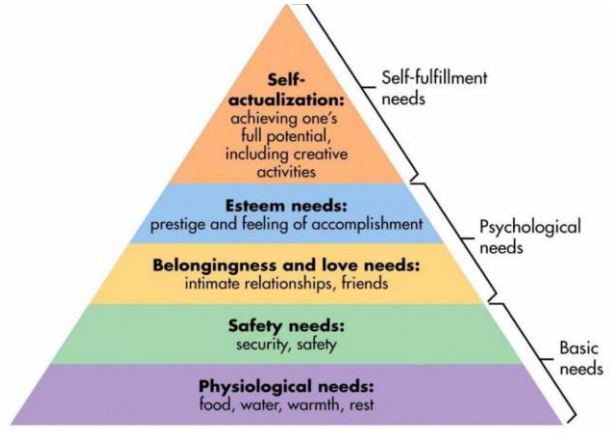

Figure 1. Maslow's Hierarchy of Needs Pyramid (Anand & Singh, 2025)

With the 2021 Taliban's insurgency it became impossible for the Afghan population even to fulfill their basic needs, entering in a survival mode under which the safety needs had to be sacrificed to protect the physiological needs. Again, as for the other two theories, it is in this climate of chaos that the traffickers build their market. Taliban

resurgence left 400,000 to 500,000 Afghans unemployed (Anand & Singh, 2025), providing fertile ground to human traffickers who promise economic and social empowerment but act for their own self-interest.

VI. AFTER 2021

As mentioned in the previous paragraphs, after the 15th of August 2021 Afghanistan fell in a geopolitical vacuum. The US 2021 TIP report classified the country as Tier 3 affirming that: "The Government of Afghanistan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity.

During the reporting period there was a government pattern of sexual slavery in government compounds (bacha bazi) and recruitment and use of child soldiers.*"* (U.S. Department of State, 2021) The report highlighted the near-total lack of prosecution for military and police officials. By contrast, authorities continued to arrest the actual victims, punishing them for "moral crimes" whenever they attempted to report trafficking crimes to law enforcement officials." (U.S. Department of State, 2021).

There was a sudden stop in the development of the antitrafficking legislation, victim protection programs, and civil society initiatives.

On the 5th of January 2026 (Amnesty International, 2026) the Taliban supreme leader ordered the publication in the Official Gazette of the new "Criminal Procedure Regulation of the Courts". The previous comprehensive penal code was substituted with a 119 articles document which intends to control the population rather than regulate it. Some provisions of the text even appear to be an official acceptance of slavery: In Article 15, for all the crimes where a "*hadd*" (a prescribed punishment) has not been defined, a "*ta'zir*" (discretionary punishment) is imposed, whether the criminal is free or a "*ghulam*", meaning "enslaved person" (Rawadari, 2026)

In Article 4, Clause 5, (Amnesty International, 2026) it is further mentioned the penalty that could be imposed by the *"baa-daar"* (master), confirming once again the total regression of this country in terms of human rights protection: Human trafficking is no longer repudiated, but normalised and officially accepted by the law

VII. CONCLUSION

In conclusion, human trafficking in Afghanistan hasn't always followed a linear trajectory, but instead it has oscillated following the country's geopolitical background. Although the 2004 Constitution determined several steps forward the problem persisted because of the continuous presence of a legal veneer determined by a corrupted government which was condemning a practice whilst continuing to pursue it.

However, after August 2021 the dynamic changed, as the theories previously mentioned highlight, with the problem of unemployment and the rising level of poverty, people found themselves to have no choice other than resorting to exploitation for survival.

With the removal of the 2017 law by the Taliban and the introduction of the 2026 Criminal Code the state has completely regressed in the protection of victims of traffickers: if initially it could be considered as a flawed defender, after the 5th of January 2026 a new era was marked, an era where the same state legitimises violence, forced labour and even slavery.

REFERENCES

Aim. (2025, October 27). *All you need to know about the TIP Report*. Agape International Missions. https://aimfree.org/tips24/#:~:text=So%20what%20exactly%20is%20the,in%20compliance%20with%20the%20TVPA

Amnesty International UK. (2026, April 7). Women in Afghanistan: the back story. https://www.amnesty.org.uk/knowledge-hub/all-resources/women-in-afghanistan-the-back-story/#:~:text=Following%20the%20fall%20of%20the,towards%20women's%20roles%20and%20rights

Amnesty International. (2026). THE TALIBAN MUST IMMEDIATELY REVOKE THE CRIMINAL PROCEDURE REGULATION OF THE COURTS. In *Amnesty International*. https://www.amnesty.org/en/wp-content/uploads/2026/03/ASA1107822026ENGLISH.pdf

Anand, D., & Singh, H. (2025). Human Trafficking as a Non-Traditional Security Threat in Afghanistan: Post 2021. *Journal of Underrepresented & Minority Progress*, *9*(5). https://doi.org/10.32674/vn9xwk06

Europol. (n.d.). *Trafficking in human beings*. Europol. https://www.europol.europa.eu/crime-areas/trafficking-in-human-beings

GLO.ACT's Efforts in Afghanistan: Health and Alternative Development. (n.d.). United Nations : Office on Drugs and Crime. https://www.unodc.org/unodc/human-trafficking/glo-act2/Countries/glo-acts-efforts-in-afghanistan_-health-and-alternative-development.html

Hoang, T. (2022). *Human trafficking in the Afghan context: Caught between a rock and a hard place?* The Serious Organised Crime and Anticorruption Evidence Research. https://respect.international/wp-content/uploads/2022/05/SOC-ACE-RP10_Afghanistan_Human-Trafficking_Thi-Hoang_final_7-May-2022.pdf

International Organization for Migration [IOM]. (2004). *Trafficking in persons: An analysis of Afghanistan* (No. 92-9068-176–4). International Organization for Migration. https://publications.iom.int/system/files/pdf/trafficking_afghanistan.pdf

Rawadari. (2026, January 21). *Press release regarding the implications of the "The Criminal Procedure Code for Courts" issued by the Taliban* [Press release]. https://rawadari.org/wp-content/uploads/2026/01/Criminal-Code-of-Taliban-English.pdf

The Organized Crime Index. (n.d.). Global Initiative Against Transnational Organized Crime. https://ocindex.net/country/afghanistan

U.S. Department of State. (2017). *2017 Trafficking in persons report: Afghanistan.* https://www.state.gov/reports/2017-trafficking-in-persons-report/afghanistan

U.S. Department of State. (2019, June 20) *Trafficking in Persons report. https://2017-2021.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf*

U.S. Department of State. (2021). 2021 *Trafficking in persons report: Afghanistan.* https://2021-2025.state.gov/reports/2021-trafficking-in-persons-report/afghanistan/

US congress. (2024, February). *Defining human trafficking: In brief (Report No. R45122)*. Congressional Research Service. https://www.congress.gov/crs_external_products/R/HTML/R45122.html

Transnational Organized Crime and the Illicit Trade in Endangered Flora

Analyzing the Criminological Dynamics and Supply Chains of Flora-Crime

Patrick Veronesi

Abstract — **The illicit trade in endangered flora has evolved from opportunistic harvesting into a sophisticated global enterprise managed by transnational organized crime. This paper examines the criminological dynamics shaping flora-crime, highlighting how criminal networks exploit regulatory loopholes, corruption and structural vulnerabilities in global supply chains. Often perceived as a low risk, high reward market, flora trafficking operates along legitimate trade, causing severe biodiversity loss and converging with serious offences like money laundering and fraud. By distinguishing between subsistence-level illegal logging and highly organized organizations, this analysis identifies critical regulatory challenges in international law enforcement, including forensic bottlenecks and jurisdictional asymmetry. Through case studies on rosewood and medicinal plants, the research demonstrates how these networks threaten both ecological stability and state security. Ultimately, this paper argues for a paradigm shift where environmental crime is seen as a paramount global security threat, requiring more rigorous financial investigations and standardized international regulatory frameworks.**

I. INTRODUCTION

The rapid globalization of trade and the increasing complexity of international supply chains have provided a fertile environment for the expansion of environmental crime. The international security discourse often prioritizes the trafficking of narcotics, arms, and fauna, but the illicit trade in endangered flora has emerged as a critical, yet frequently overlooked, pillar of the global underground economy. This trade has transitioned from localized, opportunistic harvesting into a highly structured enterprise managed by transnational organized criminal organizations. These networks exploit vulnerabilities (including regulatory gaps, corruption, and the inherent difficulty of monitoring botanical goods) to generate immense profits at a low risk.

By examining the operational business models of criminal organizations and the convergence of flora trafficking with other serious offenses, this analysis aims to highlight the inadequacies of current enforcement frameworks.

The pervasive phenomenon of the so-called plant blindness within conservation criminology has marginalized the severe exploitation of botanical species. While the United Nations Office on Drugs and Crime (UNODC) recognizes that trafficking of protected species encompasses both fauna and flora, timber and plant species consistently represent a significant proportion of confiscated shipments by both physical volume and monetary value (UNODC, 2024). Despite this, the institutional focus remains distorted, leaving botanical conservation initiatives underfunded and border enforcement agencies poorly equipped to manage the crisis.

II. THE CRIMINAL BUSINESS MODEL

Illegal plant trafficking is a professional industry that copies the methods of legal trade: it uses the same types of complex supply chains, expert help from corrupt lawyers or brokers, and vast, diverse shipping networks. Using a so-called means, motive, and opportunity criminological framework, transnational criminal organizations systematically exploit the pervasive low risk, high reward nature of environmental crime (Çöpoğlu, 2026; UNODC, 2024).

A. Motive and the Opportunity Structure

The main incentive for TOC[1] involvement is the immense profitability of the trade (which is made possible by a strategic use of jurisdictional arbitrage). Criminal networks actively seek out regulatory asymmetries between states, establishing extraction operations in nations with weak governance, underfunded forestry departments, and high corruption indices. Unlike narcotics or arms trafficking, which attract intense international law enforcement scrutiny and severe punitive measures, the statutory penalties for wildlife and timber offenses remain disproportionately insufficient in a vast majority of global jurisdictions (Çöpoğlu, 2026).

Environmental crimes rarely meet the four-year imprisonment threshold required to trigger the vital Mutual Legal Assistance (MLA) and Extradition provisions of the United Nations Convention Against Transnational Organized Crime (UNTOC). Consequently, criminal organizations secure immense profit margins while facing minimal deterrence or the threat of substantial capital confiscation (Çöpoğlu, 2026). The opportunity further arises from the immense volume of global maritime shipping: because physical checks are so rare (less than 2%), the logistical reality is that the odds clearly favor the trafficker.

B. Means, Blurring of Boundaries, and Enabling Crimes

The illicit flora trade exhibits a significant and alarming blurring of boundaries. Research in criminology is making it clearer that environmental trafficking isn't just a side

© 2026 Patrick Veronesi. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

[1] TOC: *Transnational Organized Crime*

issue; it rarely happens in a vacuum and is usually tied into larger organized crime structures. Flora-crime networks systematically rely upon the so-called enabling crimes (like corruption, document fraud and financial crimes) to move their illicit goods across borders. The physical transportation routes and logistical infrastructure used to smuggle illicit timber out of remote forests are often parallel to those used for drugs and arms smuggling (Anagnostou & Doberstein, 2022). In several Latin American regions, drug cartels use illicit timber operations not only as a secondary revenue stream but also to actively launder the proceeds of narcotics sales, buying up vast pieces of land and timber rights to clean their illicit cash, distorting regional economies and cementing their territorial control. The mechanisms of deception employed at international borders are highly organized and endlessly evolving. The cartels use different methods to let the goods pass:

- fraudulent phytosanitary certificates,
- meticulously forged Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permits
- bribery of customs officials and forestry inspectors.

By faking the Harmonized System (HS) customs codes (like mislabeling raw protected timber as semi-processed legal wood products, or endangered orchids as common varieties), criminal groups can easily slide illegal goods into the global trade system without raising any red flags. They also rely on ghost permits or use the same legal quotas over and over again to make massive amounts of illegal wood look like a legitimate part of the trade. Supported by elaborate networks of offshore shell companies designed to obscure ultimate beneficial ownership, the commodity is effectively washed long before it reaches the consumer market, rendering the final buyer entirely complicit, though often unintentionally (UNODC, 2025).

III. CASE STUDIES: HIGH-VALUE TIMBER AND THE INVISIBLE PLANT TRADE

A. The Global Rosewood Criminal Organizations and Boom and Bust Cycles

The global black market for rosewood provides an exemplary, though tragic, example of the role of crime in environmental exploitation, showing a volatile boom and bust cycle of extraction that exhausts regional ecosystems (before moving on to new territories). Rosewood (often involving species like the *Dalbergia* and *Pterocarpus genera*) remains one of the most heavily trafficked natural resources in the world by both volume and value. The extraction of precious timbers is not just a case of individuals providing for themselves: it is usually characterized by professional, well-financed operation run by organized criminal systems. International criminal organizations provide the necessary investment for early logging operations in countries across West Africa, Southeast Asia, and Latin America. As one specific country consumes its rosewood stocks (or tightens enforcement in response to international pressure), criminal organizations rapidly transition their activities to vulnerable nations, leaving behind deforested landscapes and economically ruined communities (UNODC, 2024; UNODC, 2025).

This extraction phase frequently uses extreme violence and intimidation to secure monopolistic control over the logging zones. This consistent profit-seeking does not just cause ecological devastation and habitat loss; it also poses a direct threat to the sovereignty and human rights of indigenous groups. The violent conflict in Cherán, Mexico, serves as a striking case study of the dangers posed by illicit logging. When local communities are forced to mobilize armed self-defense units to guard their territories, it underscores the total breakdown of state protection for environmental activists (UNODC, 2025). After extraction, the timber is moved using advanced concealment techniques, such as being buried behind layers of legitimate wood, produce, or industrial scrap. Criminal organizations manipulate global shipping routes, intentionally sending cargo through transit hubs or free-trade zones with lax oversight to mask the source of the product. By the time it reaches major markets (which are driven by a high demand for luxury furniture and professional instruments), the timber is fully integrated into legal trade channels (UNODC, 2024).

B. The invisible Trade in Medicinal and Aromatic Plants (MAPs)

In contrast to the timber industry, the market for Medicinal and Aromatic Plants (MAPs) is immense yet poorly understood. Globally valued in the billions, this sector experienced an extraordinary acceleration during the COVID-19 crisis, because of a high demand for traditional and natural medicines to boost immune systems and generally staying healthy.

The reality is that nearly all these plants (everywhere from 60% to 90%) are taken directly from the forests rather than being farmed. Most of this work is done by struggling rural families who have few other ways to obtain a small revenue (Timoshyna et al., 2020).

While the finished goods (such as herbal teas, essential oils, cosmetics, and supplements) are sold legally worldwide and are found everywhere in daily life, the way they are first gathered often breaks local environmental laws, ignores the limits of protected nature reserves, and exceeds international trade limits (CITES[2]). Global networks take advantage of the inherently obscured nature of these trade routes. They mobilize massive, uncoordinated groups of local harvesters to illegally gather protected succulents, rare orchids, and medicinal roots (like wild ginseng or resins used for frankincense, which usually require a lot of time before maturation). Middlemen then aggregate these illegal harvests into commercial quantities, using pervasive bribery to move through regional checkpoints. The pivotal moment in this illicit chain is the processing stage: by milling the plants into fine powders or extracting their oils, traffickers permanently eliminate the physical characteristics of the species. This transformation makes visual or botanical identification by customs officers practically impossible, enabling endangered species to mix undetected into the legal pharmaceutical and cosmetics markets under broad, non-specific trade codes (Timoshyna et al., 2020).

[2] CITES: *Convention on International Trade in Endangered Species of Wild Fauna and Flora*

IV. REGULATORY CHALLENGES AND ENFORCEMENT GAPS

Addressing illegal plant and timber trade is exceptionally difficult because the legal market is so immense and the shipping routes are so intricate. Every year, millions of tons of medicinal plants and billions of dollars' worth of wood products move across the globe, providing the perfect cover for criminal activity. The enormous scale of routine, legal trade creates a monumental barrier to detection that allows criminal networks to hide their contraband with high levels of certainty (Timoshyna et al., 2020). Because this industry is so obscure, tracking a product from its source to the shelf is extraordinarily complex, as raw plants pass through numerous intermediaries (moving from local harvesters to regional middlemen, then to processing centers, and finally to global exporters, often traversing multiple jurisdictions before ever reaching the end consumer).

A. Technical Gaps in Flora Enforcement

Border officials encounter significant obstacles when attempting to identify specific species. Distinguishing between legally sourced, sustainable plants and those protected under CITES quotas (particularly once they have been turned into timber or fine powders) usually demands advanced botanical skills and an understanding of complex wood structures that most standard customs personnel lack. Although sophisticated scientific methodologies exist (such as DNA barcoding, stable isotope analysis to authenticate geographic origins and confirm if timber was sourced from a legal concession, and mass spectrometry to detect the specific chemical markers of processed plants), these methods are hindered by significant practical limitations. These tools are incredibly expensive, require sophisticated, sterile, laboratory settings, take weeks to produce results, and rely on reference databases that are currently incomplete for many tropical flora species (UNODC, 2024; UNODC, 2025).

As a result, these technologies are almost never available for immediate intervention at border crossings. Criminal organizations are aware of these weaknesses and use them to their advantage, falsely labeling endangered plants as common, unregulated varieties on shipping documents. They do this with complete confidence, knowing that a physical inspection or scientific test is highly unlikely before the cargo is released.

B. International Frameworks and Jurisdictional Asymmetry

International regulatory frameworks, while being structurally logical, frequently encounter inconsistent application. Initiatives like the European Union's Forest Law Enforcement, Governance and Trade (FLEGT) action plan, the EU Deforestation Regulation (EUDR), and the United States Lacey Act are designed to ban the entry of illegally harvested timber and mandate that importers perform thorough due diligence. However, the disparity in laws between nations created regulatory inconsistency and legal gaps that criminal networks actively exploit. If one market becomes inaccessible due to rigorous oversight, traffickers merely reroute their illegal goods to areas where demand is high, but border security is permissive. Until international legal frameworks achieve uniformity, and border agencies are provided with on-site forensic capabilities and seamless intelligence networks, organized crime will continue to exploit the structural gaps in the global plant trade (Çöpoğlu, 2026; UNODC, 2025).

V. CONCLUSIONS AND STRATEGIC POLICY IMPLICATIONS

The transition from decentralized logging to sophisticated, global flora-crime necessitates a drastic and pressing transformation of international law enforcement and environmental protection efforts. Treating illegal trade in endangered plants purely as a local conservation problem has been a failure. It must be officially redefined and fought as a major transnational crime: one that endangers global stability, drives systemic corruption, and speeds up the climate crisis by destroying the world's most vital carbon-storing forests. Rather than focusing on random border controls, which criminal organizations view as a minor problem, policy must pivot toward high-value targeting. Real progress requires decapitating the financial and leadership hubs that sustain the trade. This requires using the same sophisticated tactics brought against narcotics cartels: targeted financial investigations, aggressive asset recovery and forfeiture, and rigorous enforcement of Anti-Money Laundering (AML) protocols to trace the illicit financial flows generated by flora-crime. Some immediate steps like enhancing supply chain transparency (through mandatory corporate due diligence for brands using wild plant ingredients), standardizing criminal penalties across international jurisdictions to eliminate safe heavens, and heavily investing in capacity building for source countries are measures that may be implemented immediately. Protecting the world's global flora requires a comprehensive, integrated security approach that recognizes the undeniable link between ecological preservation, the maintenance of the rule of law, and the socio-economic stability of vulnerable local communities worldwide (Anagnostou & Doberstein, 2022; Çöpoğlu, 2026; UNODC, 2025).

REFERENCES

Anagnostou, M., & Doberstein, B. (2022). Illegal wildlife trade and other organised crime: A scoping review. *Ambio,* 51, 1615-1631.

Çöpoğlu, M. O. (2026). Timber trafficking: Illicit Logging and the Global Timber Trade. In B. Baysal & M. H. Charles (Eds.), *Illicit Economies and Security Dynamics* (pp. 154-171). IOS Press.

Timoshyna, A., Ke, Z., Yang, Y., Ling, X., & Leaman, D. (2020). *The invisible Trade: Wild plants and you in the times of COVID-19 and the essential journey towards sustainability.* TRAFFIC International.

UNODC. (2024). *World Wildlife Crime Report 2024: Trafficking in Protected Species.* United Nations Office on Drugs and Crime.

UNODC. (2025). *Global Analysis on Crimes that Affect the Environment – Part 2a: Forest Crimes: Illegal deforestation and logging.* United Nations Office on Drugs and Crime.

UNODC. *Mutual legal assistance.* E4J University Module Series: Organized Crime (Module 11). United Nations Office on Drugs and Crime. https://www.unodc.org/cld/en/education/tertiary/organized-crime/module-11/key-issues/mutual-legal-assistance.html

CITES. (1973). Convention on International Trade in Endangered Species of Wild Fauna and Flora. (1973, March 3). *Text of the Convention.* https://www.cites.org/sites/default/files/eng/disc/CITES-Convention-EN.pdf.

EFI FLEGT Team. (2008). *Forest law enforcement, governance and trade: The European Union approach* (Policy Brief 2). European Forest Institute.

European Parliament & Council of the European Union. (2025). *Regulation (EU) 2023/1115 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010* (Consolidated Text). http://data.europa.eu/eli/reg/2023/1115/2025-12-26.

§ 41. Hunting, fishing, trapping; disturbance or injury on wildlife refuges, 18 USCS § 41 (Current through Public Law 119-73, approved January 23, 2026, with a gap of Public Law 119-70.). https://advance-lexis-com.ezp.biblio.unitn.it/api/document?collection=statutes-legislation&id=urn%3acontentItem%3a8SG9-5032-D6RV-H4YY-00000-00&context=1519360&identityprofileid=2WXQJN58720.

§ 42. Importation or shipment of injurious mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles; permits, specimens for museums; regulations, 18 USCS § 42 (Current through Public Law 119-73, approved January 23, 2026, with a gap of Public Law 119-70.). https://advance-lexis-com.ezp.biblio.unitn.it/api/document?collection=statutes-legislation&id=urn%3acontentItem%3a8TKN-DH22-D6RV-H3X8-00000-00&context=1519360&identityprofileid=2WXQJN58720.

From Plants to Precursors: The Evolution of Drug Production and Trafficking in the Synthetic Era

Veronica Vaia

Abstract — **This paper aims to describe and explain, within the context of the global drug market, the shift from plant-based to synthetic drugs. It focuses on the differences between the two, as well as on the reasons and factors responsible for the emergence of synthetic drugs. The paper also maintains a particular focus on the advantages that the synthetic drug production offers to criminal organizations. In this regard, the objective is to examine how the shift has transformed the drug market in terms of manufacture and trafficking activities carried out by criminal groups, thanks to greater flexibility, expansion capacity and profitability. To support these arguments, the paper analyzes the emblematic case of two Mexican cartels.**

I. INTRODUCTION

Contrary to common perception, synthetic drugs are not a recent phenomenon, nor is their manufacture and illegal trafficking by criminal organizations a new circumstance. Their origin can be traced back to the late 19th and early 20th centuries, when scientific innovations rendered possible laboratory production of active compounds previously derived from plants. The discovery that relatively inexpensive chemical precursors could be used to synthesize such substances marked a significant shift, allowing for more efficient and large-scale production.

Despite this long history, synthetic drugs have gained renewed urgency in recent years. According to the UNODC World Drug Report 2025, in 2023, 316 million people worldwide used drugs (United Nations Office on Drugs and Crime, 2025b). While it is important to emphasize that cannabis and opioids remain the most widely consumed drugs worldwide, amphetamines, one of the main categories of synthetic drugs, rank third, with approximately 31 million users (United Nations Office on Drugs and Crime, 2025a). The report also highlights the difficulties of collecting reliable global data, suggesting that the latter are likely underestimated. In particular, national experts in several countries report a perceived increase in amphetamine use, pointing to the growing relevance of synthetic drugs in global markets.

This renewed importance is closely linked to the emergence of new psychoactive substances (NPS), which are not covered by international control systems. Their proliferation has increased both the complexity of authorities' efforts to contain them and the risks associated with their effects.

In this context, the paper examines how the shift from plant-based to synthetic drug production has benefited criminal organizations and the global drug market.

© 2026 Veronica Vaia. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. PLANT-BASED AND SYNTHETIC DRUGS

The main difference between plant-based drugs, also referred to as "botanical" or "natural" drugs, and synthetic drugs lies in how they are produced. Synthetic drugs are manufactured in laboratories through chemical processes involving precursors, while plant-based drugs are obtained by processing or refining plant material (United Nations Office on Drugs and Crime, 2001). Synthetic drugs can take different forms: they may be exact copies of substances found in nature, or they may be entirely new compounds.

More specifically, plant-based drugs rely on the extraction or isolation of active substances directly from plants, whereas synthetic drugs are produced through a series of chemical reactions, known as synthesis routes, in which precursors are transformed step by step into the final drug. The most well-known plant-based drugs are cocaine and morphine, which are derived from the chemical extraction of substances from the leaves of the coca plant (cocaine) and from the straw of the opium poppy (morphine). The most common synthetic drugs include amphetamine, methamphetamine, ecstasy, benzodiazepines like Valium or Librium, and synthetic opioids such as fentanyl.

III. THE RISE OF SYNTHETIC DRUGS

To understand the current synthetic drug landscape, it is necessary to examine its historical development. Synthetic drugs were firstly developed in the late 19th and early 20th centuries. Advances in pharmaceutical research and technology marked a crucial turning point: for the first time, the synthetic manufacture of therapeutic drugs competed with drugs derived from natural raw materials. Early research focused on studying already known natural compounds and, through the modification of the parent molecules, developing synthetic copies designed to enhance desirable effect while reducing side effects.

However, despite the initial enthusiasm, concerns regarding the effects of these new drugs had not yet been widely recognized or understood. The practice among doctors of overprescribing medications, both in terms of quantity and dosage beyond what was necessary to treat patients, was widespread. Only later, once the psychoactive effects of most of these drugs became evident, did authorities begin imposing restrictions. These regulations lead eventually to a decline in their medical use.

Negligent overprescription, together with restraints on both pharmaceutical and plant-based drugs, led to what is often described as a "balloon effect": the reduced availability of such substances in licit markets, and in some

cases their complete shutdown, resulted in the creation and expansion of illicit production. Illicit manufacturers not only reproduced substances previously circulating in the legal market using similar chemicals but also developed entirely new compounds.

In order to avoid risks of prosecution for manufacturing substances regulated under national and international controls, they began producing what became known as "designer drugs" or "synthetic drugs of the second generation", which are now considered new psychoactive substances (NPS) (United Nations Office on Drugs and Crime, 2001). In this context, "new" does not refer to newly created substances, but rather to newly available "psychoactive substances that mimic the effects of illicit and prescription drugs" (United Nations Office on Drugs and Crime, n.d.).

A key example is fentanyl, which emerged as a new synthetic substance in response to reduced heroin availability in the late 1970s and early 1980s. It was introduced to the market as "synthetic heroin," but proved to be several hundred times stronger.

The expansion of the clandestine synthetic drug market, together with the uncontrolled production of highly potent substances, has resulted in severe and often catastrophic consequences across many parts of the world. In the United States, in particular, data show several waves of drug overdose crises. While the first two waves (in the 1990s and around 2010) were linked to prescription opioids and heroin abuse, the third and most significant wave, beginning around 2013, was largely driven by synthetic opioids, especially illicitly manufactured fentanyl (Realuyo, 2020).

Amphetamines and methamphetamines followed a similar trajectory. Initially widely prescribed and used during the Second World War, they were brought back home by soldiers that developed severe addictions. This led to the spread of these drugs across various social groups. By the 1970s, stricter regulations shifted production to the illicit sector, leading to clandestine manufacturing and the development of "designer" amphetamine-type stimulants (ATS), as well as other derivatives (United Nations Office on Drugs and Crime, 2001).

IV. ADVANTAGES OF SYNTHETIC DRUGS FOR CRIMINAL ORGANISATIONS

The main threats that criminal organizations face when trafficking drugs are twofold: the loss of their investment and their inventory. The development of synthetic drugs quickly attracted criminal organizations, which recognized that their manufacture could significantly reduce both operational risks and costs (United Nations Office on Drugs and Crime, 2023).

A key advantage of synthetic drugs is the use of precursors. Unlike plant-based drugs, they do not require the cultivation of coca plants or opium poppies. Instead, they rely on chemicals that are often easily accessible and, in some cases, legally used in other industries such as cosmetics or pharmaceuticals. Once these chemicals are obtained, the main challenge lies in carrying out the chemical reactions necessary to produce the final substance.

Synthetic drugs are also more difficult to detect, as the continuous appearance of new compounds strains the capacity of authorities to monitor and identify them effectively.

Two other major advantages of synthetic drug production are timeliness and geographical flexibility. Plant-based drugs require large areas of land for cultivation, as well as time-consuming processes for harvesting and extracting active ingredients, all of which depend on environmental factors and the ability to conceal operations from authorities. These processes can take months and are often seasonal. In contrast, synthetic drugs are not geographically dependent. Their production requires only a small number of individuals with chemical expertise, who can operate in small laboratories and produce highly pure substances within hours or days. This flexibility is highly advantageous for criminal organizations. If a laboratory is discovered and dismantled, production can quickly resume elsewhere by acquiring the same precursors.

Additionally, synthetic drug laboratories are often located closer to trafficking routes, reducing the need for long-distance transportation compared to plant-based drugs, which must be moved from cultivation areas across multiple borders.

Particular attention must be paid to the Internet, as it creates a comprehensive space for criminal organizations, from the very beginning of the process, the production stage, to trade with end consumers.

the internet facilitates manufacturers' access to information, including tutorials on production methods. It has increasingly been reported that criminal groups use online platforms to communicate with suppliers offering precursors and technical materials, carrying out transactions online rather than in person. This represents a very different scenario compared to the more limited accessibility associated with the production of plant-based drugs. In those cases, cultivators themselves serve as the basis of the supply chain, selling crops directly and in person, often only to criminal organizations. Moreover, it has been found that illicit manufacturers also use the internet as a source of inspiration for the creation of new substances. They often search for old pharmaceutical patents originally proposed for the legal market but later rejected because of their effects and then reintroduce those compounds in the illegal one. As authorities impose stricter controls on known precursors, criminal groups adapt using all the tools at their disposal, including the internet, to develop alternative synthesis routes and employ new, unregulated chemicals.

Finally, the high potency of synthetic drugs plays a crucial role. Since they are far stronger than plant-based alternatives, much smaller quantities are needed to achieve the same effect, resulting in a higher value-to-volume ratio. According to the UNODC Drug Report 2023 "As little as a few tons of pure fentanyl would be needed to satisfy the annual consumption of illegally sourced opioids in the United States, compared to about 50 metric tons of heroin" (United Nations Office on Drugs and Crime, 2023, p. 15). This makes it easier for criminal organizations to use legal distribution channels, such as postal or courier services, to traffic small quantities of highly potent substances.

V. MEXICAN CARTELS AND THE GLOBAL SYNTHETIC DRUG TRADE

The shift toward synthetic drug production is now well established and widely recognized by law enforcement agencies worldwide. According to the DEA, the main cartels responsible for introducing synthetic drugs into the United States are two Mexican organizations: the Sinaloa Cartel and the Jalisco New Generation Cartel (Drug Enforcement Administration, 2024).

These cartels have developed a global supply chain for synthetic drug production. They source precursors primarily from chemical companies in China, and to a lesser extent India; produce substances such as fentanyl and methamphetamine in clandestine laboratories in Mexico; and distribute the drugs through established trafficking networks into the United States. Through their webs of associates, they are able to sell drugs directly on the streets as well as via social media and messaging platforms.

Traditionally, Mexican cartels were involved in the production and trafficking of marijuana and heroin. While they have not completely abandoned these activities, they have increasingly shifted toward synthetic drugs due to lower production costs, constant demand, and greater flexibility in production and distribution.

The Sinaloa Cartel is considered one of the most powerful drug trafficking organizations globally. Its strength lies in its organizational structure, often described as an umbrella model, which separates drug trafficking activities from other criminal operations. This structure has allowed it to develop a highly efficient and specialized system for drug production and distribution. The cartel is widely regarded as a leading global producer of fentanyl. Building on supply chains initially developed for methamphetamine production, it has shifted toward fentanyl by relying heavily on precursors sourced from China and processed in clandestine laboratories, particularly in the mountainous regions of Sinaloa. To conceal the importation of these chemicals, the cartel employs various methods, including mislabeling shipments, hiding precursors within legitimate goods, and routing them through third countries.

The Cartel Jalisco Nueva Generación, although it cannot compete with the fentanyl production capacity of the Sinaloa Cartel, is the second most prolific fentanyl-producing organization in the United States. It controls an extensive network of drug trafficking routes across the country, and its fentanyl is widely distributed in the major cities of the United States. The Jalisco Cartel is, however, primarily known for its methamphetamine production. It invests in "super labs" for the large-scale manufacture of the substance, resulting in a supply that extends beyond U.S. borders to markets in Asia and Oceania. To sustain the continuous output of these laboratories, the cartel requires large quantities of chemical inputs for methamphetamine production. In contrast, the synthesis of fentanyl necessitates significantly smaller amounts of chemicals, which are often smuggled into Mexico via air cargo.

Both cartels make extensive use of social media platforms, including both encrypted and open-access channels, as well as the darknet. These platforms are used to contact clients, advertise products, and process payments, reflecting patterns similar to legitimate online marketing and direct consumer communication. They are also employed for internal purposes, such as recruiting members and coordinating distribution and revenue networks.

VI. CONCLUSIONS

The evolution from plant-based to synthetic drug production has fundamentally reshaped the structure of the drug market. The advantages that criminal organizations gain from this shift are evident. Many organizations have strengthened their position within the hierarchy of the criminal world through involvement in synthetic drug production. This expansion has also allowed them to create broader transnational criminal connections, particularly in relation to the procurement of precursors, not present in the plant-based drug manufacture, such as those sourced from China in the case of Mexican cartels.

Investments in synthetic drug manufacture has demonstrated the potential for higher profits and lower costs, as production relies on relatively accessible chemical substances, small, specialized teams, and laboratories that are easier to establish and relocate because they are not dependent on agricultural conditions or remote cultivation sites.

Another important factor is the persistent global demand for synthetic drugs. Users increasingly seek more highly efficient and pure substances, and synthetic drugs have repeatedly proven to meet this demand, ensuring continued profitability for criminal organizations. Related to this, the intense effects of synthetic substances allow for smaller trafficking volumes while maintaining high financial returns, which also facilitates concealment and transportation.

Overall, adaptability, efficiency and profitability make synthetic drugs more advantageous for criminal organizations compared to traditional plant-based systems. While plant-based drugs remain present, the shift toward synthetic production is clearly transforming the global drug market.

REFERENCES

Drug Enforcement Administration. (2024). *2024 National Drug Threat Assessment*. U.S. Department of Justice. https://www.dea.gov/sites/default/files/2024-05/NDTA_2024.pdf

Farfán-Méndez, C., & Eligh, J. (2025). *Unregulated Fentanyl in North America: A Trilateral Perspective*. Global Initiative Against Transnational Organized Crime. https://globalinitiative.net/wp-content/uploads/2025/09/Cecilia-Farfán-Méndez-Jason-Eligh-Unregulated-fentanyl-in-North-America-A-trilateral-perspective-GI-TOC-September-2025.pdf

United Nations Office on Drugs and Crime. (n.d.). *What are NPS?* UNODC Laboratory and Scientific Services Portal. Retrieved May 15, 2026, from https://www.unodc.org/LSS/Page/NPS

United Nations Office on Drugs and Crime. (2001). *Understanding Clandestine Synthetic Drugs: Evolution of a Problem* (Report 2001-06-26). United Nations. https://www.unodc.org/pdf/report_2001-06-26_1/analysis_clandestine.pdf

United Nations Office on Drugs and Crime. (2023). The Synthetic Drug Phenomenon. In *World Drug Report 2023: Booklet 3*. https://www.unodc.org/res/WDR-2023/WDR23_B3_CH1_Synthetic_drugs.pdf?ref=hir.harvard.edu

United Nations Office on Drugs and Crime. (2025a). *Online World Drug Report: Drug Market Patterns and Trends*. UNODC. https://www.unodc.org/unodc/en/data-and-analysis/wdr-drug-market-patterns-trends.html

United Nations Office on Drugs and Crime. (2025b). *World Drug Report 2025*. United Nations. https://www.unodc.org/documents/data-and-analysis/WDR_2025/WDR25_B2_Contemporary_drug_issues.pdf

United Nations Office on Drugs and Crime. (2025c, November). *Tackling Organized Crime in Synthetic Drug Markets: UN Toolkit on Synthetic Drugs Launches New Module on Transnational Organized Crime*. UNODC News. https://www.unodc.org/unodc/en/news/2025/November/tackling-organized-crime-in-synthetic-drug-markets_-un-toolkit-on-synthetic-drugs-launches-new-module-on-transnational-organized-crime.html

Priceless by Design

Inflated Art Donations and the Organised Criminal Exploitation of Cultural Philanthropy in the US

Olivia Voicu

***Abstract* — Behind the arguably absurd spectacle of contemporary art valuations lies a sophisticated tax fraud mechanism which extends globally. This paper analyses inflated art donation schemes (namely, plots where artworks of minimal value are purchased cheaply, appraised fraudulently and donated for inflated tax deductions) and argues that they amount to transnational organised crime under the Palermo Convention. By mapping the scheme's operational structure and examining its legal implications under U.S. federal law, the paper shows how coordinated networks of promoters, appraisers and institutions exploit regulatory gaps across jurisdictions. It concludes by assessing the fiscal, structural and democratic harms produced and proposing targeted reforms to restore integrity to the art market and the tax system.**

I. INTRODUCTION

Have you ever been to a museum, stared at an art piece and thought: "I could do that". In fact, it is no secret that the general quality of contemporary artworks has noticeably declined, whereas counterintuitively, the dollar value of those same pieces has been skyrocketing — culminating, perhaps, in a banana duct-taped to a wall selling for $6.2 million in 2024 (Artprice, 2024 & McAndrew, 2026).

Research suggests that this phenomenon is not simply a symptom of a general decline in artistic taste, but is greatly influenced by organised tax fraud and tax benefit schemes operating on a global scale which find the most fertile legislative soil in the US (Mintz, 2024). The process is straightforward in practice: a work of art is acquired or commissioned relatively cheaply, it is then appraised at an artificially inflated value by a complicit evaluator, and subsequently donated to a cultural institution, thus entitling the donor to a tax deduction commensurate with the fraudulent appraisal.

This paper argues that inflated art donation schemes such as the one depicted above constitute a form of organised financial crime with transnational dimensions. As such, these plots involve coordinated networks of complicit artists, dealers, appraisers, legal advisors and institutional actors operating across different jurisdictions (Durrani, 2011).

These observations prompt questions, a few of which this paper wishes to address in turn. First, how does the scheme actually operate, and who are the actors involved? Second, why should a conduct that exploits legal provisions constitute criminal activity: where does sly tax planning end and tax fraud begin? Can it be actually considered transnational organised crime? Third, why should the phenomenon deserve the attention of the public at large? The following sections address these questions before advancing a set of reform proposals aimed at the structural conditions that allow such schemes to persist.

II. HOW THE SCHEME WORKS

First and foremost, particular scrutiny should be employed in mapping the operational anatomy of the scheme itself. For such a common phenomenon happening on such a wide scale, variations in procedural and technical characteristics are bound to emerge. However, the core pattern has been observed to be remarkably consistent across documented cases.

The structure is typically organised in three stages.

A. First Phase

At first, a 'promoter' —often presenting as a legitimate art dealer or financial advisor— individualizes high–income taxpayer and offers to sell them artworks at a convenient or discounted price. As the US Internal Revenue Service (IRS) stated in a 2023 bulletin: "*these promoters persuade taxpayers, usually high-income taxpayers, to purchase the art, wait to donate the art and then take an incorrect deduction for the art donated*". These works are usually of limited intrinsic value. They are sourced from unknown emerging artists who have not yet gained much traction on the worldwide art scene, and are purposely priced well below market value; thus, making the deal appear highly attractive to the investor.

Crucially, the promoter ensures the buyer that the artwork will be valued significantly more than the paid price.

B. Second Phase

It is typically recommended to the buyer to wait at least approximately one year before submitting the purchased artwork for official appraisal. This is strategically done in order to comply with the technical requirements for long–term capital gains treatment under U.S. tax law.

When the appraisers are involved, they are not independent and unaware actors: conversely, they are usually knowing participants to the scheme. They are given instructions to produce an estimation that is not derivative of the fair market value of the work. IRS enforcement data, as synthesised by the Brickell Law Group (2023) in its legal analysis of IRS bulletins, documents cases in which appraisals inflated the stated value of artworks by factors of ten or more relative to their acquisition cost (Brickell Law Group, 2023). The illegitimacy of the appraisal is then concealed in legal formalism (e.g., professional lexicon, references to comparable sales, appraiser's credentials…) from superficial scrutiny.

© 2026 Olivia Voicu. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

C. Third Phase

Finally, the taxpayer donates the purchased artwork to a credited cultural institution (e.g., museums). In doing so, they claim a tax deduction equal to the appraised fair market value — as permitted under Section 170 of the U.S. Internal Revenue Code.

Since the deduction is attached to the fraudulent appraisal rather than the actual purchase price (26 U.S.C. § 170), the taxpayer ends up claiming back far more than they ever spent. In some documented instances, the receiving institution is also complicit: it provides the donor with acknowledgements (e.g., letters) aimed at facilitating the deduction without conducting adequate due diligence on the stated valuations.

The net result is a transfer of wealth from the public treasury to a private individual (the donor), mediated by a coordinated chain of professional actors each of whom discreetly plays a crucial role to the overall fraudulent outcome.

III. IS IT A 'TRANSNATIONAL ORGANISED CRIME' SCHEME?

A. The 'Organised' Constraint is Met

In order to accurately assess whether this phenomenon can be appropriately categorised as part of the general '*transnational organised crime'* sphere, all three properties must be met – namely, the scheme must be concurrently *transnational, organised,* and a *crime.* Now, the second precondition (the organizational aspect) shall be assessed.

Following the Palermo Convention Article 2(a) (United Nations, 2000): *"Organised criminal group" shall mean 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*". Consequently, the preceding analysis demonstrates that all requisites contained in Article 2 are satisfied: the actors are multiple (promoter, buyer/taxpayer/donor, appraiser, cultural institution), they are aware of the scheme at play, and for the purpose of receiving a fiscal gain. Moreover, Article 2(c) declares that: "*"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*". Then, a structured group need not have formally defined roles or continuous membership: it need only not be randomly formed. The network at issue is, in fact, not randomly assembled. The promoter deliberately recruits participants for specific functional roles — selecting appraisers willing to produce inflated valuations and targeting taxpayers whose liability makes the deduction financially meaningful. The scheme's documented tendency to repeat on an annual cycle further confirms that the group is maintained beyond a single offence, satisfying the condition of structural continuity listed both in Article 2(a) and 2(c).

B. The 'Criminal' Constraint is Met

The third precondition (whether the conduct in question constitutes a crime) demands careful analysis. The scheme's sophistication is designed to effectively disguise its criminal character. Participants frequently present their conduct as aggressive but lawful tax planning: they purchase art, wait the legally prescribed period, obtain a professional appraisal, and donate to a qualifying institution. Each individual step, if examined in isolation, appears to engage with the law rather than violate it. The question, therefore, is not whether the mechanism exploits legal provisions (it plainly does) but whether the knowing manipulation of those provisions to produce a fraudulent outcome crosses the threshold from tax avoidance into criminal tax fraud.

Under U.S. federal law, that threshold is well-defined and clearly exceeded by the conduct described in this paper. The primary statutory basis for criminal prosecution is 26 U.S.C. § 7201 (United States Code, 2026), which criminalizes any wilful attempt to evade or defeat a tax, and carries a maximum sentence of five years imprisonment and a fine of up to $250,000. Consequently, circling back to the Palermo Convention, Article 2(a) affirms that the aim of the organised group must be that of committing a 'serious crime'. Article 2(b) elucidates that: "*"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*". This requirement is thus fully satisfied. Furthermore, IRS's criminal procedure manual (IRS, 2025) shows that the statute's scope is deliberately broad: the definition "*attempt in any manner*" encompasses any positive act aimed at reducing tax liability dishonestly. Courts have consistently held that the filing of a false or fraudulent return constitutes such an act. In the context of inflated art donation schemes, the filing of a deduction claim based on a valuation the taxpayer knows to be fabricated unambiguously satisfies this requirement. Moreover, there is a fundamental gap concerning art valuation. Unlike financial instruments or real estate artworks have no objective or verifiable market price. Value in the art market is, by nature, subjective, contextual and opaque. This subjectivity is a feature of the legal framework deliberately accommodated by provisions such as Section 170 of the Internal Revenue Code (IRC, 2024), which permits deductions based on "*fair market value*" without prescribing any binding methodology for how that value is to be determined.

Where the scheme requires coordination from multiple actors, conspiracy charges under 18 U.S.C. § 371 may also apply. The IRS's own guidance notes that courts interpret the provision broadly, in order to encompass any combined effort to obstruct a lawful government function by deceitful means. Crucially, for this to apply, no actual pecuniary loss to the government need be proven.

The Racketeer Influenced and Corrupt Organizations Act (RICO, 1968) represents the most comprehensive instrument available, applicable where the conduct shows a pattern of racketeering activity. Crucially, the criminal character of the scheme is not contingent on any individual actor completing the fraud alone: as established in the preceding section, the Palermo Convention framework and domestic conspiracy doctrine both recognize that

distributed participation in a fraudulent enterprise does not dilute criminal liability. Instead, it distributes it across the network

C. *The 'Transnational' Constraint is Met*

The final precondition under Article 3(1) of the Palermo Convention requires that the offence be transnational in nature. This means, per Article 3(2), that the scheme must be either: committed in more than one state, substantially prepared or planned in another state, or involving an organised criminal group that operates in more than one state. The inflated art donation scheme pursues this requirement particularly. Transnationality is actually a structural design choice by its actors, engineered to exploit the gaps between national regulatory frameworks.

The art market is among the most globalised high-value asset markets in existence. According to data cited in the U.S. Department of the Treasury's 2022 study on illicit finance in the high-value art market, the market's inherent characteristics make it particularly attractive for cross-border financial crime. To cite some: the high value of individual transactions, the physical portability of the assets, a longstanding culture of privacy, and the routine use of intermediaries that obscure the identity of the true buyer and seller. An investigation by the International Consortium of Investigative Journalists (ICIJ) into the Pandora Papers found that more than 1,600 artworks by approximately 400 artists were secretly traded through shell companies and offshore trusts in low-tax jurisdictions. This is an evidently systemic condition (International Consortium of Investigative Journalists, 2021).

The transnational dimension of art-related financial crime is further amplified by the institution of the *freeport*: a customs-exempt storage facility, located in special economic zones, where high-value goods including artworks can be stored, bought and sold without incurring in tax obligations and without scrupulous identity verification requirements (Tahri, 2022). The Geneva, Luxembourg and Singapore freeports, which opened between 2010 and 2014, collectively hold assets estimated in the hundreds of billions of dollars. As documented by the Centre for Art Law (2023), freeports are not classified as financial institutions and are therefore not subject to the customer due diligence obligations that govern the banking sector, making them an optimal channel for concealing and cross-border transferring of assets involved in tax fraud and money laundering schemes. Inside a freeport, an artwork can change ownership multiple times, using multiple paper transactions involving shell companies registered in different jurisdictions, without ever physically moving and without generating a paper trail accessible to tax authorities. The regulatory landscape governing these cross-border flows remains deeply fragmented. The Harvard International Law Journal (Kim, 2025) has documented that obligations that apply to banks and other regulated entities such as "*Know Your Customer*," beneficial ownership transparency and suspicious activity reporting do not internationally apply to art dealers, auction houses or freeport operators (Bastian, 2025). The European Union tried to minimize this gap with its Fifth Anti-Money Laundering Directive of 2018 (Directive (EU) 2018/1673), which brought art market participants into the scope of AML obligations in case of detection of transactions exceeding €10,000. This framework was then further consolidated by the EU's Anti-Money Laundering Regulation of 2024 (Regulation (EU) 2024/1624).

This regulatory asymmetry between jurisdictions, where some impose AML obligations and others do not, is itself a driver of transnationality: actors structure their transactions to route through the most permissive jurisdictions, creating precisely the multi-state operational footprint that Article 3(2) of the Palermo Convention contemplates.

IV. WHY IT MATTERS

The inflated art donation scheme cannot be said to be a victimless crime. Its consequences are structurally significant, as they operate on distinct levels.

The most immediate harm is fiscal. The charitable deduction under Section 170 is not marginal: according to the Urban-Brookings Tax Policy Center (2023), individual charitable giving in 2023 reached $385 billion, generating an annual revenue loss to the federal government of approximately $51 billion. When a portion of those deductions rests on fraudulent appraisals, the resulting deficit means a transfer of public revenue to private individuals. As this mechanism is recurrent enough to feature on the IRS's annual "Dirty Dozen" list of priority enforcement targets (consistently identified alongside offshore account schemes) underscores its prevalence and the scale of its fiscal impact.

However, the deepest harm is *democratic*. The Tax Policy Center's data makes it clear that the charitable deduction is already a mechanism whose benefits are overwhelmingly concentrated among the wealthy: approximately 80 percent or more of taxpayers at very high income levels claim charitable deductions, compared to a small minority of low and moderate income filers (Tax Policy Center, 2023). The tax incentive for charitable giving is thus structurally regressive. What inflated art donation schemes achieve is the aggressive exploitation of a pre-existing asymmetry: a mechanism designed to incentivize genuine cultural philanthropy is weaponised to generate private profit exclusively for those wealthy enough to access it, while the revenue shortfall is borne collectively.

The banana duct-taped to a wall, appraised at $6.2 million, is in this sense not merely an aesthetic provocation but can be read as a precise illustration of a system in which art's fiscal utility has entirely eclipsed its cultural value.

V. A LOOK AT POSSIBLE REFORM PROPOSALS

The persistence of inflated art donation schemes reflects a structural failure, not merely an enforcement one. Effective reform must therefore address the structure itself.

The most urgent reform concerns the appraisal methodology underpinning Section 170 deductions (26 U.S. Code § 170, 2026). As currently drafted, the provision permits deductions based on "fair market value" without actually prescribing any binding methodology for

its determination (Alecci, 2022). This gap is the scheme's primary enabling condition. A practical solution would require that charitable art donations exceeding a defined threshold be verified by independent panel appraisals, with evaluators prohibited from having any prior professional relationship with the donor, the promoter or the receiving institution. It is worth noting that the IRS already requires the submission of a qualified appraisal for non-cash charitable contributions with a fair market value of $20,000 or more; but this is a threshold that has not been meaningfully reformed since 2011, making it virtually obsolete in the face of inflation. Strengthening this requirement by also needing to make reference to a centralised, publicly accessible transaction registry would make coordinated inflation meaningfully harder to accomplish and easier to detect (Portilla, 2025).

Another intervention concerns the professional actors who enable the scheme. Appraisers, art dealers and donation intermediaries currently operate largely outside the Anti-Money Laundering (AML) and Know Your Costumer (KYC) obligations that govern the financial sector. As the Financial Action Task Force (FATF) noted in its February 2023 report on Money Laundering and Terrorist Financing in the Art and Antiquities Market, many jurisdictions lack sufficient awareness of the risks associated with the art market, resulting in inadequate investigative resources and significant difficulties with cross-border enforcement. The EU's Anti-Money Laundering Regulation of 2024 (Regulation (EU) 2024/1624) represents a meaningful step in extending these obligations to art market participants within European jurisdiction. The United States should pursue a comparable expansion as to cover appraisers and high-value art intermediaries.

Lastly, another reform addresses the transnational dimension of the scheme. The FATF's 2023 report explicitly identified the cross-border opacity of the art market (e.g., shell companies, third-party intermediaries and freeports) as a primary weakness that many jurisdictions have not yet adequately addressed. Closing this gap would however require willing international coordination, highly difficult to achieve as recent developments on the global landscape show.

VI. CONCLUSION

The banana duct-taped to a wall is, in the end, honest in the truest sense of the word. It makes no claim to aesthetic value, technical skill or cultural significance. What it claims (and what the market validated at $6.2 million) is financial value. That value is not accidental: it is the product of a legal and regulatory environment that has made art one of the most efficient vehicles available for high-income tax reduction, attracting to the art market the same coordinated criminal networks that exploit any sufficiently opaque and under-regulated financial system.

This paper has argued that inflated art donation schemes satisfy all three criteria of the Palermo Convention's definition of transnational organised crime: they are structured, multi-actor enterprises; they constitute criminal fraud under both domestic and international law; and their transnational architecture is deliberate. Until a threshold of reasonable fiscal control is met by authorities, the gap between what a banana costs and what it is worth will continue to be someone's tax deduction.

REFERENCES

Artprice by Artmarket. (2024). *The contemporary art market report 2024*. https://imgpublic.artprice.com/pdf/the-contemporary-art-market-report-2024.pdf

Arts Economics. (2020). *The NYC art market report*. Independent Art Fair. https://nyartmarket.independenthq.com/

Basel Institute on Governance. (n.d.). *Quick guide 29: Money laundering and sanctions evasion using the art market*. Basel Institute on Governance. https://learn.baselgovernance.org/course/section.php?id=1395

Durrani, A. (2011). Taking on art fraud. *Plaintiff Magazine*. https://plaintiffmagazine.com/recent-issues/item/taking-on-art-fraud

Brickell Law Group. (2023). *Improper art donation deductions*. https://lawyercpa.com/news/improperartdonationdeductions

Tahri, K. (2022, Sep 3). Luxury freeports and crime: What are the risks? *Center for Art Law*. https://itsartlaw.org/art-law/luxury-freeports-and-crime-what-are-the-risks/

European Union. (2018). *Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 (Fifth Anti-Money Laundering Directive)*. Official Journal of the European Union.

European Union. (2024). *Regulation (EU) 2024/1624 of the European Parliament and of the Council (Anti-Money Laundering Regulation)*. Official Journal of the European Union.

Valentin, P. (2025, December). *Hidden in transit: The uneasy relationship between freeports and the darker side of the trade in cultural property*. Fieldfisher Insightshttps://www.fieldfisher.com/en/insights/hidden-in-transit-how-freeports-enable-and-could-p

Financial Action Task Force. (2023). *Money laundering and terrorist financing in the art and antiquities market*. FATF/OECD.

Kim, S.J. (2025). *Expanding U.S. anti-money laundering laws to the art market: A proposal for a new regulatory framework*. Harvard Art Law Organization. https://orgs.law.harvard.edu/halo/2025/03/13/expanding-u-s-anti-money-laundering-laws-to-the-art-market-a-proposal-for-a-new-regulatory-framework/

Bastian, E. (2025). *Fighting money laundering in the art market: A comparative overview of U.S. and Swiss law*. Harvard International Law Journal. https://journals.law.harvard.edu/ilj/2025/03/fighting-money-laundering-in-the-art-market-a-comparative-overview-of-u-s-and-swiss-law/

Portilla, J.C. (2025). *Has the Financial Action Task Force turned a blind eye to art market money laundering?* Harvard International Law Journal. https://journals.law.harvard.edu/ilj/2025/04/has-the-financial-action-task-force-turned-a-blind-eye-to-art-market-money-laundering/

International Consortium of Investigative Journalists. (2021). *Pandora Papers: Offshore structures and the art market*. ICIJ.

Alecci, S. (2022, August 11). *US art trade vulnerable to money laundering but reform should wait, Treasury says*. International Consortium of Investigative Journalists. https://www.icij.org/investigations/pandora-papers/us-art-trade-vulnerable-to-money-laundering-but-reform-should-wait-treasury-says/

Internal Revenue Service. (2023, October 17). *IRS warns taxpayers about exaggerated art donation deductions (IR-2023-185)*. https://www.irs.gov/newsroom/irs-warns-taxpayers-about-exaggerated-art-donation-deductions

Internal Revenue Service. (n.d.). *Criminal statutory provisions and common law*. Internal Revenue Manual, Part 9.1.3. https://www.irs.gov/irm/part9/irm_09-001-003

McAndrew, C. (2026). *The Art Basel and UBS global art market report 2026*. Art Basel & UBS. https://www.ubs.com/global/en/our-firm/art/art-market-research.html

Mintz, S. (2024, September 5). *Where has artistic innovation and creativity gone?* Inside Higher Ed.

Statista. (2025). *Art market in the United States — statistics & facts*. https://www.statista.com/topics/9279/art-market-in-the-united-states/

Tax Policy Center. (2023). *Charitable giving and federal revenue loss: Annual estimates*. Urban-Brookings Tax Policy Center.

U.S. Department of Justice. (2020, March 10). *West Hollywood man admits to modern art fraud scheme using fake works for sale, collateral for loans, and write-offs on tax returns* [Press release]. https://www.justice.gov/usao-cdca/pr/west-hollywood-man-admits-modern-art-fraud-scheme-using-fake-works-sale-collateral

U.S. Department of the Treasury. (2022, February 4). *Study on the facilitation of money laundering and the financing of terrorism through*

the trade in works of high-value art [Press release]. https://home.treasury.gov/news/press-releases/jy0588

U.S. Department of the Treasury. (2022). *Study of the facilitation of money laundering and terror finance through the trade in high-value art*. (Mandated under the Anti-Money Laundering Act of 2020.)

U.S. Senate Permanent Subcommittee on Investigations. (2020). *The art industry and U.S. policies that undermine sanctions*. United States Senate. https://www.hsgac.senate.gov/subcommittees/investigations/

United Nations. (2000). *United Nations Convention against Transnational Organized Crime (A/RES/55/25)*. https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html

United States Code. (n.d.). *18 U.S.C. § 371: Conspiracy to defraud the United States.*

United States Code. (n.d.). *18 U.S.C. § 1343: Wire fraud.*

United States Code. (n.d.). *26 U.S.C. § 170: Charitable contributions and gifts.*

United States Code. (n.d.). *26 U.S.C. § 7201: Attempt to evade or defeat tax.*

United States Code. (n.d.). *Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961–1968.*

Human Trafficking Networks in Central Asia:
Foundation, Structural Evolution and Gendered Dynamics of Trafficking Networks

Otabek Yakubov

Abstract — **This paper analyzes human trafficking networks in Central Asia, focusing on Uzbekistan and Kyrgyzstan as key source countries for labor and sexual exploitation. It argues that, unlike traditional hierarchical models of organized crime, trafficking networks in the region operate through decentralized, chain-like structures composed of recruiters, transporters, and exploiters. The study traces the origins of these networks to the socio-economic disruptions following the collapse of the Soviet Union, emphasizing the role of poverty, migration, weak institutions, and corruption. It further examines their evolution into flexible and adaptive transnational systems. Particular attention is given to gender dynamics, highlighting how women play strategic roles within trafficking operations, especially in recruitment. The paper concludes that understanding trafficking as a networked and gendered phenomenon is essential for developing more effective legal and policy responses.**

I. INTRODUCTION

Human trafficking is one of the most complex forms of transnational organized crime, especially in the contemporary world. It involves the recruitment, transportation, and exploitation of individuals through coercion or deception, and must be distinguished from migrant smuggling, which is based on voluntary movement. This makes trafficking a serious violation of human rights and a major concern for international law. In Central Asia, particularly in Uzbekistan and Kyrgyzstan, trafficking has become a significant issue. These countries mainly act as source states, with victims trafficked to destinations such as Russia, Turkey, and the United Arab Emirates. Economic hardship, high labor migration, and weak institutional control have created conditions in which trafficking networks can operate relatively easily, even if not always visible.

This paper examines how trafficking networks in Central Asia are organized and argues that they do not follow strict hierarchical structures. Instead, they function through decentralized, chain-like systems composed of recruiters, transporters, and exploiters, connected by function rather than clear authority, which makes them more flexible and harder to detect. The role of gender is another important factor. In addition to becoming victims, women are occasionally involved in the recruitment process, where trust plays a crucial role when approaching potential victims. Since recruitment often relies on pre-existing social or community ties, it becomes both more effective and less suspicious, demonstrating that gender is not merely a background feature but also a structural component of how these networks operate. In order to present a comprehensive knowledge of trafficking dynamics in Central Asia, the study draws on academic research, international reports, and regional case studies. It does this by connecting more general structural explanations with practical instances of how trafficking operates.

© 2026 Otabek Yakubov. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

II. FUNDATIONS: ORIGINS AND DRIVERS OF HUMAN TRAFFICKING IN CENTRAL ASIA

Human trafficking in Central Asia developed in the context of the political and economic transformations following the collapse of the Soviet Union. According to the Kelly, L. (2005) International Organization for Migration (IOM) report *Fertile Fields: Trafficking in Persons in Central Asia,* the transition of the 1990s caused major social and economic disruption, including unemployment, declining living standards, and reduced state support. As a result, many people sought opportunities abroad through labour migration, which became a key factor increasing vulnerability to trafficking. The report emphasizes that migration itself is not the cause, but rather the conditions under which it occurs. In Central Asia, migration often takes place through informal or weakly regulated channels, increasing the risk of exploitation. Migrants frequently rely on recruiters who promise jobs abroad, but these offers are often deceptive, leading to forced labour or sexual exploitation, particularly in countries such as Uzbekistan and Kyrgyzstan. Studies conducted in Uzbekistan, including an unpublished survey, also identify informal labour markets as a source of internal trafficking. “Mardikor markets,” especially in Tashkent, are highlighted as locations where individuals selling manual labour are highly vulnerable to exploitation. According to a prosecutor, these markets can also involve the sex trade in women and children. The same survey documents serious health and psychological impacts on migrants, including poor working conditions, lack of adequate food, shelter, and healthcare, as well as feelings of shame, particularly among men who struggle to admit victimization. Institutional weaknesses further contributed to the emergence of trafficking networks. As noted in the IOM report, early post-Soviet state structures often lacked the capacity to control borders, regulate migration, or enforce anti-trafficking laws. Limited resources and corruption reduced the ability of authorities to respond effectively, creating conditions in which criminal actors could operate with relatively low risk, especially across borders, contributing to the transnational nature of trafficking.

The early formation of trafficking networks must also be understood within this broader context. According to the UNODC. (2007). *Central Asia Crime Assessment. New York: United Nations*, organized crime in the region developed through diverse groups rather than a single unified system. Some were structured, while others relied on loose, informal connections formed for specific activities. This explains why trafficking networks did not

emerge as rigid hierarchies, but through flexible links between actors involved in various illicit markets, including smuggling and corruption. The UNODC report also describes organized crime as "interwoven with social systems," meaning that trafficking networks were often embedded within existing migration flows and informal labour markets. Participants were not always part of formal organizations but operated within adaptable networks that expanded or contracted based on opportunity. Weak law enforcement capacity further enabled this development, as authorities lacked the resources and experience to detect new forms of crime. At the same time, poverty, unemployment, and limited legal opportunities made involvement in criminal activity more attractive, particularly for younger individuals.

III. EVOLUTION: FROM INFORMAL GROUPS TO TRNSNATIONAL NETWORKS

Human trafficking developed in Central Asia as a result of systemic change and pressures from globalisation rather than as a stand-alone crime.

In the 1990s, human trafficking in Central Asia was largely opportunistic and limited in scale. Following the collapse of the Soviet Union, criminal activities were often carried out by small groups or individuals relying on personal connections rather than formal organization. These early operations were typically localized and lacked the structure associated with more developed forms of organized crime. Trafficking during this period was closely linked to broader patterns of instability and weak governance. As noted by Burnashev (2007), various forms of illicit trafficking, including human trafficking, emerged alongside other criminal activities such as drug and weapons trafficking, often using the same informal routes. However, these activities were not yet highly coordinated or professionalized, and organization remained relatively limited.

During the 2000s, trafficking networks in Central Asia began to expand significantly and develop more organized structures. Increased labor migration and growing demand for cheap labor and services abroad contributed to the intensification of cross-border trafficking activities. Networks became more coordinated, with clearer divisions of roles among participants. According to the UNODC Global Report (2022), trafficking operations increasingly relied on specialized actors, including recruiters, transporters, and individuals responsible for document falsification. This division of labor allowed networks to operate more efficiently and across multiple jurisdictions. The process became less dependent on individual initiative and more structured, even if not strictly hierarchical (Magrassi and Menegazzi, 2023). At the same time, transnational organized crime more broadly was becoming more interconnected with fragile state conditions, where weak governance and corruption facilitated criminal operations (Miraglia et al., 2012). In this context, trafficking networks in Central Asia were able to expand beyond local settings and integrate into wider regional and international systems.

From the 2010s to the present, trafficking networks have continued to evolve, becoming more flexible and adaptive. One of the most notable developments has been the increasing use of digital tools, particularly social media and online platforms, for recruitment. These methods allow traffickers to reach potential victims more easily and with less risk of detection. At the same time, networks have become more fragmented, often operating through smaller and less visible cells. This reduces the likelihood that entire operations will be exposed if one part is detected. The UNODC Global Report (2022) highlights how modern trafficking networks tend to prioritize adaptability and low visibility over centralized control. Moreover, trafficking in Central Asia has been increasingly linked to international illicit markets. Networks are becoming a part of larger transnational systems that connect various nations and kinds of exploitation rather than being limited to regional channels. This is indicative of a broader shift in organised crime toward more adaptable and network-based approaches.

The relationship between trafficking networks and state authorities has also played an important role in their evolution. Corruption remains a significant enabling factor, allowing traffickers to bypass controls and operate across borders with reduced risk (Miraglia et al., 2012). In some cases, weak enforcement mechanisms have further limited the effectiveness of anti-trafficking efforts. However, there have also been increasing efforts by governments in Central Asia to combat trafficking. Recent initiatives have included stronger legal frameworks, improved cooperation, and awareness campaigns (Winrock International, 2023). These efforts have led to occasional crackdowns on trafficking networks. However, these enforcement measures have frequently led to adaptation rather than eradication. In response, networks become less visible and more decentralised by altering their strategies, routes, or architecture.

IV. STRUCTURE AND MODUS OPERANDI: THE "CHAIN MODEL" OF TRAFFICKING

The structure of trafficking networks can be broadly understood as a sequence of roles: recruiters, transporters, and exploiters. Each of these actors performs a distinct function, but they are interdependent. Recruiters identify and approach potential victims, transporters handle the movement across borders or within countries, and exploiters are responsible for the final stage, where individuals are subjected to labor or sexual exploitation. What is important here is that these segments often operate in a semi-autonomous way. There is usually no single leader controlling the entire process. Instead, coordination happens through informal connections and mutual benefit. This type of organization reflects broader patterns of illicit trade in Central Asia, where networks are often flexible and adaptable rather than centralized (TRACIT, n.d.). At the same time, even without strong central control, there is still a clear functional interdependence between actors, since each stage depends on the previous one being completed successfully.

Within this chain structure, the roles of different actors become more visible. Recruiters are often individuals who come from the same communities as the victims. This allows them to build trust more easily and present opportunities that appear legitimate. In many cases, recruitment is based on personal relationships, which

makes it more difficult for victims to recognize the risks involved (Turkmenistan UN, 2018). Transporters are responsible for the logistical side of trafficking. This includes arranging travel, providing or falsifying documents, and facilitating border crossings. Their role is essential in maintaining the flow of people across regions, especially given the importance of migration routes in Central Asia. The existence of established illicit trade routes in the region supports these activities, making transportation more efficient and less visible (TRACIT, n.d.). On the other hand, exploiters represent the final stage of the chain. They include employers, intermediaries, and individuals involved in industries where exploitation occurs. A relevant example can be seen in a reported case from Uzbekistan, where authorities uncovered a criminal network involved in trafficking human organs. In this case, different participants carried out specific roles, including identifying vulnerable individuals and facilitating illegal procedures, which reflects the same functional division seen in other trafficking activities (Jalolova, 2025). Even though this case involves organ trafficking, it still demonstrates how organized networks rely on role specialization rather than strict hierarchy.

One of the key questions is why trafficking networks in Central Asia do not develop into rigid hierarchical organizations. One explanation is that decentralized structures offer lower visibility. Without a clear leadership figure, it becomes more difficult for law enforcement to identify and dismantle the entire network. In addition, this structure reduces legal risk. If one part of the chain is exposed, the rest of the network can continue operating with limited disruption. This fragmentation increases resilience and allows networks to adapt quickly to changing conditions. As noted in studies on trafficking and security, criminal groups often organize themselves in ways that minimize exposure and maximize flexibility (DCAF, 2009). The cross-border nature of trafficking requires a high degree of adaptability. Different actors may operate in different countries, under different legal systems, which makes a centralized hierarchy less practical. A chain model allows for easier coordination across borders without the need for direct control.

An important aspect of trafficking networks is the role of gender. Women are not only victims but also sometimes participate as active agents within these systems. In particular, women are often involved in recruitment, where they can use shared experiences or social trust to approach potential victims. This makes the recruitment process more effective and less suspicious. Research on trafficking shows that gender stereotypes are sometimes used strategically. For example, women may be perceived as less likely to be involved in criminal activity, which can reduce suspicion during transportation or recruitment processes (UN Women, 2020). This perception can be exploited by trafficking networks to facilitate their operations. In some cases, individuals who were previously victims may later become involved in trafficking activities themselves. This transition from victim to perpetrator reflects the complex and often coercive nature of these networks. It also shows that roles within trafficking systems are not always fixed, but can change over time depending on circumstances.

To maintain control over victims, trafficking networks rely on a range of coercive mechanisms. One of the most common is debt bondage, where victims are told they must repay large sums of money for transportation or other services. This creates a situation where leaving is almost impossible. Psychological coercion is also widely used. Victims may be threatened, manipulated, or isolated in ways that make resistance very difficult. In many cases, traffickers confiscate identity documents, which further limits the ability of victims to escape or seek help. Threats against victims or their families are another important tool of control. These methods ensure compliance without the need for constant physical force. According to security sector analyses, such mechanisms are central to maintaining exploitation within trafficking systems (DCAF, 2009). Overall, control is maintained through a combination of economic, psychological, and physical pressure, which reinforces the stability of the network.

V. CONCLUSION

This paper has shown that human trafficking networks in Central Asia are decentralized and highly adaptive systems rather than rigid criminal hierarchies. These networks are flexible and challenging to dismantle because they rely on functional roles rather than centralised command structures throughout the recruitment, transportation, and exploitation stages. A significant discovery is that gender plays a structural role in how these networks function, impacting internal roles and recruitment tactics rather than being a secondary factor. Theoretically, this contradicts conventional "mafia-style" models of organised crime, which place an emphasis on rigid hierarchy and distinct leadership, since trafficking networks in Central Asia instead represent more flexible and network-based organisational structures. From a policy standpoint, this suggests that since these networks function internationally, there is a need for more reliable cross-border cooperation, strategies that target entire networks rather than just individual actors, and gender-sensitive preventive measures that address recruitment patterns and vulnerability. In general, the shift in transnational organised crime away from hierarchical structures and toward more adaptable, network-based systems is reflected in people trafficking in Central Asia.

REFERENCES

Burnashev, R. (2007). Terrorist routes in Central Asia: Trafficking drugs, humans, and weapons. *Connections: The Quarterly Journal, 6*(1), 65–70. https://doi.org/10.11610/connections.06.1.05

Kelly, L. (2005). *Fertile fields: Trafficking in persons in Central Asia*. International Organization for Migration. https://publications.iom.int/system/files/pdf/fertile_fields.pdf

Miraglia, P., Ochoa, R., & Briscoe, I. (2012). *Transnational organised crime and fragile states: A thematic paper supporting the OECD DAC INCAF project "Global factors influencing the risk of conflict and fragility"*. OECD. https://www.oecd.org/content/dam/oecd/en/publications/reports/2012/10/transnational-organised-crime-and-fragile-states_g17a2274/5k49dfg88s40-en.pdf

Tiralosi, E. (2023). *Human trafficking beyond borders: A comparative analysis between the Netherlands and the People's Republic of China* (Master's thesis, Luiss Guido Carli). Luiss Thesis Repository. https://tesi.luiss.it/42749/1/653612_TIRALOSI_ELEONORA.pdf

United Nations Office on Drugs and Crime. (2007). *An assessment of transnational organized crime in Central Asia*.

https://www.unodc.org/documents/organized-crime/Central_Asia_Crime_Assessment.pdf

United Nations Office on Drugs and Crime. (2022). *Global report on trafficking in persons 2022*. https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf

Winrock International. (2023, August 21). *Central Asian governments boost efforts to combat trafficking in persons.* https://winrock.org/central-asian-governments-boost-efforts-to-combat-trafficking-in-persons/

Transnational Alliance to Combat Illicit Trade. (2023, November). *Central Asia at the cross-roads of illicit trade: An investigation into illicit trade in Kazakhstan, Uzbekistan, Tajikistan, and Kyrgyzstan*. https://www.tracit.org/uploads/1/0/2/2/102238034/tracit_illicittrade_centralasia_final_nov2023.pdf

Jalolova, S. (2025, September 23). *Uzbekistan uncovers criminal network trafficking human organs. The Times of Central Asia.* https://timesca.com/uzbekistan-uncovers-criminal-network-trafficking-human-organs/

Friesendorf, C. (Ed.). (2009). *Strategies against human trafficking: The role of the security sector*. National Defence Academy; Austrian Ministry of Defence and Sports. https://www.dcaf.ch/sites/default/files/publications/documents/Trafficking%2520Complete.pdf

Turkmenistan UN. (2018). *The importance of awareness raising to inspire action to prevent human trafficking in Central Asia*. https://turkmenistan.un.org/en/129-importance-awareness-raising-inspire-action-prevent-human-trafficking-central-asia

UN Women. (2020). *The gendered dynamics of trafficking in persons*. https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAsia/Docs/Publications/2020/02/ap-Gendered-dynamics-of-trafficking-s.pdf

Tiralosi, E. (2024). *Human trafficking beyond borders: A comparative analysis between the Netherlands and the People's Republic of China* [Master's thesis, Luiss Guido Carli]. Luiss Thesis Repository. https://tesi.luiss.it/42749/1/653612_TIRALOSI_ELEONORA.pdf

Maritime Interdiction and Smuggling Networks
The Effects of the Criminalization of Migration

Giulia Ziggiotto

Abstract — **In the past decades, Europe has been the eye of a storm of migration flows, with more and more people losing their lives at sea because of the unsafety of the means employed. Whilst European States acted to prevent irregular migration and fight smuggling activities, it was apparent to many experts that the tools employed were not tackling the problem from the right angle.**

I. INTRODUCTION

Throughout the 2010s, the waters of the Mediterranean turned red, as more and more people made the desperate attempt to reach European countries in the hopes of a better future. Be it for economic, safety, or political and rights-based reasons, many people came to perceive the Schengen area as an escape from turbulent, unsafe, and poor realities. By the end of 2016, the number of immigrants reaching European territories had peaked at 5.2 million, most of them coming from Syria, Iraq, Afghanistan, and other countries where living conditions were poor (USA for UNHCR, n.d.).

This process evolved on such a large scale in so little time that Europe was overwhelmed by it, laboriously seeking to manage all of its implications. In this regard, States responded somewhat aggressively, in an attempt to preserve domestic equilibria. One of the aspects the fight focused on was the neutralization of transnational migrant-smuggling activities. A debate sparked on various elements of the affair: what is the practical effectiveness of the different instruments employed? And what are the true objectives sought by governments, and the role of migrant-smuggling activities in the affair?

II. THE LEGAL FRAMEWORK

Europe did not stand gaping at the events occurring around and within it in the 2010s. Rather, it chose to employ its numerous harmonization tools to create a relatively comprehensive and coherent framework that could support such a challenge. The framework had the fundamental mission of tackling the issues caused by the boom in irregular migration, whilst reconciling national objectives with preexisting international legal sources.

A. The International Framework

One key source we ought to consider when dealing with the situation in the Mediterranean area is the United Nations Convention on the Law of the Seas (1982), and in particular article 98 of the latter, titled "*Duty to Render Assistance*". Such a provision establishes an obligation to all State Members to require ships flying their flag to render assistance and rescue any vessel or any person found in a situation of distress at sea (United Nations, 1982). Article 98 is important to our discussion as it imposes an *unconditional* duty to have a proactive attitude at sea, regardless of the status of the people involved, whilst also cooperating with neighbouring states. Hartmann, Papanicolopulu, 2015). This obligation applies to all vessels, and regardless of the positive reinforcement effect they could cause, motivating irregular migration (Røsæg, 2020).

Another source of law key to our discussion is the United Nations Convention Against Transnational Organized Crime (2000), and more precisely its Protocol against the Smuggling of Migrants by Land, Sea and Air (2004), supplementing the UNTOC. The main achievement of this instrument was the most-awaited universal agreement on the definition of smuggling of migrants (United Nations Office on Drugs and Crime [UNODC], n.d.). Such an instrument aimed at preventing the smuggling of migrants through many means, among which are state cooperation and human rights protection. Moreover, in this Protocol, the practice of migrant smuggling was officially included under the scope of organized crime: the legal definition of smuggling provides that the actors must be aiding in a border-crossing operation, be paid to do so, and have been hired by the migrant willingly (van Liempt, 2016).

B. The European Framework

At the European level, we have numerous sources of secondary EU law affecting the matter.

Firstly, EU law has moved towards the harmonization of matters of irregular migration. In this sense, instruments operate through a double function: that of providing a unitary framework regarding the repatriation of irregular third-country nationals, while also ensuring human rights protection, with particular attention paid to the principle of *non-refoulement*[1], the right to an effective remedy, and the right to the protection of personal data (Eisele, 2020).

We then have a branch of EU law dealing with the surveillance of external sea borders coordinated by Frontex[2]. This part is governed by Regulation 2014/656/EU, which endows border guards with the right to – whilst respecting fundamental rights and the principle of *non-refoulement* – intercept, stop, and search suspicious vessels (arts. 5-9), as well as to order a vessel engaged in smuggling to change its course and to seize a vessel and

[1] "Under international human rights law, the principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. This principle applies to all migrants at all times, irrespective of migration status" (Office of the High Commissioner for Human Rights [OHCHR], 2018).

[2] Frontex is the EU agency managing Member States' external borders and harmonizing border controls.

© 2026 Giulia Ziggiotto. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

arrest the persons onboard. However, this is controversially juxtaposed with an obligation to assist any person or vessel in distress (European Parliament, European Council, 2014). The duality of the scope of the directive has sparked various debates as to the possible instrumentalization of search and rescue operations as a tool to widen the scope of border controls, rather than as a humanitarian guarantee (Moreno-Lax, 2018). The Regulation also offers an interesting perspective on the limits to state power. This topic is considered a grey area that different legal frameworks are trying to conceptualize. This process is evident in the issues encountered within the framework of the ECHR in establishing the extent of the extraterritorial reach of the principle of *non-refoulement*. One of the most well-known and thought-provoking instances is the case of *Hirsi Jamaa and Others v. Italy* (2012). In this case, the European Court of Human Rights demonstrated that it is possible to expand the scope of the principle of *non-refoulement*, which is protected under Article 3 of the ECHR. After the Court had determined in *Al-Skeini* (2011) that the ECHR's jurisdiction can extend extraterritorially in certain circumstances[3], it also argued that *non-refoulement* obligations can fall within the context of human rights law rather than international refugee law, thus finding that the application of the standard could be wider. The *Hirsi* case involved 200 migrants who had tried to leave Libya with Italy as a destination by sea. Once they were intercepted by Italian coastguard and police vessels in the high seas, they were returned to Libya without any process of identification, nor any effort to determine the possibility of conferral of refugee status for any of the people on board. This led to 24 of the people on the vessel bringing claims against the Italian government, holding that Italy had breached the ECHR by not guaranteeing basic rights protection. The Court argued that the applicants were under continuous and sole control of Italian authorities, and the territorial element was thus not necessary to determine jurisdiction. The Court went even further, stating that the interception of migrants directly at sea without the establishment of a territorial nexus was purposely done to escape domestic legal constraints (Kim, 2017).

There would be many other legal sources – of both positive and case law – relevant to our discourse. However, through these few elements, we can already understand the context of our discussion: we are considering a field that is still very much evolving, where the political sphere plays a very important role, and the clash between human rights protection and national security is liable to occur.

III. ANALYSIS OF THE PHENOMENON

Europe began to be widely perceived as a land of opportunity in the first decade of the twenty-first century. Before then, there had been some migration flows from extra-European countries toward Europe, but nothing comparable to the peaks reached in 2015. In the first four months of that year, the number of lives proven to have been lost at sea was 1,800 and this figure does not include those whose bodies were never found.

This new challenge was mostly welcomed coldly by European governments, which reacted to migration as if it were a disease to eradicate. The chosen perspective on the phenomenon was a rather superficial one, leveraging on the public's moral outrage towards irregular migration and using a disorganized fight against migrant smuggling as a justification for the criminalization of irregular asylum-seekers (Achilli, 2016).

A. The Routes

Smugglers have been channelling migrant streams on the basis of three main routes.

The first one is the western Mediterranean route, with migrants getting to Europe through Morocco, where they can choose to arrive either by land through the Sahara, or by sea following the West African coastline. This route has become less and less used due to a multiplicity of factors, among which is the tightening of border controls. For some time, migrants chose Libya instead of Morocco, given the lower likelihood of being returned by EU border authorities. However, the situation changed in 2018, with the signing of a Memorandum of Understanding by Italy and Libya, which funded Libyan authorities in their attempt to prevent migrant crossings to the EU. The degrading and inhumane treatment reserved to those caught trying to cross the border from Libya – where the line between legal and illegal is oftentimes blurry and criminal groups openly cooperate in the detention of migrants and in their exploitation (Achilli, 2024) – has frequently been enough of a deterrent to push more people towards the other main channel, which is the Eastern Mediterranean one.

The Eastern Mediterranean route is structured through Turkey and Greece. According to Frontex, almost one million people – among whom many Afghans and Syrians – made use of the trail between 2015 and 2016 (Achilli, 2016). However, the agreement concluded in 2016 between Turkey and several EU States significantly reduced the flow, only to have numbers rise again over a period of three years.

The EU-Turkey Agreement represents somewhat of a key step as it was the first instance in which EU States were able to take a unitary stance on the matter of migration (Terry, 2021). Until then, domestic policies had been largely disjointed and incoherent.

In this area, we find lines between legality and illegality just as blurry as in the Libyan context. There has been proof and testimony of situations in which European States attempted to escape the obligations imposed by the Dublin Regulation, which set out that, when an applicant irregularly crosses a Member State's border by land, sea or air, "the Member State thus entered shall be responsible for examining the application for international protection." (European Parliament & Council of European Union, 2013). In these cases, as scholars frequently argue, "illegality breeds [and guarantees] legality", as the work of smugglers, in tacit agreement with authorities, contributes to the smooth management of large groups of migrants by discreetly ushering them into the future they hope for (Achilli, 2024).

[3] Namely in the case of custody of a person on the vessel by a state and additional exceptional cases in which a state's jurisdiction can be established according to facts, rather than fixed principles.

B. The Figure of the Smuggler

Challenging the "Criminal" Paradigm

Within Europe, we are often biased by a "State-derived vision of smugglers as (exclusively) ruthless criminals" (Borelli, 2024). However, this perspective is arguably the result of the phenomenon's instrumentalization, rather than of objective facts. What we are often not told is that the configuration of the activity is largely based on *trust*. The personal dimension in these operations is fundamental, as migrants see smugglers as their only means to escape situations of great poverty and distress, whereas the latter largely rely on the reputation they build for themselves in order to be contacted by new clients (Borelli, 2024). This dynamic is further accentuated by the fact that the smuggling network is a highly dynamic and flexible one, where no clear, mafia-like hierarchy is set out, and individuals act independently, although closely connected for variable amounts of time.

Internal Structure and Roles

Despite the absence of a hierarchy, networks are structured on the basis of some distinct roles. Firstly, there can be a "group coordinator" who oversees the carrying out of operations. We can also have a *recruiter*, who acts as a bridge between smugglers and migrants. We then have a series of other figures, such as the *passeur*, who accompanies migrants across the borders, and many others who physically participate in the work. This network of people can also be supported by free agents, local people offering their knowledge or strategic position to guarantee the success of the operations (Achilli, 2016).

Migrant Agency and Social Perception

Being tied by a deep social bond does not imply that there will not be instances of exploitation or violence. Like in any other "business", a migrant – a client – must be skilled in choosing the most reliable service provider. This thus means migrants do not fit in the role of passive and helpless victims, and have a say in what their future will be (Zhang, Sanchez, Achilli, 2018). Anyhow, something we are rarely given an insight into is the social perception of the crime, and the variety of purposes and intents motivating the people involved.

The Ethical Perception

It is difficult to provide a unique definition of the figure of a migrant smuggler, as contexts can vary. It is undeniable that both ends of the operation are aware of the illegality of their position. Interestingly enough, in communities that are directly touched upon by it, smuggling is not generally perceived as immoral. Despite its illegal nature, and although the main (and often only) goal of smugglers is profit, smuggling is often perceived by society as a legitimate occupation, or even a moral business in some instances. This emerges in various case studies conducted by researchers such as Luigi Achilli, who interviewed both smugglers and smuggled and came face to face with this reality. In this study, it emerged that gangs operating within the port of a town on the northwesternmost frontier of Greece felt they were somehow implicitly cooperating with the Greek government by getting rid of the large flow of people that arrived in the territory. The leader of the group taken in analysis claimed that Greek authorities actually appreciated the team's work, as they operated discreetly, maintaining a low profile and under all aspects taking care of the migrants until the right time to flee would come (Achilli, 2024).

In this smuggler's story, we can feel a sense of pride for his occupation, and no exploitative or inhumane goal seems to come through in what he does. On the opposite, the man was an irregular migrant himself, who had reached Greece and come into contact with previous smugglers, deciding to take on the job to earn a little money. The fact that boundaries are not so sharply drawn between the two roles is a further indicator of the possibility of conferring some dignity to the occupation, in some cases at least.

With this, we do not mean to state that all smugglers are "good Samaritans" trying to save desperate people from extreme situations, as we also have records of tragic scenarios, such as those occurring in Libya, for example, where migrants are held in unspeakable conditions, and smuggling actually intertwines with its "villainous twin", human trafficking. The two activities are generally distinguished in their means and purposes, but can overlap in drastic cases, such as the present.

IV. THE EFFECTS OF THE CRIMINALIZATION OF IRREGULAR MIGRATION

As analysed previously, the reaction European States had to the phenomenon of mass migration was, broadly, an aggressive one: the choice taken was that of making any irregular migration-related activity a crime, rather than an administrative matter. Criminalization is also expressed through symbolic schemes such as political discourse and media representation, and can thus take place under a discriminative light, depending on the political objectives of the time and place in question (Ramachandran, 2025).

One key instrument was criminal sanctions, which were intended as a deterrent. Within this narrative, the underlying assumption was thus that irregular migration could not only be controlled, but also avoided through precautionary measures such as those employed. However, by examining two of the main countries of destination for immigrants – Italy and France – we can see that such an approach is, to say the least, of poor quality, causing major adverse effects (Rosina, 2022).

In Italy, policies pursuing the criminalization of migration were mainly advanced by far-right parties. One of the first steps taken was the implementation of a criminal fine of up to €10,000. This was among the steepest criminal positions in Europe at the time. However, it did not turn out to be so unyielding as initially emphasized: the initial drop in landings is to be explained by the effect of other factors, and irregular arrivals to the country actually peaked in 2016. Moreover, in the 2010s, only around 0.28% of cases a year resulted in expulsions. The measure also resulted in a problematic use of resources: offices were clogged by excessive work, anti-smuggling investigations were delayed, and we do not even have evidence that fines were actually paid (Rosina, 2022).

In France, the criminalization of irregular migration actually dates back to the 1930s, with norms providing

quite strict sanctions - the punishment being both imprisonment and a fine. Once again, it can be argued that the criminalization of migration was used instrumentally, with a prevalence of criminal custody and full criminal trials being the exception rather than the rule. As in Italy, the provision's effectiveness in deterring migration was low (Rosina, 2022).

One key element that we should point out was the significant amount of discretion that was left to local authorities in both cases: in France, the tool of criminal custody was used very unevenly throughout the territory, and in Italy, magistrates avoided pursuing criminal offenses, although they were under an obligation to do so under the 2009 *Testo Unico sull'Immigrazione* (Rosina, 2021).

What is interesting to us is that criminalization, here as in most similar cases, arguably ended up causing the opposite effect.

A. Effects on Migration Itself

According to research conducted by scholars such as Ramachandran, criminalization is not simply perceived by populations as a "straightforward outcome of a legal transgression", but rather as a process that ends up stigmatizing a whole category of people, labelling them as "inherently suspicious, deviant, or underserving". A true *ghettoization* takes place, and this turns into a vicious cycle, as the perception of a foreigner as a peril serves as justification for the implementation of stricter, more repressing measures (Ramachandran, 2025).

Crimmigration (the label used to describe the phenomenon) has a key role in the intensification of a feeling of marginalization. It affects all aspects of life, making it impossible for individuals to integrate or even conduct dignified lives. They are brought to cycles of "dependency, marginalization, and exclusion" which persist long after the initial period of permanence. Moreover, many internalize the negative assumptions made about them, bringing about a *moral injury*[4]: their opinion of themselves is worsened, with what was simply a legal label becoming reality[5] (Ramachandran, 2025).

B. Effects on Organized Crime

As we have already seen, in the past years, European States' narrative has shifted towards a scapegoating of migrant smugglers, arguably as a strategy to shift the public's attention from the fact that smuggling is a consequential response to the militarization of border controls. Failure is thus inherent in the norm's nature: the starker the regulations become, the more migrants will have to resort to illegal means to cross borders. Border control has become a large and proliferating industry, and thus a tool to deceive State governments themselves as well as citizens into thinking that migration is a phenomenon that can be controlled, avoided, or even halted just by marginalizing entire groups of individuals and barricading oneself behind higher barriers (van Liempt, 2016).

The key to the whole "migration affair" lies here. We can think of a simple but powerful image to describe a phenomenon we often struggle to grasp: migration flows are to be seen as "[…] a long, skinny balloon […]. You squeeze it in one spot, and it's going to migrate to another spot." By this, President of the American Border Patrol Union T. J. Bonner wants to say that even if "crimmigration" measures somehow manage to reduce the number of arrivals to a specific receiving country, this will most likely generate an involuntary *substitution effect*, with migrant flows and smuggling networks simply adapting to the circumstances and shifting their interest towards other often riskier, more dangerous objectives. As long as smuggling activities continue to bring profit, people will keep practicing it, and as long as poverty, crisis, and violent wars haunt sending states, people will take the leap: *hope springs eternal*.

[4] Meaning "a disruption of dignity, belonging, and moral worth resulting from dehumanising treatment." (Ramachandran, 2025)

[5] Here the criminological "Labelling theory" plays a key role in explaining the mechanism.

REFERENCES

Achilli, L. (2016). Irregular migration to the EU and human smuggling in the Mediterranean: the nexus between organized crime and irregular migration. *Dossier:* Mobility and Refugee Crisis in the Mediterranean, 100. https://gemini.google.com/app/5d450aad4df865ad?hl=it#:~:text=https%3A//www.iemed.org/wp%2Dcontent/uploads/2021/01/Irregular%2DMigration%2Dto%2Dthe%2DEU%2Dand%2DHuman%2DSmuggling%2Din%2Dthe%2DMediterranean%2DThe%2DNexus.pdf

Achilli, L. (2024). The missing link: The role of criminal groups in migration governance. Journal of Ethnic and Migration Studies, 50(20), 5045-5066. https://doi.org/10.1080/1369183X.2024.2363844

Borelli, C. (2024, November 13). *Meet the smugglers: Decolonising the mind, questioning the border*. Allegra Laboratory. https://allegralaboratory.net/meet-the-smugglers-decolonising-the-mind-questioning-the-border/

Eisele, K. (Ed.). (2020, June). *The Return Directive 2008/115/EC: European implementation assessment* (PE 642.840). European Parliamentary Research Service (EPRS), European Parliament. https://www.europarl.europa.eu/RegData/etudes/STUD/2020/642840/EPRS_STU(2020)642840_EN.pdf

European Parliament & Council of the European Union. (2013, June 26). *Regulation (EU) No 604/2013 of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)*. Official Journal of the European Union, L 180, 31–59. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R0604

Hartmann, J., & Papanicolopulu, I. (2015, April 24). Are human rights hurting migrants at sea? *EJIL: Talk!* https://www.ejiltalk.org/are-human-rights-hurting-migrants-at-sea/

Kim, S. (2017). Non-refoulement and extraterritorial jurisdiction: State sovereignty and migration controls at sea in the European context. *Leiden Journal of International Law*, *30*(1), 49–70. https://doi.org/10.1017/S0922156516000625

Moreno-Lax, V. (2018). The EU humanitarian border and the securitization of human rights: The 'rescue-through-interdiction/rescue-without-protection' paradigm. *JCMS: Journal of Common Market Studies*, *56*(5), 1195–1210. https://doi.org/10.1111/jcms.12651

Office of the High Commissioner for Human Rights. (2018). *The principle of non-refoulement under international human rights law* [Technical note]. United Nations. https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf

Ramachandran, N., & Wright, M. (2026). Framing and the mechanisms of criminalisation in the migration context. *International Review of Sociology*, 1–30. https://doi.org/10.1080/03906701.2026.2614010

Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the

external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. *Official Journal of the European Union*, L 189/93. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0656

Røsæg, E. (2020, March 25). The duty to rescue refugees and migrants at sea. *Oxford Law Blogs*. https://blogs.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2020/03/duty-rescue

Rosina, M. (2021). Criminal law and migration: The sources and implications of uncertain sanctioning regimes. *DPCE Online*, *45*(4). https://doi.org/10.57660/dpceonline.2020.1210

Rosina, M. (2022). *The criminalisation of irregular migration in Europe: Globalisation, deterrence, and vicious cycles*. Palgrave Macmillan. https://doi.org/10.1007/978-3-030-90347-3

Terry, K. (2021, March). *The EU-Turkey deal, five years on: A frayed and controversial but enduring blueprint*. Migration Policy Institute. https://www.migrationpolicy.org/article/eu-turkey-deal-five-years-on

United Nations Office on Drugs and Crime. The UNTOC, *Background Information https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html*

United Nations. (1982). *United Nations Convention on the Law of the Sea*. United Nations Treaty Collection. https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

USA for UNHCR. (n.d.). *Europe refugee crisis*. https://www.unrefugees.org/emergencies/europe/

van Liempt, I. (2016, January). *A critical insight into Europe's criminalisation of human smuggling* (European Policy Analysis 2016:3epa). Swedish Institute for European Policy Studies (SIEPS). https://www.sieps.se/en/publications/2016/a-critical-insight-into-europes-criminalisation-of-human-smuggling/

Zhang, S. X., Sanchez, G. E., & Achilli, L. (2018). Crimes of Solidarity in Mobility: Alternative Views on Migrant Smuggling. *The ANNALS of the American Academy of Political and Social Science*. https://doi.org/10.1177/0002716217746908

Blood Diamonds

Forced Labor and Transnational Smuggling Networks

Evelina Zile

Abstract — **This paper explores how "blood diamonds" function as a form of transnational organized crime. It focuses on the connection between forced labor in diamond mining areas and the smuggling, fraud, and money laundering processes that integrate illegal diamonds into global markets. The research supports that weakly regulated and informal mining environments create conditions for human rights abuse, while the physical characteristics of diamonds make them attractive for criminal use. Furthermore, the paper explores how transnational networks take advantage of gaps in regulation and global supply chains to transport and legitimize illegal diamonds. Although the Kimberley Process Certification Scheme has reduced the trade in conflict diamonds, it remains insufficient in addressing broader issues such as money laundering, corruption, and state-linked coercion. The study concludes that stronger regulation, international cooperation, and improved control of diamond supply chains are necessary to combat these issues effectively.**

I. INTRODUCTION

For a long time, diamonds have been seen as symbols of luxury, status and wealth, yet in the late twentieth century, the "blood diamond crisis" highlighted how they can also be linked to violence and illegal markets. "Blood diamonds'' or "conflict diamonds'' are rough diamonds sold by rebels to finance their armed conflicts against legitimate governments. While these terms are often used interchangeably, "blood diamonds" is a broader concept that may also include diamonds associated with human rights abuses beyond rebel-led conflicts. They have played a significant role in funding wars, violence, deaths, and refugee crises in many countries, including Angola, Liberia, the Democratic Republic of Congo, and Sierra Leone. It is estimated that around four million people have died in conflicts linked to such diamonds. In the 1990s, "blood diamonds'' made up between 3.7% and 20% of the global diamond trade, which is a significant amount of funding given that the diamond industry generated approximately seven billion dollars annually (Bieri & Male, n.d.).

The Kimberley Process Certification Scheme (KPCS), established in 2003, is an international certification system designed to prevent conflict diamonds from entering legal global markets. Participating countries are required to certify shipments of rough diamonds and trade only with other participating states (Kimberley Process, n.d.). The scheme defines conflict diamonds as diamonds linked to rebel movements and armed violence against legitimate governments. This highlights how the diamond trade extends beyond legitimate economic activity and is closely connected to broader transnational criminal networks and illicit markets.

From a transnational organized crime perspective, "blood diamonds'' are not only about funding conflicts, but they also involve crimes such as smuggling, fraud, corruption, money laundering, and human exploitation. The Financial Action Task Force (FATF) and Egmont Group describe the diamond supply chain as a "diamond pipeline" involving mining, transportation, processing, and sale. Due to their high value, portability, and small size, diamonds are especially vulnerable to criminal exploitation and cross-border smuggling (FATF & Egmont Group, 2013).

This paper aims to explain how "blood diamonds" function as transnational organized crime, highlighting how forced labor and exploitation at mining sites are connected to smuggling networks and global markets. Additionally, the paper examines how these criminal systems operate through the control of workers, trafficking routes, and financial flows, as well as why current regulatory mechanisms struggle to prevent such activities.

II. FORCED LABOR AND EXPLOITATION IN DIAMOND MINING

Forced and exploitative labor in diamond extraction is the most visible, where production is informal and weakly regulated. In these cases, the control over mines and their access roads is strictly controlled by corrupt officials, criminal intermediaries, or armed groups, therefore creating conditions often involving coercion, unpaid work, and dangerous environments with little to no control or regulation (Maconachie & Binns, 2007). This research on post-conflict diamond mining shows that easily accessible diamonds attract large informal workforces, while poverty and weak governance shape the living and working conditions for miners.

In the U.S. Department of Labor's International Labor Affairs Bureau (ILAB) "List of Goods Produced by Child Labor or Forced Labor," diamonds are flagged as a mined good frequently associated with child labor and, for some countries, forced labor indicators. It lists child mining and forced labor risks that are linked to diamonds in Angola, the Central African Republic, the Democratic Republic of Congo, Guinea, Liberia, and Sierra Leone (U.S. Department of Labor, n.d.). Although it does not provide exact numbers, it helps to identify risks and understand how illegal supply chains can continue through exploitation.

Sierra Leone's diamond mining is especially illustrative for a "blood diamonds" analysis centered on labor exploitation: children are being forced to mine, work without pay, and recruited under misleading terms, including trafficking from rural areas to mining sites, as

© 2026 Evelina Zile. This is an open access article distributed under the terms of the Creative Commons Attribution License (CC-BY 4.0).

well as debt-linked exploitation relationships with diamond dealers (Maconachie & Binns, 2007). Additionally, a field-based report by the Harvard Law School International Human Rights Clinic states that child mining conditions and the structural factors that push children into diamond extraction are linked to Sierra Leone's weak law enforcement, as well as other factors like poverty, post-conflict instability, and lack of access to education (Staff, n.d.).

In the Central African Republic, illegal diamond mining and trade have been traced back to armed groups and illegal taxation. Diamonds move from small-scale, informal mining areas through smuggling routes into bordering countries and are then transported to major trading centers, which contributes to human rights abuses. Armed groups often use the profits generated from these activities to finance violence, maintain territorial control, forced labor systems, and intimidation against local populations (Amnesty International, 2015).

Another representative case is Zimbabwe. Human Rights Watch has documented many ongoing and serious abuses in the countries' diamond fields, including interaction with military control and armed groups, private firms, smuggling, corruption, and forced labor (Mavhinga, 2010). All that was mentioned before are violations of Kimberley Process expectations; however, they do not fully fall under its narrow definition of "conflict diamonds," as they are not necessarily linked to rebel groups. This makes the Zimbabwe case important, as critics argue that it exposes a gap in the KPCS framework(Mavhinga, 2010). It shows how "blood diamond" dynamics can arise not only from rebel groups but also from state-linked coercive structures.

Taken together, these materials support a criminological interpretation of the forced labor issue in diamond extraction, it being informal, while miners' leaving options are constrained by poverty or violence, as well as gatekeepers controlling access to pits and markets (International Labour Organization, 2024)

III. SMUGGLING, LAUNDERING AND MARKET INTEGRATION

The main feature of transnational diamond crime is the movement from mining areas – which are often poorly regulated and informal – into massive, global markets, where their origin can be hidden from authorities and buyers. Although the previously mentioned "diamond pipeline'' model represents legal trade, illegal markets often follow the same steps, taking advantage of gaps between them (FATF & Egmont Group, 2013).

Diamonds have many features increasing their attractiveness to criminal organizations – they are highly valuable, physically small, durable, and difficult to trace. It means that they can be easily transported and moved across borders while storing large amounts of wealth in a small physical form. In addition, as soon as a diamond enters the market, it becomes difficult to verify its origin, which makes it even more useful and valuable due to its ability to be easily transported across borders without detection (Tailby, 2002).

The integration of illegal diamonds into global markets usually involves a combination of smuggling, fraud, and money laundering. Criminal networks hide diamonds during transportation, falsify documents, or manipulate prices to disguise their origin (FATF & Egmont Group, 2013). According to the FATF and Egmont Group (2013), one of the main challenges for law enforcement is that diamonds do not have one standardized or fixed price, but their price varies depending on different factors, such as quality and market demand, which makes it easier for criminals to alter it. This trade-based money laundering is common because the value of diamonds is subjective and can be easily adjusted on paper.

One of the biggest roles in this process is played by global trading hubs. They function as major international trading centers where diamonds are sorted, mixed, and re-exported. Some of the main cities are Dubai and Antwerp. In these cities, diamonds from different sources can be combined, making it nearly impossible to identify their original location (Amnesty International, 2015). This "mixed origin" practice means that diamonds from different countries are grouped together and sold under a single certificate. While this is part of normal business practices, it is also often abused by criminal networks to hide the true origin of diamonds. Even the Kimberley Process Certification Scheme, which is a system designed to prevent the trade of conflict diamonds, often can't fully track diamonds once they are mixed in (Amnesty International, 2015).

Research shows that money laundering can also take place within legal markets (Rappo, 2024). Diamonds can be used at different stages of laundering, including placing illegal money into the financial system, moving it across borders, and integrating it into the legal economy. This highlights how legal and illegal markets can overlap (Rappo, 2024).

IV. REGULATION AND GOVERNANCE GAPS

The main and most important global response to "blood diamonds'' is the Kimberley Process system. It requires participant countries to establish internal controls to eliminate conflict diamonds from imports and exports, designate importing and exporting authorities, as well as using sealed, secure containers and certification procedures for rough diamond shipments (European Union, 2013). This was summarized by the European Commission as a system of minimum requirements – trade only with participants, and certification of shipments, showing the scheme's role in controlling trade.

The Kimberley Process is an important example of global governance. It combines state border controls with cooperation between governments, industry, and civil society, but also shows that weak national implementation can reduce its effectiveness. For example, uneven enforcement among participating states has enabled diamonds from abusive mining regions to continue entering legal markets through smuggling and mixed-origin certification practices (Kimberley Process, n.d.).

These limitations demonstrate that, despite the system's successes, several governance gaps remain central to the "blood diamonds" issue.

Firstly, the definition problem. By stating that it is a rebel-financed conflict aimed at undermining legitimate governments, the KPCS definition fails to capture many

cases of severe abuse, coercion, or violence linked to state actors or non-rebel criminal structures. This is the reason why debates about the previously mentioned Zimbabwe have become such an important topic. The abuses that are documented by Human Rights Watch and created "blood diamond" concern do not match the KPCS legal definition and political dynamics; they do not qualify as "conflict diamonds" and are not regulated (Smillie, 2014).

Secondly, the Kimberley Process was not primarily designed to fight money laundering. The Kimberley Process Certification Scheme was designed to control trade in conflict diamonds, not to end money laundering or terrorism financing, even though sometimes it can provide useful signals. Therefore, if diamonds are used to launder money from different crimes, the Kimberley Process may reduce one problem, particularly conflict diamonds funding wars. However, it does not address the wider system of criminal finance, such as money laundering using diamonds, smuggling networks, corruption, and fraud (FATF & Egmont Group, 2013).

Thirdly, criminals are able to adapt to control systems. Smuggling networks have become more complex, and especially with practices similar to "mixed origin'' certification, criminals face a significantly lower risk of detection. This occurs when diamonds are transported through multiple trading centers and mixed together, making it very difficult and in some cases even impossible to identify their original source (Market, 2021). When stricter border controls are introduced, illegal trade does not disappear, but instead becomes more advanced, with criminals using more complex methods such as fraud and financial schemes to avoid detection. It has formed into a common pattern in law enforcement (Market, 2021).

For reasons mentioned, it has been increasingly important for governments to add additional control and security measures.

V. CONCLUSIONS

"Blood diamonds" function within transnational organized crime networks by connecting forced labor and exploitation in the mining process to the smuggling, fraud, and laundering mechanisms that integrate illegal diamonds into global markets. The evidence of research leads to three conclusions.

Firstly, exploitative labor, including forced labor and child labor, is the most visible in informal and weakly governed diamond extraction economies, where force, misleading, and debt relationships constrain miners' freedom while ensuring a continuous supply of labor. Forced labor and poor working conditions in informal mining locations are part of the illegal supply chains.

Secondly, diamonds are attractive to cross-border criminal networks because they are high-value, small in size, durable, and difficult to trace. Diamonds have subjective valuation, which enables trade-based money laundering. The evidence supports how these illegal activities are sustained by complex transnational networks that exploit weaknesses in regulation, documentation systems, and global trade structures.

Thirdly, while the Kimberley Process, created to prevent conflict diamonds from entering legal markets, has improved control over the illegal rough diamond trade, its narrow conflict definition, uneven enforcement, and lack of focus on broader financial crime allow "blood diamond'' risks in a human rights sense to persist, though adaptive and complex smuggling and laundering strategies.

Overall, addressing the issue of "blood diamonds" requires a more comprehensive approach that goes beyond certification systems. To effectively reduce human rights abuses, money laundering, and fraud connected to blood diamonds, stronger international control measures are necessary. It cannot rely on a single tool. It requires stronger labor rights enforcement, victim protection, international cooperation between participating countries, controls to prevent the import and mixing of diamonds, as well as separate money laundering and terrorist financing supervision in the diamond trade.

This research also demonstrates how global markets may mask serious human rights abuses behind valuable and seemingly legitimate products. Without continued international cooperation, stronger labor protections, and broader financial oversight, the criminal abuse associated with "blood diamonds" is likely to persist. Ultimately, the issue of "blood diamonds" shows how globalization can enable transnational criminal networks to profit from weak governance and vulnerable populations.

REFERENCES

Amnesty International. (2015, September 30). Central African Republic: Chains of abuse: The case of diamonds from the Central African Republic and the global diamond supply chain. *Amnesty International*. https://www.amnesty.org/en/documents/afr19/2494/2015/en/

Bieri, F., & Male, K. (n.d.). *From Blood Diamonds to the Kimberley Process*. Retrieved April 11, 2026, from https://onlinelibrary.wiley.com/doi/full/10.1111/j.1549-0831.2011.00065_4.x?casa_token=UW2_iUFINR8AAAAA%3AsIQgyfl9AcaguYRqcnDTI_9P-BNp5L9p1Bff63SC9sGUJlPd4O9R9W8l4zOzMg3V1AKMQP634MbMHQ

European Union. (2013). *Commission Implementing Regulation (EU) No 622/2013 of 25 June 2013 amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds*. http://data.europa.eu/eli/reg_impl/2013/622/oj

FATF, & Egmont Group. (2013). *Money laundering and terrorist financing through trade in diamonds*. https://www.fatf-gafi.org/en/publications/Methodsandtrends/Ml-tf-through-trade-in-diamonds.html

International Labour Organization. (2024, January 28). *What is forced labour?* https://www.ilo.org/topics/forced-labour-modern-slavery-and-trafficking-persons/what-forced-labour

Kimberley Process. (n.d.). *Ensuring Conflict-Free Diamonds Worldwide*. Retrieved April 11, 2026, from https://www.kimberleyprocess.com

Maconachie, R., & Binns, T. (2007). Beyond the resource curse? Diamond mining, development and post-conflict reconstruction in Sierra Leone. *Resources Policy*, *32*(3), 104–115. https://doi.org/10.1016/j.resourpol.2007.05.001

Market, H. (2021). *Belgium's fight against conflict diamonds: An assessment of the country's diamond sector controls from a global perspective—IPIS*. https://ipisresearch.be/publication/belgiums-fight-against-conflict-diamonds-an-assessment-of-the-countrys-diamond-sector-controls-from-a-global-perspective/

Mavhinga, D. (2010). Deliberate Chaos. *Human Rights Watch*. https://www.hrw.org/report/2010/06/21/deliberate-chaos/ongoing-human-rights-abuses-marange-diamond-fields-zimbabwe

Rappo, P. (2024). Editorial: Tackling economic crime: major reform of corporate criminal liability in the UK. *Journal of Money Laundering Control*, *27*(1), 1–4. https://doi.org/10.1108/JMLC-01-2024-178

Smillie, I. (2014). *Diamonds*. John Wiley & Sons.

Staff, H. L. N. (n.d.). Sierra Leone is losing its youth to diamond mining. *Harvard Law School*. Retrieved April 11, 2026, from

https://hls.harvard.edu/today/sierra-leone-is-losing-its-youth-to-diamond-mining/

Tailby, R. (2002). *The illicit market in diamonds*.

U.S. Department of Labor. (n.d.). *List of Goods Produced by Child Labor or Forced Labor*. DOL. Retrieved April 11, 2026, from https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods

****

Students Journal on Transnational Organized Crime – Volume 2 (2016)
© eCrime Research Group, Faculty of Law, University of Trento (Italy)

All articles presented in this journal are open access articls distributed
under the terms of the Creative Commons Attribution License (CC-BY 4.0).

How to cite the papers
[Surname (s)], [Name(s) Initials]. (2026). [Title of the paper]. *Students Journal on Transnational Organized Crime*, 2, [Initial page]-[Final page]

****