Special Issue – Armed Conflicts: Migration, Trafficking, and Labour Markets

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Short Articles

Editorial: Beyond Terrorism and Sexual Slavery: Dynamics of armed conflicts, trafficking, and forced migration

Mónica Hurtado Lozano

Abstract

This Editorial introduces a Special Issue of *Anti-Trafficking Review* on the theme of armed conflicts and their relationships with and impact on human trafficking, forced migration, and exploitation. It provides an overview of the literature on this theme, which has primarily focused on terrorism and sexual slavery. It then outlines the articles in the Special Issue, which expand our understanding of the topic by adding nuances to the experiences of people who flee, or choose to remain in, conflict-affected areas.

Military dictatorships, civil wars, large-scale organised crime, and even the green militarisation of national parks[1] directly affect the lives and daily routines of millions of civilians. These highly militarised and violent contexts (hereinafter HMVC) lead to forced migration, the recruitment of child soldiers, and various forms of exploitation and violence against civilians. According to the UN Refugee Agency (UNHCR), in 2022 '108.4 million people were forcibly displaced worldwide as a result of persecution, conflict, violence, human rights violations and events seriously disturbing public order'.[2]

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[1]   E Lunstrum, 'Green Militarization: Anti-Poaching Efforts and the Spatial Contours of Kruger National Park', *Annals of the Association of American Geographers*, vol. 104, issue 4, 2014, pp. 816–832, https://doi.org/10.1080/00045608.2014.912545.

[2]   The UN Refugee Agency, *Global Trends Report 2022*, UNHCR, https://www.unhcr.org/global-trends-report-2022.

Armed conflicts (both interstate and intrastate wars) usually generate HMVC that are drivers of large-scale trafficking and forced migration.[3] Not only do they lead to precarious migration (e.g. refugees and internally displaced persons), but they also foster situations that can lead to the recruitment of child soldiers, sexual or labour exploitation, abduction for forced combat, and forced and early marriage.[4] With 56 armed conflicts in the world in 2022,[5] it was a timely decision to dedicate this special issue of *Anti-Trafficking Review* to the theme of trafficking and precarious migration and labour in the context of armed conflict.

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[3]   The definition of intrastate or internal armed conflicts remains a matter of debate, although a relative academic consensus has been reached. For the purpose of this Editorial, and in recognition of this consensus, an internal armed conflict will be understood as an armed confrontation within a country that meets the following characteristics: 1) There is military action within the state to the extent that one or more illegal armed groups challenge the legitimacy of the government or the state; 2) The antagonists demonstrate effective resistance to the state's war response. In other words, it is not enough for a group to challenge the state if it is immediately destroyed by the state's belligerent response. The opponents must have a sufficient level of organisation to resist and attack the army; 3) At least a thousand conflict-related deaths occur each year. This includes not only combat deaths, but also massacres, extrajudicial deaths, landmine victims, and others. See J D Singer, *Explaining War: Correlates of War Project*, Sage, Beverly Hills, 1979; P Wallensteen and K Axell, 'Conflict Resolution and the End of the Cold War, 1989–93', *Journal of Peace Research*, vol. 31, issue 3, 1994, pp. 333–349, https://doi.org/10.1177/00223433940 31003007; P Wallensteen and M Sollenberg, 'Armed Conflicts, Conflict Termination and Peace Agreements, 1989–96', *Journal of Peace Research*, vol. 34, issue 3, 1997, pp. 339–358, https://doi.org/10.1177/0022343397034003011; N Sambanis, 'What is Civil War? Conceptual and Empirical Complexities of an Operational Definition', *Journal of Conflict Resolution*, vol. 48, issue 6, 2004, pp. 814–858, https://doi.org/10.1177/0022002704269355.

[4]   Various authors have proposed classifications of types of trafficking in the context of armed conflict. See A McAlpine, M Hossain, and C Zimmerman, 'Sex Trafficking and Sexual Exploitation in Armed Conflict-Affected Settings in Africa, Asia and the Middle East: Systematic Review', *BMC International Health and Human Rights*, vol. 16, 2016, pp. 1–16, https://doi.org/10.1186/s12914-016-0107-x; J Muraszkiewicz, T Fenton, and H Watson (eds.), *Human Trafficking in Conflict: Context, Causes and the Military*, Springer, Cham, 2020; S Jesperson, 'Conflict and Migration: From Consensual Movement to Exploitation', *Stability: International Journal of Security and Development*, vol. 8, no. 1, 2019, pp. 1–13, https://doi.org/10.5334/sta.631. The latter proposes a typology of forms of exploitation in accordance with levels of control, agency, and exploitation, as well as different perpetrators (p. 3).

[5]   Stockholm International Peace Research Institute, *SIPRI Yearbook 2023*, Oxford University Press, Oxford 2023.

Despite its relevance and urgency, the relationship between armed conflict and human trafficking has not been studied in depth, partly due to a problem of focus. Indeed, those who have studied the issue have mainly focused on terrorism and cases of sexual slavery. Perhaps this was partly due to the United Nations Security Council Resolution 2331 of 2016 that condemned trafficking in the context of armed conflict and put the issue on the international agenda.[6] However, both the UN and various scholars referred only to a small number of terrorist actors, such as Daesh, Al-Qaeda, Boko Haram, Al-Shabaab, or the Lord's Resistance Army, and to a few and very specific forms of exploitation, such as the sale of girls as slaves to fund violent extremist groups. In Jesperson's words, 'Direct involvement in slavery by groups in conflict has become the most common link between conflict and trafficking, and the focus of the UN Security Council resolution'.[7]

Whereas some of the academic literature on the relationship between trafficking and armed conflict has been framed within the narratives of terrorism and sexual slavery,[8] other research has critiqued this approach. Jesperson, for example, questions the international response to trafficking in the context of war to the extent that it 'has come second to other priorities, such as combatting violent extremism'.[9] Some researchers have analysed the recruitment of child soldiers in particular from the perspective of their agency and as a form of labour market.[10]

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[6] UN Security Council, Resolution 2331 (2016), https://undocs.org/en/S/RES/2331(2016).

[7] Jesperson.

[8] On a legal approach see A-M De Brouwer, E de Volder, and C Paulussen, 'Prosecuting the Nexus Between Terrorism, Conflict-Related Sexual Violence and Trafficking in Human Beings Before National Legal Mechanisms: Case Studies of Boko Haram and Al-Shabaab', *Journal of International Criminal Justice*, vol. 18, issue 2, 2020, pp. 499–516, https://doi.org/10.1093/jicj/mqaa014; S Tiefenbrun, 'Child Soldiers, Slavery and the Trafficking of Children', *Fordham International Law Journal*, vol. 31, issue 2, 2007, pp. 413–486. On illicit trades see L I Shelley, 'Illicit Trade and Terrorism', *Perspectives on Terrorism*, vol. 14, no. 4, 2020, pp. 7–20; A Kotecha, 'Human Trafficking, Conflict and Money Flows', in Muraszkiewicz, Fenton, and Watson, pp. 61–80; N Avdan and M Omelicheva, 'Human Trafficking-Terrorism Nexus: When Violent Non-State Actors Engage in the Modern-Day Slavery', *Journal of Conflict Resolution*, vol. 65, issue 9, 2021, pp. 1576–1606, https://doi.org/10.1177/00220027211010904.

[9] Jesperson.

[10] *Ibid.*; S Valentine, 'Trafficking of Child Soldiers: Expanding the United Nations Convention on the Rights of the Child and Its Optional Protocol on the Involvement of Children in Armed Conflict', *New England Journal of International & Comparative Law*, issue 9, 2003, pp. 109–176; A Kidd, 'Unavoidable Exploitation? Conflict, Agency and Human Trafficking', in Muraszkiewicz, Fenton and Watson, pp. 43–60; M Hurtado, Á Iranzo Dosdad, and W Rodríguez, 'Labor Markets in Contexts of War: Recruitment and Trafficking of Child Soldiers in Colombia', *Colombia Internacional*, vol. 114, 2023, pp. 65–91, https://doi.org/10.7440/colombiaint114.2023.03.

Others address specific aspects of the debates surrounding armed conflict and trafficking. For example, Bowersox responds to the assumption that trafficking can prolong and even exacerbate armed conflicts.[11] He concludes that 'while there is no evidence that trafficking can tip the scales of conflict one way or the other, it is likely that trafficking can at the very least sustain a rebel group materially'.[12] From a different perspective, Avdan and Omelicheva ask why some militant organisations engage in trafficking and analyse group behaviour based on organisational characteristics of terrorist and insurgent groups, such as group size, structure, and leadership.[13]

It is important to emphasise that terrorism is only one of several ways of exercising violence and not necessarily the predominant one in most armed conflicts. In fact, under certain conditions, it can be counterproductive.[14] Most armed conflicts are guerrilla wars in which illegal armed groups use a variety of tactics and strategies to gain power; they do not always include terrorism and sexual slavery. Rather than resorting to terrorism, many of these groups seek to gradually build support bases in society (especially in remote rural areas) in order to effectively challenge the sovereignty of the state.[15] It has been widely documented that at the local level, guerrillas often provide a certain order and some services, while also imposing certain rules of coexistence (rudimentary justice, punishing and expelling criminals, sometimes also sanctioning certain behaviours that they consider immoral, such as adultery).[16] Although rebel groups commit all kinds of violent acts against those they consider their enemies, and are often guilty of war crimes and crimes against humanity, it is not the case that all of them practice sexual slavery or have this activity as one of their main strategies or main source of funding. In fact, it is far more common that natural resources such as oil, gold, gems, timber, and other lootable goods not only finance conflicts but also

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[11] Z Bowersox, 'Does Human Trafficking Extend Conflict Duration?', *Journal of Human Trafficking*, vol. 5, issue 4, 2019, pp. 267–280, https://doi.org/10.1080/23322705.2018.1486630. Other authors who argue that trafficking can even exacerbate internal armed conflicts include T Fenton *et al.*, 'Toward a Better Understanding of Human Security Risks: Developing a Risk Assessment Methodology for Human Trafficking at the Onset, During and After Conflict', *Journal of Human Trafficking*, vol. 7, issue 3, 2021, pp. 268–290, https://doi.org/10.1080/23322705.2020.1743072.

[12] Bowersox, p. 267.

[13] Avdan and Omelicheva.

[14] S N Kalyvas, 'The Paradox of Terrorism in Civil War', *Journal of Ethics*, vol. 8, 2004, pp. 97–138, https://doi.org/10.1023/b:joet.0000012254.69088.41.

[15] B E O'Neill *et al.* (eds.), *Insurgency in the Modern World*, Routledge, New York, 2019.

[16] M Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, Basic Books, New York, 2015; S N Kalyvas, *The Logic of Violence in Civil War*, Cambridge University Press, 2006; A Arjona, *Rebelocracy: Social Order in the Colombian Civil War*, Cambridge University Press, 2016.

prolong them under certain conditions.[17] Therefore, it is difficult to generalise that all illegal armed groups in armed conflicts resort to terrorism as well as to human trafficking to finance their respective causes.

Another reason why trafficking has been insufficiently studied in the context of armed conflicts has to do with the dichotomous logic that prevails in studies of human trafficking, in which the agency of the victim disappears. This is the case with approaches that consider only categories such as 'innocent–guilty' or 'forced–voluntary'. This reinforces what Warren calls the 'violent predator/innocent victim paradigm',[18] which does not always apply to armed conflict. Some girls and women who have been recruited by illegal armed actors may have experienced victimisation but also empowerment. Some of them may have felt dignified by their struggle or may have been able to solve everyday and crucial problems, such as escaping domestic violence or obtaining protection for themselves and their families in highly violent zones.[19]

The complexity of human relationships in contexts of armed conflict and other HMVC is lost when it is fundamentally limited to cases of terrorism and sexual slavery, especially because, as mentioned above, agency becomes erased when scholars imply that there are only innocent, vulnerable, and passive victims

[17] P Collier and A Hoeffler, 'Greed and Grievance in Civil War', *Oxford Economic Papers*, vol. 56, issue 4, 2004, pp. 563–595, https://doi.org/10.1093/oep/gpf064; R Snyder, 'Does Lootable Wealth Breed Disorder? A Political Economy of Extraction Framework', *Comparative Political Studies*, vol. 39, issue 8, 2006, pp. 943–968, https://doi.org/10.1177/0010414006288724; M L Ross, 'What Do We Know About Natural Resources and Civil War?', *Journal of Peace Research*, vol. 41, issue 3, 2004, pp. 337–356, https://doi.org/10.1177/0022343304043773; A Rettberg *et al.*, *Different Resources, Different Conflicts? The Subnational Political Economy of Armed Conflict and Crime in Colombia*, Universidad de los Andes, 2023.

[18] K B Warren, 'Troubling the Victim/Trafficker Dichotomy in Efforts to Combat Human Trafficking: The Unintended Consequences of Moralizing Labor Migration', *Indiana Journal of Global Legal Studies*, vol. 19, issue 1, 2012, pp. 105–120, https://doi.org/10.2979/indjglolegstu.19.1.105.

[19] R Brett and I Specht, *Young Soldiers: Why They Choose to Fight*, Lynne Riener Publishers, Boulder, 2004; M Denov and A Ricard-Guay, 'Girl Soldiers: Towards a Gendered Understanding of Wartime Recruitment, Participation, and Demobilisation', *Gender & Development*, vol. 21, issue 3, 2013, pp. 473–488, https://doi.org/10.1080/13552074.2013.846605; M A Drumbl and J C Barrett (eds.), *Research Handbook on Child Soldiers*, Edward Elgar Publishing, Cheltenham, 2019; N Herrera and D Porch, '"Like going to a fiesta"–The Role of Female Fighters in Colombia's FARC-EP', *Small Wars & Insurgencies*, vol. 19, issue 4, 2008, pp. 609–634, https://doi.org/10.1080/09592310802462547; R Brett, *Girl Soldiers: Challenging the Assumptions*, Quaker United Nations Office, New York, 2002; S McKay and D E Mazurana, *Where Are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After War*, Rights and Democracy, 2004.

subjected to violence by brutal and fearsome perpetrators. In this special issue, the articles by Achilli and Quintero not only recognise and contextualise the agency of recruited children and internally displaced persons (IDPs) in the cases of Nigeria and the Philippines, respectively, but also reframe seemingly exclusive relationships that can be closely linked as agency and exploitation, or vulnerability and resistance. At least in the context of armed conflict, these perspectives allow us to understand the trajectories of such populations, which do not necessarily seek to be rescued but rather to achieve empowerment and opportunities.

Not only academics but also some judges and decision-makers have ignored the nuances of trafficking in the context of armed conflict, and this has relevant implications for legal and reintegration processes after the signing of a peace agreement between belligerents. For example, how do transitional justice[20] or peacebuilding processes address the situation of those underage ex-combatants who had the double status of victim and perpetrator, or in Weber's words, were complex political perpetrators because they were not necessarily innocent but both victims and perpetrators?[21] From a transitional justice perspective, could a former combatant boy or girl ask forgiveness from the person they victimised? Even in a reconciliation or reintegration process this scenario can be difficult because the victims are victims and do not ask for forgiveness, even less so when they are children.

At the same time, recognising the agency of victims can pose a threat to human rights defenders seeking to protect victimised people in court. Recognising that victims have made choices, even in adverse and limited contexts, can ultimately call into question their very status as victims. However, in order to achieve reconciliation, reintegration, and healing, children engaged with armed groups need to be recognised not only from the dominant narratives (as faultless passive victims) but also for their resilience, strength, and ability to adapt to different circumstances.[22]

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[20] According to De Greiff, transitional justice refers to 'the set of measures implemented in various countries to deal with the legacies of massive human rights abuses. These measures usually include criminal prosecutions, truth-telling, reparations, and different forms of institutional reforms'. See: P De Greiff, 'Theorizing Transitional Justice', in M S Williams, R Nagy, and J Elster (eds.), *Transitional Justice*, NYU Press, New York, 2012, pp. 31–77, p. 34, https://doi.org/10.18574/nyu/9780814794661.003.0002.

[21] S Weber, 'Defying the Victim-Perpetrator Binary: Female Ex-combatants in Colombia and Guatemala as Complex Political Perpetrators', *International Journal of Transitional Justice*, vol. 15, issue 2, 2021, pp. 264–283, https://doi.org/10.1093/ijtj/ijab006; E K Baines, 'Complex Political Perpetrators: Reflections on Dominic Ongwen', *The Journal of Modern African Studies*, vol. 47, issue 2, 2009, pp. 163–191, https://doi.org/10.1017/S0022278X09003796.

[22] Drumbl and Barret.

This Special Issue

The seven articles in this special issue seek to make visible the dynamics of trafficking, exploitation, and precarious migration in the context of armed conflict and HMVC. The aim is to present a dialogue with more local and everyday realities in war contexts. Although these articles, mostly ethnographic, may not be generalisable to all conflict contexts, they help to understand the ways in which civilians survive and coexist with certain realities of armed conflict or HMVC. These efforts undoubtedly contribute to improving the quality and depth of available evidence so that it can better inform decision-making and aid quantitative efforts, which are also very important.

In the opening article, **Luigi Achilli** approaches the relationship between agency and exploitation in the context of armed conflict beyond the dichotomy of victim–perpetrator, forced–voluntary. Drawing on ethnographic work in Nigeria with young ex-combatants who were recruited as children by Boko Haram, he demonstrates that agency and exploitation are not mutually exclusive but can co-exist in these young people's experiences; exploitation has harsh consequences, but it can also help them protect their families or achieve social status. The author emphasises that recognising this complexity has direct implications for the children's reintegration and healing processes in communities.

Similarly, **Romeo Joe Quintero** highlights the agency of IDPs in the context of the 2013 Zamboanga City siege in the Philippines. He shows the trajectories of displacement that women and gender-diverse individuals enact and the agency they exercise as they flee conflict, find refuge, and return or rebuild their lives elsewhere. From a post-structuralist perspective, Quintero proposes that an individual's agency is influenced by a variety of structural factors, support networks, and access to information, among others. Displacement is therefore not a linear process that ends with leaving a place of origin and arriving at a place of destination, but rather is fragmented and has multiple outcomes.

Next, **Jonathan Mendel and Kiril Sharapov** critique the depoliticisation of anti-trafficking initiatives, which focus on law enforcement, rescue, and awareness-raising, instead of on addressing deeper issues such as the normalised exploitation of migrants and workers. Using a multi-method approach, their article analyses why, contrary to expectations, Russia's full-scale invasion of Ukraine did not lead to increased trafficking of Ukrainians in the European Union. Thanks to a rights-based approach, such as access to travel, work, and social security, which is not usually applied to other populations in similar situations, the vulnerability of Ukrainians to trafficking has been reduced. Ukrainian migrants and workers within Ukraine and in Europe *are* vulnerable to exploitation but this is not even on anti-trafficking stakeholders' agenda because this exploitation has been normalised within capitalism. The authors call for political actions supporting

migrants' rights, workers' rights, and access to welfare that attack these normalised forms of exploitation.

Daniel Ogunniyi then highlights the complex governance of human trafficking in contexts of armed conflict, such as those in various areas of the Sahel. He points out that in many cases, non-state armed groups (NSAGs) exercise significant territorial control but, unlike states, are not bound by international law to follow and respect certain rules of warfare. Therefore, it is unclear to what extent NSAGs are responsible for cases of human trafficking. Based on doctrinal methodology, his article argues that customary international law could provide a framework to hold NSAGs accountable and makes a case for the adoption of an anti-trafficking 'Deed of Commitment'.

Juliana Vanessa Maldonado Macedo and Luz del Carmen Jiménez Portilla analyse the case of Mexico, which, while not technically in an internal armed conflict, is in the grips of extreme violence. Although drug trafficking groups have generated forced migration, child recruitment, and sexual violence, they are not the only ones to blame. State policies following the narrative of the government's war on drugs have often worsened victims' conditions. This is the case of Victoria, a trans woman who was victimised by members of a drug cartel. Although she was deeply affected by the abuse and exploitation she experienced, her case remained invisible to the authorities. The authors argue that this stems from Mexico's 'anti-trafficking apparatus' which ignores victims who are not cisgender women and who are exploited in settings other than the sex industry.

Carlos Alfonso Laverde Rodriguez analyses the dynamics of sex work in the context of the Colombian armed conflict. Based on interviews with unionised sex workers, he finds that sex work in conflict zones not only involves risks and human rights violations but also opportunities for greater profits in mixed security conditions—sometimes very risky, sometimes relatively safe. He concludes that the sex trade functions as a labour market that moves in and out of areas of armed conflict and that there are clear similarities between sex work in times of war and peace.

The issue ends with a short article by **Eloise Savill and Suzanne Hoff** who argue that businesses have a responsibility to protect conflict-displaced workers from labour exploitation and human trafficking. Based on consultations with 15 European civil society organisations, the authors outline the steps that businesses can take to prevent and remedy exploitation in their operations and value chains in countries of origin and destination for conflict-displaced people.

Conclusion

Despite some progress, trafficking and precarious migration in the context of armed conflicts remain an under-researched topic. While most scholarship has focused on terrorism and sexual slavery, the articles in this Special Issue highlight other dimensions and dynamics. One key conclusion is the need to recognise that the populations living and surviving in the context of armed conflicts are heterogeneous and do not necessarily fit into the category of victims represented by dominant discourses. Members of these populations also make decisions, undertake migration projects, join illegal armed groups, or become part of the sex trade or other labour markets that function in these conflicts.

This issue also hopes to draw the attention of decision-makers, justice officials, and civil society, both national and international, to other HMVC that are not technically armed conflicts but reproduce their dynamics of forced displacement and the recruitment of children. This is the case of the war against organised crime, where the prospects are bleak, especially for the young people recruited, to the extent that a negotiation process is not possible, since negotiating with terrorists or organised crime is unacceptable. What awaits these young people who joined a drug cartel as a child but came of age as part of an illegal group (e.g. in Latin America, such as maras in El Salvador, Guatemala, and Honduras or drug cartels in Mexico, Colombia, and Brazil)? At best, a submission to justice, where there is no transitional justice or peacebuilding. Although they might have experienced cases of trafficking or exploitation, this population will be primarily criminalised by the courts and society, not only because they were active members of organised crime groups and committed grave crimes, but also because they were not subject to international humanitarian law because they are not situated in contexts of armed conflict.

As some of the articles in this issue argue, these individuals were both victims and perpetrators; but beyond that, they made decisions and exercised agency in the midst of the HMVC to cope with daily life. If the young ex-combatants or members of organised crime groups do not find alternatives to integrate or reconcile with society, they will continue to choose between bad and worse options. It is likely that a dissident ex-guerrilla group, an extremist religious group, or a drug cartel would become a viable alternative for resolving the struggles of daily life. As long as the relationship between human trafficking and precarious migration in the context of armed conflict and other types of HMVC remains limited to terrorism and sexual slavery, these issues will never be addressed or integrated into the international agenda.

More broadly, it must be emphasised that armed conflicts and other HMVC threaten people's lives and livelihoods and lead to widespread disruption of the social order and states' ability to provide for their residents. In this context, trafficking, smuggling, exploitation, and forced migration are logical outcomes and cannot be efficiently addressed as long as the conflicts continue. The international community must do all it can to prevent and end all conflicts and ensure just and peaceful societies. At the same time, the people fleeing conflicts must be afforded ample opportunities to reach safety, as well as social protections and labour rights in the places where they settle.

Mónica Hurtado Lozano is an associate professor in the Faculty of Law & Political Sciences, Universidad de La Sabana, Colombia. She holds an MA in Latin American Studies from Stanford University and an MA in International Peace Studies from the University of Notre Dame. She worked as a consultant for the Trafficking in Persons Program of the International Organization for Migration (IOM) and the International Labor Organization (ILO). Email: monica.hurtado@ unisabana.edu.co

Thematic Articles: Armed Conflicts: Migration, Trafficking, and Labour Markets

Caught in the Crossfire: Unravelling the complex interplay of exploitation and agency in children associated with Boko Haram

Luigi Achilli

Abstract

This paper investigates the experiences of children associated with Boko Haram in Northeast Nigeria. The central argument posits that, within highly coercive environments, exploitation and agency are mutually constitutive. While acknowledging the prevalent exploitation of these children, it is crucial to recognise how such exploitation is intimately connected to their agency. As economic, social, and political pressures mount, children may perceive participation in Boko Haram (and self-exploitation) as the only viable means to achieve various goals—from protecting their families and communities to seeking self-significance. Consequently, exploitation—whether orchestrated by group leaders or members—may be consciously embraced by children as a means to create new horizons of possibilities. Simultaneously, by engaging in Boko Haram's activities, children reproduce a system aimed to their own exploitation and vilification. Neglecting the complexities inherent in children's associations with Boko Haram has potential implications for their reintegration and community healing processes.

Keywords: Boko Haram, agency, children, violence, exploitation

Introduction

Boko Haram has increasingly dominated media headlines over the past decade, particularly for its widespread recruitment and exploitation of children through forceful tactics. The group's notorious 2014 abduction of the Chibok girls was a flashpoint moment, eliciting fervent international outrage and cementing its reputation as a 'globally acknowledged terrorist organization'.[1] Estimates suggest that between 2009 and 2016, Boko Haram enlisted approximately 8,000 children in Northeast Nigeria.[2] From 2017 to 2019, the United Nations (UN) confirmed that Boko Haram had recruited and utilised 1,385 children.[3] Nevertheless, the actual figures are likely to be significantly higher given the limitations in available data.

Modern Islamist extremism in Northeast Nigeria traces its roots to the Maitatsine movement of the 1980s, led by Muhammadu Marwa.[4] Its anti-Western ethos inspired Mohammed Yusuf to establish Boko Haram in 2002. After years of escalating clashes with state forces, Yusuf's 2009 arrest and subsequent death in custody marked a turning point.[5] The surviving members retreated, re-emerging under the leadership of Abubakar Shekau to wage an extended campaign against the Nigerian State, using a mix of financial incentives, intimidation, and force for recruitment.[6]

In response to this rising violence, the Nigerian government outlawed Boko Haram as a terrorist organisation in 2013,[7] with the UN following suit a year

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[1] E Okereke, 'From Obscurity to Global Visibility: Periscoping Abubakar Shekau', *Counter Terrorist Trends and Analyses*, vol. 6, issue 10, 2014, pp. 17–22.

[2] United Nations Security Council, *Report of the Secretary-General on children and armed conflict in Nigeria* (S/2017/304), 10 April 2017, paras. 29 and 30.

[3] United Nations Security Council, *Children and Armed Conflict in Nigeria: Report of the Secretary-General* (S/2020/652), 6 July 2020, para. 22.

[4] W O Iyekekpolo, 'Boko Haram: Understanding the Context', *Third World Quarterly*, vol. 37, issue 12, 2016, pp. 2211–2228, https://doi.org/10.1080/01436597.2016.117 7453; J Tochukwu Omenma, I M Abada and Z Onyinyechi Omenma, 'Boko Haram Insurgency: A Decade of Dynamic Evolution and Struggle for a Caliphate', *Security Journal*, vol. 33, issue 3, 2020, pp. 376–400, https://doi.org/10.1057/s41284-020-00233-7; A Walker, *What Is Boko Haram?*, vol. 17, United States Institute of Peace, Washington, DC, 2012.

[5] Walker, 2012.

[6] *Ibid.*

[7] V Comolli, *Boko Haram: Nigeria's Islamist Insurgency*, Oxford University Press, 2015; A Walker, *'Eat the Heart of the Infidel': The harrowing of Nigeria and the rise of Boko Haram*, Oxford University Press, 2018.

later.[8] In 2015, Shekau aligned the group with the Islamic State, renaming it the Islamic State West Africa Province (ISWAP).[9] However, a leadership dispute in 2016 led to a split, resulting in two factions: ISWAP, led by Abu Musab al-Barnawi, and Jama'atu Ahlis Sunna Lidda'Awati wal-Jihad (JAS), led by Shekau. A third faction, Bakura, appeared in 2019.[10] Throughout these changes, the extensive recruitment and use of child soldiers by these factions (hereafter referred to as 'Boko Haram') remained a constant.

This paper delves into the harrowing experiences of children entangled with Boko Haram in Northeast Nigeria. In scrutinising this distressing landscape, it underlines a fundamental aspect of their everyday life: exploitation and agency, far from being opposing facets of these children's lives, are instead deeply intertwined in their war-affected reality.[11]

A closer examination reveals the intersecting societal, economic, and political forces that propel these children towards Boko Haram as a viable path for survival and fulfilment of their objectives in a war-torn zone. To many of them, association with Boko Haram and the exploitation it involves appears the sole feasible path towards certain objectives—from family protection to the creation of self-worth. While the choice of this path may seem to imbue them with agency, it also, paradoxically, further entrenches them in a system inherently built for their exploitation.

This paper argues that victimhood and agency are not separate, antithetical states, but rather mutual dimensions that shape both children's experience and the very existence of the group. This insight challenges the overly simplistic binary portrayal of children associated with armed groups as mere victims or perpetrators, calling for a deeper understanding of their complex realities that transcends conventional categorisations. This complex premise calls for an improved conceptual framework capable of transcending rigid classifications.

Following the introduction, this paper moves sequentially through a literature review and development of a conceptual framework, before detailing the research

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8 United Nations, 'Security Council Al-Qaida Sanctions Committee Adds Boko Haram to Its Sanctions List', 22 May 2014, retrieved 15 March 2024, https://press.un.org/en/2014/sc11410.doc.htm.

9 Omenma *et al.*

10 *Ibid.*

11 For a similar analysis on the intricate interplay of exploitation and agency among children in different conflict zones, see M Hurtado, Á Iranzo Dosdad and W Rodríguez, 'Labor Markets in Contexts of War: Recruitment and Trafficking of Child Soldiers in Colombia', *Colombia Internacional*, issue 114, 2023, pp. 65–91, https://doi.org/10.7440/colombiaint114.2023.03.

methodology. It then explores the multifaceted pressures that draw children into Boko Haram and delves into the complexities of their lived experiences within the group, shedding light on the dialectics of exploitation and agency. The final ethnographic section focuses on the obstacles faced during reintegration, highlighting the enduring impact of their experiences with Boko Haram. The conclusion synthesises the findings and implications, reinforcing the central argument and suggesting potential pathways for effective interventions and healing.

Literature Review and Conceptual Framework

Historically, the academic exploration of child soldiering was surprisingly scant, often overshadowed by the work of think tanks and civil society entities.[12] Recently, however, the academic panorama has broadened, enveloping a wide range of disciplines, all of which have contributed to a deeper understanding of children in armed conflict.[13]

Various narratives attempt to unravel why children affiliate with armed groups. A prominent one portrays child soldiers as victims of forced recruitment, especially compared to adults. While this rings true in some cases, contemporary academia is slowly embracing a narrative that acknowledges children's agency.[14] Approaching child recruitment in settings of economic stagnation and high unemployment

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[12]   R Haer, 'Children and Armed Conflict: Looking at the Future and Learning from the Past', *Third World Quarterly*, vol. 40, issue 1, 2019, pp. 74–91, https://doi.org/10.108 0/01436597.2018.1552131.

[13]   V Achvarina and S F Reich, 'No Place to Hide: Refugees, Displaced Persons, and the Recruitment of Child Soldiers', *International Security*, vol. 31, issue 1, 2006, pp. 127–164, https://doi.org/10.1162/isec.2006.31.1.127; B Beber and C Blattman, 'The Logic of Child Soldiering and Coercion', *International Organization*, vol. 67, issue 1, 2013, pp. 65–104, https://doi.org/10.1017/S0020818312000409; M A Drumbl, *Reimagining Child Soldiers in International Law and Policy*, Oxford University Press, 2012; S Gates and S Reich, *Child Soldiers in the Age of Fractured States*, University of Pittsburgh Press, Pittsburgh, 2010; A Honwana, *Child Soldiers in Africa*, University of Pennsylvania Press, Philadelphia, 2011; D M Rosen, *Armies of the Young: Child Soldiers in War and Terrorism*, Rutgers University Press, London, 2005; M G Wessells, *Child Soldiers: From Violence to Protection*, Harvard University Press, Harvard, 2006.

[14]   J Hart, 'Saving Children: What Role for Anthropology?', *Anthropology Today*, vol. 22, issue 1, 2006, pp. 5–8, https://doi.org/10.1111/j.1467-8322.2006.00410.x; N Herrera and D Porch, '"Like Going to a Fiesta"—the Role of Female Fighters in Colombia's FARC–EP', *Small Wars & Insurgencies*, vol. 19, issue 4, 2008, pp. 609–634, https://doi.org/10.1080/09592310802462547; O Kaplan and E Nussio, 'Explaining Recidivism of Ex-Combatants in Colombia', *Journal of Conflict Resolution*, vol. 62, issue 1, 2018, pp. 64–93, https://doi.org/10.1177/0022002716644326; Wessells.

by considering the local community's perspective, a growing body of empirical literature has shed light on the complex and frequently unexpected ways in which teenagers and young adults are lured into criminal and armed groups, including terrorist organisations.[15] More than just a desperate attempt to escape poverty, hunger, and bleak future prospects,[16] their active participation in these groups reflects a complex interplay of motivations. In particular, recent research has broadened its scope beyond negative emotions like anger, hatred, and revenge, to consider the role of positive sentiments and motivations in the decision to join such groups. This includes the formation of emotional bonds and attachments to the group, the mobilisation around a common cause or ideology, and the fulfilment of fundamental needs, especially among adolescents.[17] Additionally, these groups can offer a sense of belonging and social recognition, strengthening the recruits' identification with their cause.[18] Scholars have also challenged the idea that young people have fewer choices than adults in similar conditions.[19] According to Singer, about two-thirds of child soldiers enlist voluntarily[20]—an assertion backed by empirical surveys in East Asia and Africa.[21]

This paradigm shift has refined our comprehension of how the self-determination of these young individuals can dramatically reshape their reality and identity within the oppressive circumstances and constrained choices they face. Yet,

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[15] S O'Neil and K Van Broeckhoven (eds.), *Cradled by Conflict: Child Involvement with Armed Groups in Contemporary Conflict*, United Nations University, New York, 2018; UNODC, *Targeted by Terrorists: Child Recruitment, Exploitation and Reintegration in Indonesia, Iraq and Nigeria*, UNODC, Vienna, 2024.

[16] L Dumas *et al.*, *Wounded Childhood*, ILO/IPEC, Geneva, 2003; F Merz, 'United Nations Development Programme: Journey to Extremism in Africa. New York 2017', *SIRIUS – Zeitschrift für Strategische Analysen*, vol. 2, issue 2, 2018, pp. 202–203, https://doi.org/10.1515/sirius-2018-2020. More recent studies, however, have dismissed a strong causal relationship between economic marginalisation and the phenomenon. See, for example, O'Neil and Van Broeckhoven.

[17] M Aubrey *et al.*, *Why Young Syrians Choose to Fight: Vulnerability and Resilience to Recruitment by Violent Extremist Groups in Syria*, International Alert, London, 2016; M J Gilligan, P Khadka, and C Samii, 'Intrinsic Social Incentives in State and Non-State Armed Groups', *American Political Science Review*, 2022, pp. 1–20, https://doi.org/10.1017/S000305542200020X; O'Neil and Van Broeckhoven.

[18] E Berman and D D Laitin, 'Religion, Terrorism and Public Goods: Testing the Club Model', *Journal of Public Economics*, vol. 92, issue 10–11, 2008, pp. 1942–1967, https://doi.org/10.1016/j.jpubeco.2008.03.007.

[19] Wessells.

[20] P W Singer, *Children at War*, University of California Press, 2006.

[21] Dumas *et al.*; K Emmons *et al.*, *Adult Wars, Child Soldiers: Voices of Children Involved in Armed Conflict in the East Asia and Pacific Region*, UNICEF East Asia and Pacific Regional Office, Bangkok, 2002.

contemporary scholarship also advises circumspection when interpreting this as clear-cut 'voluntariness' in child affiliation with armed factions, recommending a more nuanced stance that avoids dichotomising between forced and voluntary recruitment.[22] As the Graça Machel report eloquently put it over 20 years ago, 'while many children are forced to join armed forces or groups, others may present themselves for service. It is misleading, however, to consider this "voluntary." Rather than exercising free choice, these children are responding more often to a variety of pressures—economic, cultural, social, and political.'[23]

Countering the simplistic binary representation of children associated with violent groups as either 'criminal perpetrators' or 'passive victims', recent research endeavours have strived for a more sophisticated appreciation of children's agency. These studies challenge the traditional dichotomic view of voluntariness and coercion, suggesting a more nuanced conceptual framework that views coercion and agency as existing along a continuum.[24] In this continuum, experiences vary dramatically—from one extreme, characterised by abduction, to the other, defined by voluntary association. In between these extremes lie a range of experiences that encompass threats to family leading to enlistment, joining to fulfil basic needs, living under the control of the group, or aligning due to familial ties. Such a continuum-based perspective seeks to illuminate how beyond the stereotypical notions of 'absolute coercion' and 'absolute voluntariness', elements of coercion and voluntary decisions are often intertwined in a complex manner. It underscores how coercion can coexist with, and inevitably shape, children's choices, thus enhancing our understanding of their involvement in such precarious situations.

While conceding that such an analysis provides a healthy corrective to overly simplistic models, I would nevertheless argue that its application to the study of child association with groups operating in a highly violent and militarised context is problematic, as it anchors agency in a liberal understanding of freedom.[25] This understanding posits agency as the capacity of the individual to act unencumbered by the weight of structure, e.g. custom, state, or society. Since children interacting with armed groups in war settings generally live in a condition of extreme dependence, their agency—framed in this theoretical tradition as the residual freedom under structural constraints—would basically be nonexistent. This conclusion, however, would inevitably disregard the empirical

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22   J C Andvig and S Gates, 'Recruiting Children for Armed Conflict', in J C Andvig and S Gates (eds.), *Child soldiers in the age of fractured states*, vol. 77, University of Pittsburgh Press, Pittsburgh, 2010, p. 92; O'Neil and Van Broeckhoven; UNODC, 2024.

23   G Machel, *The Impact of War on Children: A Review of Progress Since the 1996 United Nations Report on the Impact of Armed Conflict on Children*, ERIC, 2001.

24   O'Neil and Van Broeckhoven.

25   I Berlin, *Four Essays on Liberty*, Oxford University Press, Oxford, 1969; C Taylor, *What's Wrong with Negative Liberty*, Cambridge University Press, Cambridge, 1985.

findings of many studies that have shown how children can exert agency—even if it takes place in situations characterised by severe exploitation and a restricted range of options—and, most importantly, establish a problematic hierarchy of victimisation between those who are overtly coerced and those who join because of subtler forms of coercion.

Consider, for a moment, the life circumstances of many adolescents and young people associated with Boko Haram in Northeast Nigeria. Their need to survive, within the context of severe societal and economic pressures, often leaves them with no other choice but to participate in the very organisation that instigates fear and devastation in their communities.[26] These young individuals navigate a paradoxical existence, finding a semblance of control within a context of extreme subjugation. If we view their involvement in Boko Haram's activities primarily as evidence of their lack of agency, we risk oversimplifying the complex dynamics between them and their 'oppressors'. Such a view neglects to consider how the specific conditions of their subordination allow them to alter their life paths and assume active roles within the militant group.[27] Conversely, if we label these adolescents as cunning (criminal) agents who deftly manoeuvre around structural constraints by joining Boko Haram, we overlook how their actions contribute to perpetuating the specific conditions that enable their own exploitation and the horrific abuses that they endure. The lives of these young individuals associated with Boko Haram underscore the intricate interplay between coercion, agency, and exploitation.

In sum, how do we conceive of agency and voluntariness in a context where submission to certain forms of authority and enduring severe forms of exploitation are conditions for prompting meaningful social change?

This question cannot be answered as long as we remain within conventional conceptualisations of agency. My contention here is that considerable theoretical progress can be achieved by reversing conventional standpoints and embedding the idea of voluntariness within more sophisticated theories of agency. The main challenge is to conceptualise how children exert agency and prompt social change under broader structural constraints.

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[26]   Compare with H E Vigh, 'Social Death and Violent Life Chances', in C Christiansen *et al.* (eds.), *Navigating Youth, Generating Adulthood: Social Becoming in an African Context*, Nordiska Afrikainstitutet, 2006.

[27]   L Achilli, '"Protection" on My Own Terms: Human Smuggling and Unaccompanied Syrian Minors', *Journal of Ethnic and Migration Studies*, vol. 49, issue 13, 2023, pp. 3289–3307, https://doi.org/10.1080/1369183X.2022.2085083.

A systematic theorisation of children's interactions with armed groups would require an analytical shift away from the liberal concept of individual autonomy. A substantial, sophisticated literature on the agency–structure nexus has been evolving in the social sciences—anthropology,[28] literary theory,[29] feminist studies,[30] and social psychology.[31] Its authors warn against romanticising resistance by misattributing it to forms of agency that cannot be reduced only to conscious or unconscious moments of opposition to domination. Central to this scholarship is Foucault's work on 'subjectification'.[32] Foucault conceived power as a force that permeates life and produces desire, objects, relations, and discourse. In this context, the subject does not precede power but is produced by the very forces that form the condition of its possibility. This is what Judith Butler defines as the paradox of subjectification: the process through which the subject is produced as a self-conscious identity by the same forces that lead to its subordination.[33] Such theory of the subject inevitably also informs a specific understanding of 'agency' as located within structures of power. In other words, when the subject actively fashions itself, it does so through practices that are imposed upon itself by the society and social groups in which it lives. In doing so, this approach does not deny the capacity of the subject to act freely but situates this capacity within historically produced structures of power.

As I transition into the empirical dimension of the paper, this theoretical underpinning guides my analysis. The ensuing section presents my empirical findings, examining how this approach plays outs in children's interactions with Boko Haram. These findings will illuminate the complexities of these interactions, offering a more detailed and nuanced understanding of the subject's agency within highly violent and militarised contexts.

28 J Laidlaw, 'Agency and Responsibility: Perhaps You Can Have Too Much of a Good Thing', in M Lambek (ed.), *Ordinary Ethics: Anthropology, Language, and Action*, Fordham University Press, 2010, pp. 143–164; S Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject*, Princeton University Press, Princeton, 2011; A Yurchak, *Everything Was Forever, until It Was No More: The Last Soviet Generation*, Princeton University Press, Princeton, 2013.

29 J Derrida, *Signature Event Context*, Northwestern University Press, Evanston, 1988.

30 J Butler, *Gender Trouble: Feminism and the Subversion of Identity*, Routledge, New York, 1990.

31 E J Lawler, C Ridgeway and B Markovsky, 'Structural Social Psychology and the Micro-Macro Problem', *Sociological Theory*, vol. 11, issue 3, 1993, pp. 268–290, https://doi.org/10.2307/201971.

32 M Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, Vintage, 1980.

33 Butler.

Methodology

The recruitment of subjects for this study was facilitated by gatekeepers, primarily humanitarian workers and individuals I met during prior field research in the region.[34] Leveraging these contacts, I connected with 29 former child members of Boko Haram (15 boys and 14 girls) and 9 adults who had previously been linked with the group, all of whom served in various capacities covering multiple tasks, not confined to a single role. The former child associates were primarily aged 13–17 at the time of their recruitment and drawn into Boko Haram to perform a variety of functions, whether combat, operational, or support roles. Upon completion of each interview, research participants' social networks acted as referral sources for additional participants. This snowball sampling method allowed me to expand my pool of participants and capture a broader range of experiences and narratives.

I adhered to the globally accepted interpretation of 'child' following Article 1 of the *Convention on the Rights of the Child* (CRC), which encompasses all individuals below the age of eighteen, regardless of their maturity level. However, I was mindful of the often substantial divergences between this international definition of childhood and local or community-based understandings.[35] Thus, during the data collection and analysis phases, I considered these different perspectives, recognising the complexities and ambiguities inherent in these definitions. Among my research participants, these 'children' were markedly different from pre-adolescent children. Unlike their younger counterparts who largely rely on adults, these teenagers were viewed by their communities as capable of making informed, independent decisions, such as getting married, entering the job market, and even joining armed forces.

To track the experiences of these Nigerian minors, I employed a multi-sited research methodology with the help of three research assistants. Data collection was carried out intermittently throughout 2023 with the help of research assistants in several locations, including Nigeria's capital, Abuja, and the States of Borno, Adamawe, and Yobe. This approach was chosen in recognition of the fact that traditional single-site fieldwork often falls short in capturing the multifaceted nature of participants' experiences. Through this method, I could conduct in-depth qualitative research within selected communities in these areas, furthering our understanding of participants' lived experiences.

My interviewees comprised a diverse mix of individuals in terms of age, gender, roles within Boko Haram, and duration of association with the group. This diversity was crucial in enabling me to capture a wide range of experiences and

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34   UNODC, 2024.

35   I Hashim and D D Thorsen, *Child Migration in Africa*, Zed Books, London, 2011.

narratives. The majority of the interviewees were accessed in youth facilities and accommodation centres run by non-governmental organisations (NGOs). Each interview spanned between 30 minutes and 2 hours, with the average duration being around an hour, allowing me to gather a wealth of detail in each interaction. To ensure the comfort and safety of the participants, all interviews were conducted in the presence of specialised staff from these organisations.

In addition, I conducted 39 semi-structured interviews, each typically lasting about 50 minutes, with key informants. These informants included law enforcement officials and practitioners from international NGOs, international organisations (IOs, e.g., UN agencies), and civil society organisations. These individuals played an instrumental role in shedding light on the socio-political context and the intricacies of the reintegration process for former child associates of Boko Haram. The information gleaned from these conversations provided invaluable insights and a broader understanding of the issues at hand.

To supplement the data gathered from these interviews and discussions, I also conducted a comprehensive review of relevant literature and policy documents. This review helped to provide additional context for the data analysis process. The combination of diverse perspectives and varied data sources allowed me to explore the complexities of this social phenomenon from multiple angles, fostering a deeper understanding of the subject matter.

Engaging with conflict or violence-affected children as research participants raises serious concerns about the likelihoods of re-traumatising them, increasing their vulnerability vis-à-vis security actors, and exposing them to stigma and discrimination in local communities. To address these issues, during research activities we collected both 'simple data' and 'sensitive data'—the latter being data whose processing could entail greater risk to the research participant, requiring a greater level of protection by researchers. However, as these two categories of data are often blended in the field, we treated all data as if they were sensitive. As such, data collection, storage, and sharing were conducted preserving the anonymity of interviewees and taking various precautions to ensure their safety as well as the safety of the members of the research team.

Procedures were put in place for the immediate referral of any cases requiring urgent attention. When necessary, especially in the case of individuals previously associated with Boko Haram, interviews were conducted with the assistance of relevant IOs and NGOs. To ensure clear communication, interpreters were used during the interviews as needed, allowing for meaningful consultation with research participants who were not fluent in the languages spoken by the interviewers.

Detailed risk assessments were carried out for the selected research sites and secure, confidential locations were identified for conducting interviews. This risk was further mitigated by the inclusion of research assistants who had substantial experience in these research sites. In a few instances, when the security situation deteriorated, web-based interviews were conducted. If at any point there were concerns about safety, confidentiality, potential re-traumatisation, or other ethical safeguards, the interview was cancelled or postponed until those concerns were resolved.

The Pull of Boko Haram: Economic, social, and political pressures

The journeys of children into and out of Boko Haram are multifaceted, varied, and not strictly linear. Nonetheless, considerable evidence points to Boko Haram's reliance on more forceful recruitment methods such as child abduction and physical threats.[36] Children across the country's Northeast have been taken captive through means such as kidnapping, drugging, and threats, reflecting an evolving recruitment strategy that has become increasingly coercive amidst the escalating conflict with the Nigerian government.[37]

Although distinguishing between agency and coercion in children's entry into Boko Haram is challenging, it is critical to understand why some children may see joining the group as a necessary response to pressing needs, even when under extreme pressure. Analysing a child's choice to join Boko Haram requires a comprehensive understanding of the precarious, unstable, and vulnerable conditions wrought by the insurgency in Northeast Nigeria.[38] This unrest not only fosters socio-economic instability but often results in the loss of adult

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36 H Matfess, G Blair and C Hazlett, 'Beset on All Sides: Children and the Landscape of Conflict in North East Nigeria', in O'Neil and Van Broeckhoven; Z Marks, F Y Ajimi Badu and R Littman, *Understanding Receptivity to Returning Former Boko Haram Associates Through a Gender Lens*, Managing Exits from Armed Conflict (MEAC) Findings Report 30, United Nations Institute for Disarmament Research (UNIDIR), 2023; Merz.

37 D E Agbiboa, 'Peace at Daggers Drawn? Boko Haram and the State of Emergency in Nigeria', in L Zucca (ed.), *Religious Rights*, Routledge, New York, 2017, pp. 415–441.

38 O Evans and I Kelikume, 'The Impact of Poverty, Unemployment, Inequality, Corruption and Poor Governance on Niger Delta Militancy, Boko Haram Terrorism and Fulani Herdsmen Attacks in Nigeria', *International Journal of Management, Economics and Social Sciences (IJMESS)*, vol. 8, issue 2, 2019, pp. 58–80, https://doi.org/10.32327/IJMESS/8.2.2019.5.

providers, leaving children as the primary earners for their families.[39] In many instances, the entire family depends on income from child labour due to their parents' incapacitation or death. Association with Boko Haram assures (in the eyes of children) the fulfilment of fundamental necessities such as food, shelter, and protection, addressing children's immediate requirements for survival. This offering of basic needs is especially enticing to children and families impoverished by the region's persistent conflict, who grapple to obtain these essentials.[40]

It is important to clarify, however, that this discourse does not aim to depict Boko Haram as a commendable or even appealing organisation with which to be associated. It has been recorded that the group resorts to deceptive strategies to ensnare and compulsorily conscript children into their ranks.[41] The reality of this is made clear through the accounts of many of my research participants. Consider, for example, the account of a young man from Yobe who joined Boko Haram when he was in his mid-teens in order to fend for his family. His words provide valuable insight into the life of children caught in the conflict:

> *I'm from a small village [in Yobe]. I used to help my father in the fields, go to school sometimes when we could afford it. I was about fourteen when everything changed. We heard the gunfire first, then the screaming. My father told us to hide and then he never came back. It was just me, my mother, my younger brothers, and my little sister. I became the head of the family overnight. No food, no money, no work. The fields were destroyed, our home was half collapsed. We were alone. And every day, I walked to the nearest town, asking for work. But there were too many like me. Too many mouths, not enough food. Then Boko Haram came. They were men with guns, they said they would protect us from the soldiers, from the government. I didn't want to…it wasn't a real choice, you know? I was just a kid. But my mother and my brothers were looking at me. So I joined.*

The pressures driving young people towards Boko Haram are not exclusive to boys. Equally, young girls in the region are grappling with the same stark realities. In many instances, they also find themselves assuming the role of providers for their families, becoming drawn into the group under the same guise of survival and protection. A girl from a village near Maiduguri, Borno State, recalled how joining Boko Haram was the only way to secure basic needs:

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[39]   *Ibid.*

[40]   See also Matfess *et al.*; UNODC, 2024.

[41]   Matfess *et al.*

> *I joined when I was 15 years old [three years ago]. I joined because we did not have anything else. We were starving, barely surviving on scraps, so we joined. Both my parents had been brutally killed, leaving me with my older sister as my only family. The boyfriend of my sister was the one who convinced me to become a part of this group. It was the only way forward.*

Yet, while most research participants recalled near constant hunger and a shortage of basic commodities of any sort, some did report that they still had more food, money, and material goods than before joining the group. Several cases highlight the profound influence of social recognition in children's decision to associate with the group. To illustrate, testimonies from key informants recount narratives of girls wedded to Boko Haram commanders, who were held in high esteem and enjoyed a higher social status compared to the majority in the group. Consider the example of Daniia, who was in her mid-teens when she joined the group. She confirmed that, acting as a role model, she encouraged other younger girls to join the group:

> *Many people helped me when I was in the bush,[42] including my sister-in-law. My husband was an amir [commander], I had servants too. […] Due to my preaching, many [including young girls] joined the group voluntarily.*

Significantly, the sense of security obtained extends beyond physical protection and also delves into the societal realm. An insightful statement from a key informant in a Nigerian research institution articulates this concept clearly:

> *Rewards aren't solely material…. Adventure, camaraderie, and power hold significant sway in these youngsters' decision to associate with Boko Haram. Boko Haram provides these marginalised children a prospect for societal elevation…. These children, often perceived as outcasts, join the ranks of Boko Haram to enhance their social standing.*

Their inclusion in the group serves a dual purpose: it ensures material gain while also elevating their societal status. Moreover, as they struggle to afford marriage and other adulthood initiation rites, these teenagers and young adults are perceived as perpetual children by their contemporaries, with scarce prospects for future advancement.[43] The entry into Boko Haram emerges for some as a beacon of

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[42] In Nigerian slang, the term 'bush' often refers to rural or undeveloped areas. In discussions related to the insurgency in the Northeast and groups like Boko Haram, 'in the bush' generally means areas outside of urban centres that are controlled by or are hideouts for insurgent groups.

[43] See also Matfess *et al.*; N Punton *et al.*, *Child recruitment in the Lake Chad Basin*, MEAC Findings Report 22, UNIDIR, 2022.

hope, offering them an opportunity to exercise agency and gain some control over their fate.

The relationship between exploitation and agency is best exemplified in the context of economic destitution, social marginalisation, and perceived injustices. These challenging circumstances have inadvertently created an environment ripe for exploitation by groups such as Boko Haram. Interestingly, they also provide a source of agency for children, who perceive affiliation with these groups as a means to ascend socially. As a religious leader involved in arranging and executing deradicalisation initiatives and programmes to deter violent extremism in Damaturu said:

> *If you don't know where to go, you joined Boko Haram…. Being an [internally displaced person] is not appealing—many had not been outside of Yobe before [and feared the unknown], so in the choice between [being an] IDP and insurgent, many picked insurgent.*[44]

Inextricably linked, a profound sense of alienation, and at times a desire for retribution against the Nigerian government, has been identified as another critical driver of association. Scholarly discourse is increasingly recognising that recruitment is often rooted in political, societal, and economic grievances.[45] Since the conflict erupted in 2009, state security forces have arrested and detained countless children without charges, pushing the targeted communities towards narratives that delegitimise the government.[46] The case of Abdu, a young man who joined Boko Haram in his late teens, underscores these dynamics. After fleeing Boko Haram's activities in Maiduguri, Abdu and his family settled in a nearby village. Here, he started a small business but soon found Boko Haram's members frequenting his shop. Fearing for his son, Abdu's father moved them again to a nearby village. However, Abdu was captured by the military on suspicion of association with the group. He escaped only to be recaptured, tortured, and imprisoned. When Boko Haram attacked the military barracks where he was detained, Abdu seized the opportunity to escape, choosing to join the group to avoid being imprisoned again:

> *I managed to escape once, but they recaptured and beat me. After only two days back at the barracks, Boko Haram attacked. I escaped during the chaos and joined them, not because I agreed with their cause, but because I was angry at the government. Their unfair treatment and false accusations against me had pushed me towards Boko Haram.*

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[44] Cited in Matfess *et al.*

[45] Matfess *et al.*; UNODC, 2024.

[46] UNODC, 2024.

In this sense, feelings of injustice and revenge are directly associated with prosocial motivations, such as friendship or even love and care.[47] Association is often driven by children's attempt to protect their family members, friends, or society as a whole. Some research participants also referred to their experience in the group as being part of something bigger and to have found value in serving a cause higher than themselves. As one boy from Borno State, who was in his mid-teens when he was recruited by Boko Haram, remarked:

> *I joined the group because I was convinced by a friend. I told him that I wanted to be fighting for a good cause. He then took me to the bush, and I joined Boko Haram.*

Inside the Group: Navigating exploitation and exercising agency

Within Boko Haram, the roles assigned to children vary, with some differentiations along gender lines. Boys are often tasked with instruction, armament assembly, espionage, courier work, porter duties, and combat, and occasionally, they are used as human shields. Some also serve in roles akin to local law enforcement or engage in cattle raiding and food theft for camp provision. Girls are typically assigned domestic tasks, including cooking, water and firewood collection, cleaning, and farming. More extreme instances also involve their exploitation as sex slaves or their use in suicide bombing attacks.

Despite these gendered role delineations, data indicate an overlap in tasks performed by boys and girls within the group. However, irrespective of their assigned roles, children within Boko Haram experience intense trauma. Exposure to high levels of violence and various forms of physical and psychological abuse is commonplace. Insufficient access to basic necessities, such as shelter, food, clean water, and proper sanitation, exacerbates their hardships. Notably, many have witnessed or been involved in violent acts, including the harm or killing of familiar individuals, leading to profound psychological implications.[48]

However, children within Boko Haram are not merely victims of extreme violence; they also participate in its enactment. The execution of violent acts plays a critical role in gaining social status within the group. Consistently, research participants agreed that advancement in the organisation's hierarchy was strongly tied to the

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[47] R Krystalli and P Schulz, 'Taking Love and Care Seriously: An Emergent Research Agenda for Remaking Worlds in the Wake of Violence', *International Studies Review*, vol. 24, issue 1, 2022, pp. 1-25, https://doi.org/10.1093/isr/viac003.

[48] Matfess *et al.*

individuals' involvement in violence; a principle succinctly summarised by one respondent as, 'you grow in rank as you do the damage'. Interestingly, some key informants also posit that this system, with its perverse meritocratic tendencies, could act as a draw for socially disadvantaged boys to join Boko Haram. The potential for advancement within the group's hierarchy, irrespective of one's socioeconomic background, might be perceived as a levelling mechanism, presenting an opportunity for social mobility.

The analysis aligns with the testimonies of individuals who were previously involved with Boko Haram. Ibrahim, a young man from the Adamawa State who joined the group when he was still in his mid-teens, provides insight into the organisation's structure and the internal progression of child recruits. The boy recounts how, after an initial period of assimilation, the children are evaluated: those demonstrating aptitude for handling weapons are moulded into fighters, while the remainder undertake miscellaneous duties and errands. Some children manage to ascend the hierarchical ladder, even to the level of 'amir', often by performing drastic actions like killing their own parents. Ibrahim recalls:

> *This is the path to becoming an amir. Once you become one, you gain access to things that were beyond your grasp before. My amir, for instance, had wives, cars, money, even houses!*

These are important accomplishments, particularly for young boys who typically lack the money and the property even to cover the cost of wedding. Yet, as we have seen, it is not merely these tangible rewards that draw individuals to Boko Haram. Beyond the material, the group satisfies deeper, more intangible prosocial needs. Significantly, its ability to meet both material and social needs does not contradict the central role that violence plays within the group. Research has shown that the perpetration of violence can act as a unifying force, reinforcing community-centred values and internalising certain behaviours.[49] Within the group dynamics, two aspects stand out: social norms and dehumanisation. In such militant groups, violent behaviour becomes normalised and condoned, prompting members—especially children—to perceive it as a standard group behaviour. Yet, despite the glorification of violence in media, historical and psychological studies suggest a natural human aversion to causing harm.[50] Dehumanisation of the 'enemy' allows individuals to overcome this inherent reluctance.[51]

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[49]   M B Brewer, 'The Psychology of Prejudice: Ingroup love and outgroup hate?', *Journal of Social Issues*, vol. 55, issue 3, 1999, pp. 429–444, https://doi.org/10.1111/0022-4537.00126; N Ellemers, 'The Group Self', *Science*, vol. 336, issue 6083, 2012, pp. 848–852, https://doi.org/10.1126/science.1220987.

[50]   D Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society*, Open Road Media, 2014.

[51]   S Malešević, *The Sociology of War and Violence*, Cambridge University Press, 2010.

In Boko Haram, children often rejoice in the injuries inflicted and ridicule victims in a twisted form of jest, making violent acts more palatable. This 'us vs. them' mindset dehumanises the victims, painting them as sub-human 'enemies'. A former child soldier abducted by Boko Haram in his pre-teens shared a chilling account:

> *They kept telling us, again and again, about the wickedness of the government, how it brought suffering to us, the faithful Muslims. We soaked up their words, until our minds were filled with the certainty that the government was the enemy, that it was our holy responsibility to wage jihad. The security forces, the police, they were animals, in our eyes, creatures that needed to be killed. […] The stories we were told, the teachings we absorbed, they helped us push past our fears. So, each time we heard of them causing harm to one of ours, this was the proof that we needed that they were bad. […] We found amusement in the suffering of our enemies. We laughed and cheered at their pain, at their death. In our minds, they weren't just our enemies, they were less than human.*

Through these acts of violence, children are subtly inducted into the group, their shared traumatic experiences forging strong bonds that become difficult to break. Interviews with children reveal this dualistic experience of violence and camaraderie. A young woman, abducted at the age of 14, recalled:

> *The atrocities I was made to commit were so bad, but [within that horror] I found a family. We were all pulled together by circumstance.*

This narrative underscores the paradoxical role of violence within the group, serving as a bonding mechanism despite its repugnance. These shared traumatic experiences deepen bonds of friendship and enhance the sense of belonging, offering an unusual form of social support for these children. Corroborating this, an expert from the Nigerian security forces noted a distinct change in the children's attitude once separated from the group:

> *Children speak also positively about their time, some even in enthusiastic terms. I overheard once one kid boasting about his deeds, showing off in front of other kids. This very kid looked very repentant and submissive when I interrogated him in the centre. Then, a few months after, I see him in his village, drunk, boasting about what he has done and how many people he killed in front of other kids.*

In sum, the atrocities these children experience and inflict lend them a peculiar social status within Boko Haram, contributing to both the acquisition of social status and the sense of community they yearn for.

Breaking Free, Returning Home: The complexities of children's disengagement from Boko Haram

All the above notwithstanding, the allure of Boko Haram was for many children short-lived, especially against the background of the severe hardships and violence endured during association.

It is indeed paramount to acknowledge that social relations in Boko Haram were not always and exclusively cathartic among group members but were often also very hostile and the cause of much suffering and harm. The ambivalent experiences of children associated with Boko Haram underscore their role in reconstructing a social world amid violence and exploitation. Yet, alarmingly, it also propels their own exploitation and vilification. It is a troubling reality that these children, while victims of the group's violence, become active participants in the cycle of abuse. This perpetuation stems not merely from coercive indoctrination or survival needs in a normalised brutal environment, but also, paradoxically, from their own agency. Several women recounted how they were treated as objects to be shared, as their husbands or leaders would make them available for a day to satisfy the sexual desires of other group members, including the young ones. In the raw words of an ex-member, she confessed:

> *Sometimes they would pass us around, like a thing, not a person. Even the small ones, the children, they made them do things. It was wrong, all wrong.*

This consideration—that within environments marked by extreme coercion, exploitation and agency are intertwined—is vital. While the rampant exploitation of these children is undeniable, it is key to acknowledge how their exploitation is intrinsically tied to the exercise of their own agency. However, the experience and performance of violence not only reinforce the association with the group but also accumulate rapidly, leading to a tipping point that prompts disengagement from the group. Remarkably, even children who entered voluntarily and forged social bonds within Boko Haram might be as determined to disengage as those who were abducted. Umar, for example, left twice—first from JAS, and then from ISWAP:

> *I joined Boko Haram with a friend. [Then] we left the group of Shekau [JAS] because of what they were doing [i.e., the atrocities committed]; we then joined ISWAP. But we realised that they were not any different from Boko Haram [JAS]. […] We heard that the government was asking fighters to surrender and that nothing [bad] would happen to them if they did. We seized the opportunity to escape and surrender.*

Yet, the decision to disengage from Boko Haram does not always result in an actual exit from the group. In light of the intense violence and adverse conditions

to which children are subjected, it is to be expected that Boko Haram resorts to numerous forceful tactics to deter their departure. These tactics range from threatening the children's families to publicly executing those who attempt to flee.[52]

Most importantly, even successful disengagement and exit do not mark the end of challenges; the subsequent reintegration journey is riddled with obstacles. Many children face hardships stemming from stigma towards ex-combatants or community prejudices. Children who joined the group willingly face particularly severe discrimination, since local communities do not perceive their disengagement as a genuine act of repentance. This was the case for Sarah, who had a distressing reintegration experience:

> *When I got back to my hometown, I faced nothing but alienation. Even my own kin shunned me, holding me responsible for trailing a man into the forest. I felt like an outcast, utterly isolated. I found solace only with my uncle in a neighbouring settlement, who took me in. My mother, too, does not want me back. And the rest of my family, they still can't bring themselves to look my way.*

Gender also influences rehabilitation and reintegration experiences. Male children, often perceived as more active in their decision to join the group, bear the brunt of significant stigma and discrimination from local communities. Conversely, girls and young women may face indirect forms of discrimination related to their reproductive roles, stigmatised as the bearers of a 'terrorist's offspring'. Aisha's account reveals this intricate dynamic:

> *Since I was abducted from my home when I was a child, my parents accepted me back and they were shedding tears of joy to have me back alive. The community also received me without any problem. Yet, my child is sometimes called 'the child of Shekau.'*

What matters in this process of disengagement, however, are not the challenges children face to leave the group, but those they encounter once they have left. Prominent here is the ambivalent interplay of exploitation and agency that children experience while in the group. We should entertain the possibility that positive incentives and prosocial factors play a greater role in preventing a full disengagement, or favouring dynamics of recidivism, than is usually accounted for in the relevant literature.[53]

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[52]   UNODC, 2024.

[53]   Matfess *et al.*

Besides fulfilling a sense of belonging, Boko Haram offers children and youth the means to amplify their social and material standing. This process strikingly parallels Russian philosopher Bakhtin's concept of carnivals, which he viewed as ephemeral disruptions of social hierarchy and unique avenues for communication, unattainable within traditional societal structures.[54] Just as carnivals enable participants to momentarily rise above their typical social roles, Boko Haram provides children avenues to surmount the inherent social stasis of a patriarchal society. They construct faster routes to customary developmental milestones (such as marriage), or endow them with tokens and symbols of authority (like weapons), akin to the masks and costumes in a carnival that allow for different identities. The words of an officer of the Nigerian intelligence in Maiduguri, Borno, explains well the euphoria children experience in this process by reflecting on his own experience:

> *The time in Boko Haram transforms children. They do not perceive themselves as children, and in fact you can hardly call them children. […] They get changed with ideology, faith, fear, and empowerment. They turn your fear into power. You are given power, you are valued for the number of people you killed. It's as if they are drunk with the power that is given to them. Let me give you an example. I went through a military school. In my class 1, when I was 12, I was given a gun and trained to use weapons, along with other military activities. When I was in class 3, I was 15 years old and I already had a rank. This leadership training was already built. I eventually felt like a general when I was 18: people would stand up or sit down, just by snapping my fingers. This is the type of power I was given, and I enjoyed it. This is the feeling. This is what drives many of them and leads them to do what they are asked to do. They tell them 'kill this khafar [infidel]', they do it without any problem. They tell them this place is bad, that one is good. For them it's enough. They got trained into this way of thinking, they get empowered by this system, and they become different persons.*

Significantly, if the attraction of Boko Haram fades quickly for many children after their recruitment, it is not rare for children to consider re-joining the group, even after successfully leaving it. Just as a carnival's end often leads to a return to the status quo, a similar parallel can be drawn with the struggles children and youth encounter when they leave such groups. The possible loss of their status can dissuade them from leaving or make reintegration into civilian life difficult. Much like the phase after a carnival, children and youth who disengage frequently wrestle with feelings of worthlessness and powerlessness. This is particularly true when their new social and occupational roles among civilians fall short of the prestige—factual or aspired—they could hold within the group.

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54   M M Bakhtin, *Rabelais and His World*, Indiana University Press, Bloomington, 1984.

Conclusion

This exploration into the intertwined realities of exploitation and agency in the lives of children associated with Boko Haram illuminates the complexities inherent in such associations. The confluence of economic, social, and political pressures, coupled with the coercive environment, pushes children to embrace exploitation—both in terms of exploiting and being exploited—as a perceived pathway towards attaining various goals. Simultaneously, their engagement in group activities reproduces a system inherently designed for their exploitation and vilification.

Considering these children solely as victims could result in policies that overlook their active participation in violence. Alternatively, perceiving them merely as offenders ignores the societal pressures that may have driven them towards violence. In contexts like Nigeria, some children may view affiliations with groups like Boko Haram as their only survival option or a means to attain material welfare and social status. This perspective can be seen as a coping mechanism or a rite of passage, demonstrating some degree of control over their lives.

The findings of my research point towards a profound and nuanced understanding of children's experiences within armed conflict environments, suggesting that victimhood and agency are not mutually exclusive but are instead mutually constitutive dimensions of children's lives. This perspective challenges the often overly simplistic binary discourse surrounding child soldiers—that of perpetrators or victims—and encourages a more nuanced understanding of their lived realities.

Understanding the intricate interplay between exploitation and individual agency is vital for designing reintegration strategies and community healing processes. Balanced reintegration programmes should, therefore, address both the victimhood and agency aspects, providing healing from children's traumatic past while empowering them towards a more hopeful future. This holistic understanding is crucial for effective reintegration and community reconciliation efforts.

Luigi Achilli is senior researcher at the European University Institute in Florence, Italy, and at the Christian Michelson Institute (CMI) in Bergen, Norway. He holds a Ph.D. in social anthropology from SOAS University of London. His research and writing focus on irregular migration, transnational crime, agency, and conflict. He has taught at Cambridge University and SOAS as well as at various universities in the Middle East. Among his most recent publications on the topic, Achilli has co-edited the new edition of *Global Human Smuggling* (John Hopkins UP, New York, 2023). Email: Luigi.achilli@eui.eu

Looking for Safe Haven in a City Torn Apart by War: Narratives of agency from internally displaced persons in the southern Philippines

Romeo Joe Quintero

Abstract

In this paper, I interrogate the dominant representation of internally displaced persons (IDPs) in humanitarian discourse as helpless victims in need of rescue. Based on the stories of IDP women and gender diverse individuals in the Philippines affected by the Zamboanga City siege in 2013, I illustrate how they exercised agency to shape their trajectories of displacement. The capacity of Filipino IDPs to contend with their displacement is shaped by their power as *bakwit* (evacuees), and by their class and ethnoreligious identities. While Christian Filipino IDPs had access to material, financial, and social resources, allowing them to engage in temporary migration after displacement, Muslim Filipino IDPs with limited access to these same resources found themselves in unwanted mobility and prolonged situations of displacement. Yet, Muslim Filipino IDPs do not lack agency, as they continue to actively and consciously forge new strategies to regain a sense of home in extended exile. Ultimately, while identifying *bakwit* power as a useful conceptual tool to make legible how IDPs exercised control at different stages of their displacement, embracing such a framework should not negate the long history of political violence in the region that continues to keep some people on the move.

Introduction

On 9 September 2013, a faction of the Islamist separatist movement in the southern Philippines, the Moro National Liberation Front (MNLF), organised an armed incursion and occupied several coastal communities in Zamboanga City.[1] This ensued in a 23-day period of urban warfare between the MNLF, the Armed Forces of the Philippines (AFP), and the Philippine National Police (PNP). While the Philippine security forces were successful in containing and ending the spread of the crisis on the ground, its aftereffects were disastrous with long-lasting implications.[2] An estimated 10,000 homes were destroyed, more than 200 people killed, and close to 120,000 people forced out of their homes. A decade later, some internally displaced persons (IDPs) in Zamboanga City are still waiting for durable solutions that may never come.

Internally displaced persons are individuals who involuntarily fled their homes due to armed conflicts, human rights violations, or natural disasters, but do not cross an internationally recognised state border to seek protection.[3] The living conditions of those in situations of forced internal displacement are often inadequate and unsafe, as they remain under the protection of the very same governments who may have been responsible for their displacement. This is very much the case for many IDPs in the southern Philippines, who are frequently suspected of supporting the Islamist separatist movement that emerged in response to the dictatorship of Ferdinand Marcos Sr between 1965 and 1986.[4] But the armed resistance in this region has an even longer history that can be traced back to colonial land policies of homesteading and resettlement. Long-Christianised Filipinos who were landless farmers in the northern and central Philippines were promised arable lands on the southern island of Mindanao by Spain and the United States on the condition that they would permanently resettle there.[5]

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[1]   M C T Medina, 'Aftermath of the 2013 Zamboanga Siege: Peacebuilding Strategies from Civil Society', *Philippine Sociological Review*, vol. 64, 2016, pp. 9–39.

[2]   *Ibid.*; M A Salazar, R Law, and V Winkler, 'Health Consequences of an Armed Conflict in Zamboanga, Philippines Using a Syndromic Surveillance Database', *International Journal of Environmental Research and Public Health*, vol. 15, issue 12, 2018, https://doi.org/10.3390/ijerph15122690.

[3]   B Ní Ghráinne, 'The Relationship between Internally Displaced Persons and Refugees', in *Internally Displaced Persons and International Refugee Law,* Oxford University Press, Oxford, 2022, p. 11.

[4]   D J Ringuet, 'The Continuation of Civil Unrest and Poverty in Mindanao', *Contemporary Southeast Asia*, vol. 24, issue 1, 2002, pp. 33–49.

[5]   F C Abaya-Ulindang, 'Land Resettlement Policies in Colonial and PostColonial Philippines: Key to Current Insurgencies and Climate Disasters in its Southern Mindanao Island', Land Grabbing, Conflict and Agrarian-environmental Transformations: Perspectives from East and Southeast Asia (Conference Paper No. 54), 2015, pp. 1–16, https://www.iss.nl/sites/corporate/files/CMCP_54-Abaya-Ulindang.pdf.

However, they brought hybrid ways of life that were different to the customs of the native southern peoples of Lumads and Moros, which eventually led to land disputes, ethnoreligious tensions, and deep class divisions. Even though the ethnoreligious composition of Zamboanga City is dominated by Christian settlers, the coastal communities that were heavily affected by the 2013 siege were largely populated by Muslims.

The dominant scholarship on forced internal displacement in the Philippines denotes that IDPs with limited access to material, financial, and social resources find themselves dependent on others for support over extended periods of time.[6] This is especially true for many women and girls who are often excluded from decision-making on matters that affect them most.[7] Since displacement entails family separation and the loss of support systems developed in response to crisis situations,[8] many IDP women and other vulnerable groups rely on the welfare and protection delivered in camps.[9] While this may be the reality of many Filipino IDPs, it is not always congruent with how they see themselves.[10] As documented in other sites of displacement across the globe, many displaced persons do not put their lives on 'hold while they wait for others to make decisions on their future'.[11] They 'make strenuous efforts to avoid' humanitarian protection 'to preserve their limited autonomy and control over their [lives]'.[12] Internally displaced women assume leading economic roles in some sectors of the informal economy, such

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[6]   M J Baquiano and P I P Padilla, 'Unpacking Internal Displacement in Philippine Media Using Social Representations Theory', *Journal of Ethnic and Migration Studies*, vol. 50, issue 6, 2024, pp. 1572-1589, p. 1573, https://doi.org/10.1080/136918 3X.2023.2186211; Y Su, 'Networks of Recovery: Remittances, Social Capital and Post-disaster Recovery in Tacloban City, Philippines', *International Journal of Disaster Risk Reduction*, vol. 67, 2022, https://doi.org/10.1016/j.ijdrr.2021.102641.

[7]   C Cazabat *et al., Women and Girls in Internal Displacement*, Internal Displacement Monitoring Centre, 2020, https://www.internal-displacement.org/sites/default/files/publications/documents/202003-twice-invisible-internally-displaced-women.pdf.

[8]   A Raven-Roberts, 'Women and the Political Economy of War', in C Cohn (ed.), *Women and Wars: Contested Histories, Uncertain Futures,* Polity Press, Cambridge, 2013, p. 43.

[9]   Baquiano and Padilla.

[10]   J J Canuday, 'The Power of the Displaced', *Asian and Pacific Migration Journal*, vol. 15, issue 1, 2006, pp. 115–136, https://doi.org/10.1177/011719680601500106.

[11]   S Turner, 'Camps as Vessels of Hope', in F Yi-Neumann *et al.* (eds.), *Material Culture and (Forced) Migration: Materializing the Transient,* University College London Press, 2022, p. 53.

[12]   O Bakewell, 'Community Services in Refugee Aid Programs: The Challenges of Expectations, Principles, and Practice', *PRAXIS: The Fletcher Journal of International Development,* vol. 18, 2003, pp. 5–18, p. 12.

as food vending and tailoring.[13] Others seek out urban areas for better economic opportunities,[14] while those in camps might sell their food rations to buy market food that meets their needs.[15] More importantly, the external help that IDPs receive during displacement forms only a part of their experience. Many of them invent a wide range of strategies to govern their lives in exile, thereby challenging the common notion that they are simply passive victims in need of rescue.[16]

In this article, I illustrate how IDP women and gender diverse individuals in Zamboanga City exercised agency to shape their trajectories of displacement. Building on the concept of *bakwit* power,[17] or the power of the evacuees, displaced women and gender diverse individuals challenged the conventional understanding of agency to recognise decision-making beyond individual choices. From fleeing the war and finding refuge to either returning home or rebuilding their lives, IDPs in Zamboanga City consciously and actively engaged in social networks to navigate structural forces beyond their control.[18] They improvised their 'behaviour to make it attuned to [their] changing situations' of forced displacement.[19] Their enactment of agency can be distinguished by class and ethnoreligious identities. Christian Filipino IDPs with access to material, financial, and social resources experienced temporary displacement, and some were able to find refuge with friends or family members. Meanwhile, Muslim Filipino IDPs with limited access to these same resources found themselves in protracted situations of displacement. This is not to say that only Christian Filipino IDPs experienced temporary displacement

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[13] E Alexion, D Burns, and E Stites, *Literature Review: Livelihoods and Durable Solutions to Internal Displacement in Somalia Region, Ethiopia*, Feinstein International Center, Tufts University, Boston, 2021.

[14] D Buscher, 'New Approaches to Urban Refugee Livelihoods', *Refuge: Canada's Journal on Refugees*, vol. 28, issue 2, 2013, pp. 17–29, https://doi.org/10.25071/1920-7336.36473.

[15] C Boeyink, and J-B Falisse, 'Class in Camps or the Camped Class? The Making and Reshaping of Socio-economic Inequalities in the Refugee Camp of North-western Tanzania', *Journal of Ethnic and Migration Studies*, vol. 48, issue 20, 2022, pp. 4885–4904, https://doi.org/10.1080/1369183X.2022.2123434.

[16] P Okeke-Ihejirika *et al.,* 'Beyond Poverty Fixation: Interrogating the Experiences of Internally Displaced Persons in Nigeria', *Third World Quarterly*, vol. 41, issue 9, 2020, pp. 1476–1497, https://doi.org/10.1080/01436597.2020.1782732.

[17] Canuday.

[18] K B Harpviken, *From 'Refugee Warriors' to 'Returnee Warriors': Militant Homecoming in Afghanistan and Beyond*, Working Paper in Global Migration and Transnational Politics, no. 5, 2008, pp. 1–17, https://www.prio.org/publications/255.

[19] A V Lagmay, 'Bahala Na!', in R Pe-Pua (ed.), *Handbook of Filipino Psychology Volume 1: Perspective and Methodology,* University of the Philippines Press, Manila, 2018, p. 329.

and Muslim Filipino IDPs lived in protracted displacement. When we consider the intersections of class, gender, sexuality, age, ethnicity, and location of IDPs in Zamboanga City, we see deeply fragmented patterns of mobilities, further nuancing dominant understandings of forced internal displacement as unilinear.

Bakwit Power: Rethinking IDP agency in the Filipino cultural context

Within the humanist tradition, agency is oftentimes associated with concepts such as autonomy, freedom, rationality, and moral authority.[20] In this model, white Western men are viewed as agentic, because of their perceived inherent capacity to make rational, conscious, and independent decisions. On the contrary, women and children are portrayed as irrational, emotional, and unconscious individuals, who undermine the superior masculinist mind.[21] This simplistic model of agency has been heavily criticised by poststructuralist scholars for its essentialist and dualist tendency. Poststructuralism considers agency to be a product of social relations, discourses, and subjectivity.[22] From this perspective, there is no core concept that makes the individuals who they claim to be, as they 'can only ever be what the various discourses make possible'.[23]

The question of agency is also central to the theorisation of migration. Forced migration is commonly understood to be induced by some form of crisis, 'marked by less time for planning, preparation, and researching information on possible destinations'.[24] Implicit to this perspective of migration is that displaced individuals are victims of unfortunate circumstances, unlike economic migrants who are not compelled to move and demonstrate a fairly high level of control over their trajectories of migration.[25] Some migration scholars assert that displaced individuals most likely find themselves in 'destinations they may not have moved

20 C R Showden, 'Conceiving Agency: Autonomy, Freedom, and the Creation of the Embodied Subject', in *Choices Women Make: Agency in Domestic Violence, Assisted Reproduction, and Sex Work,* University of Minnesota Press, Minneapolis, 2011; B Davies, 'The Concept of Agency: A Feminist Poststructuralist Analysis', *Social Analysis: The International Journal of Anthropology*, issue 30, 1991, pp. 42–53.

21 Davies.

22 *Ibid.*

23 *Ibid.*, p. 43.

24 C Hunkler *et al.,* 'Spatial and Social Im/Mobility in Forced Migration: Revisiting Class', *Journal of Ethnic and Migration Studies*, vol. 48, issue 20, 2022, pp. 4829–4846, https://doi.org/10.1080/1369183X.2022.2123431.

25 E Piguet, 'Theories of Voluntary and Forced Migration', in R McLeman and F Gemenne (eds.), *Routledge Handbook of Environmental Migration and Displacement,* Routledge, London and New York, 2018.

to under different circumstances'.[26] Although not all forcibly displaced individuals may conform to this essentialist narrative, resisting their portrayal as helpless could undermine their claims for assistance and protection.[27] Framing themselves as victims of war may lead to additional protection but could also further reinforce the narrative of victimhood.[28] In essence, these narratives of victimhood do not acknowledge that vulnerability and resistance are not mutually exclusive. As Saba Mahmood reminds us, we must refuse the understanding of agency from the lens of subordination and resistance, because 'just as our own lives don't fit neatly into such a paradigm, neither should we apply such a reduction to the lives of [forcibly displaced] women'[29] and sexual minorities.

In this paper, I draw on the concept of *bakwit* power, as theorised by Jose Jowel Canuday, to illustrate how IDPs in Zamboanga City dealt with the disruptive force of displacement.[30] *Bakwit* is the Filipino vernacular for evacuees that IDPs in Mindanao use to refer to themselves. Canuday explains that *bakwit* power lies in the creative capacity of Filipino IDPs to transform, reorder, and negotiate their lives throughout displacement. Building on concept of the 'weapons of the weak' by James Scott, who describes how the powerless 'use implicit understandings and informal networks'[31] to enact everyday forms of resistance, Canuday explains that with or without humanitarian aid, IDPs in the southern Philippines modify their social relations 'to pave the way for new socio-political arrangements that allow them to evacuate, to return, and to rebuild their communities.'[32] One specific example is the 2003 *Bakwit* Power mobilisation in Central Mindanao that called on the Philippine government and armed groups to engage in peace talks.[33]

I extend *bakwit* power to understand how IDP women and gender diverse individuals in Zamboanga City improvised strategies to determine where and how

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[26]   Hunkler *et al.,* p. 4837.

[27]   Ċ Mainwairing, 'Migrant Agency: Negotiating Borders and Migration Controls', *Migration Studies*, vol. 4, issue 3, 2016, pp. 289–308, https://doi.org/10.1093/migration/mnw013.

[28]   Y Cadena-Camargo *et al.*, '"We just been forced to do it": Exploring victimization and agency among internally displaced young mothers in Bogotá', *Conflict and Health*, vol. 13, issue 1, 2019, p. 4, https://doi.org/10.1186/s13031-019-0205-1.

[29]   S Mahmood, 'Agency, Gender, and Embodiment', in *Politics of Piety: The Islamic Revival and the Feminist Subject*, Princeton University Press, Princeton, 2005, pp. 153–188, p. 174.

[30]   Cadunay.

[31]   J Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance,* Yale University Press, New Haven, 1985, p. xvi.

[32]   Baquiano and Padilla, p. 3.

[33]   Canuday; Baquiano and Padilla.

they move. Their capacity to conceive and enact agency exists on a continuum; it is spatially, temporally, and relationally situated.[34] What makes *bakwit* power suited to the theorisation of agency is that it is deeply rooted in the lived experiences of Filipino IDPs themselves, highlighting their stubbornness to endure and persist despite difficult circumstances. IDP women and gender diverse individuals in Zamboanga City exercised agency at different times throughout their trajectories of displacement. Their approaches constantly changed depending on new information, opportunities, and challenges presented to them along the way, which also went beyond individual considerations and depended on which aspect of their identity was most salient.[35] At the same time, I am cautious in using *bakwit* power in describing the agency of IDPs in Zamboanga City in order not to overlook the issue of political violence. Discussing the agency of IDPs is not intended to glorify their capacity to push back against constraints and dismiss the reality that many of them live in profoundly dire situations.

Methodology and Data Collection

My research participants came from different ethnoreligious and linguistic communities and occupied diverse experiences and identities. I interviewed 11 research participants, who were at least 18 years old when the Zamboanga City siege erupted in September 2013. One identified as a trans woman, two embraced a fluidity of gender expression and identity, while the rest were cisgender women. They were all forcibly displaced by the armed conflict and still resided in the city afterwards. The Carleton University Research Ethics Board approved the study in May 2021. Pseudonyms are used throughout in order to maintain confidentiality and anonymity.

I was overly cautious not to evoke unpleasant memories during the semi-structured interviews I carried out with research participants between July and August 2021. I conducted the interviews in English, Tagalog, Chavacano, and Cebuano to allow research participants to recollect, in their own words, their experiences of displacement, home, and belonging.[36] Letting participants articulate their experiences in their chosen languages was intended to encourage a sense of empowerment, because it facilitated their capacity to 'perceive [themselves] as people who feel, people who will, people who think, and people who act as a

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[34] Showden.

[35] *Ibid.*

[36] While the research participants and I switched between English, Tagalog, Chavacano, and Cebuano, my lack of proficiency in Tausug may have prevented some interlocutors from fully expressing the complexity of their experience of displacement. This is also why I relied on *pakikiramdam* (shared inner perception) to sense nonverbal cues of research participants.

whole'.[37] This created space for research participants to centre their stories from their own standpoint, producing specific knowledge that could be recorded for research.[38] Given that the fieldwork occurred at the height of the COVID-19 pandemic, the interviews took place in a variety of locations, such as schools, restaurants, and private homes to observe social distancing. Only research participants who agreed to be audio-recorded were chosen for the interview, which generally lasted between 30 to 60 minutes. I also transcribed all interviews and analysed them using grounded theory to identify thematic connections, similarities, and particularities.

A host of feminist scholars have argued that one's research positionality in the field is never static.[39] 'Boundaries are blurred with shifting and ambiguous identities [and] research is infinitely layered and interwoven.'[40] Although I was born and raised in Zamboanga City and carry epistemic positionality that allowed for some nuanced understanding of my research participants' lives, I was not necessarily an insider. I anticipated that there would be a gap between how I expressed my identities and how my research participants perceived them. This inevitable gap needed constant negotiation with each research participant to acknowledge our differences without it becoming a source of tension. Since I grew up in a neighbourhood notorious for crimes and gangs, research participants who were aware of this place saw that we shared identities, signalled in their response of 'you know what it's like there'. Meanwhile, Muslim Filipino women who perceived me as an outsider addressed me as 'sir' even though I repeatedly asked them to use my nickname. Moreover, because they were recruited through snowballing and had been informed of my project and the sack of rice (25 kg) being offered as incentive for participating, some Muslim Filipino women I interviewed presented themselves as poor and needy. They described themselves as *palaboy* (homeless), *madumi* (dirty), or *skwatters* (squatters). While I empathised with their experience

37   L M Strobel, 'A Personal Story: On Becoming a Split Filipina Subject', in M L de Jesús (ed.), *Pinay Power: Theorizing the Filipina/American Experience*, Routledge, London, 2005, pp. 16–26.

38   G Rose, 'Situating Knowledges: Positionality, Reflexivities and other Tactics', *Progress in Human Geography*, vol. 21, issue 3, 1997, pp. 305–320, https://doi.org/10.1191/030913297673302122.

39   B Mullings, 'Insider or Outsider Both or Neither: Some Dilemmas of Interviewing in a Cross-Cultural Setting', *Geoforum*, vol. 30, issue 4, 1999, pp. 337–350, https://doi.org/10.1016/S0016-7185(99)00025-1; G Adeniyi-Ogunyankin, 'In/Out of Nigeria: Transnational Research and the Politics of Identity and Knowledge Production', *Gender, Place & Culture*, vol. 26, issue 10, 2019, pp. 1386–1401, https://doi.org/10.1080/0966369X.2018.1481370.

40   B Sherif, 'The Ambiguity of Boundaries in the Fieldwork Experience: Establishing Rapport and Negotiating Insider/Outsider Status', *Qualitative Inquiry*, vol. 7, issue 4, 2001, pp. 436–447, https://doi.org/10.1177/107780040100700403.

of prolonged displacement, I did not feel comfortable expressing pity for their situation and did not want to view or present them as voiceless victims. I was rather fascinated by their performance of paradigmatic victimhood in framing how they are acted upon as subjects 'symbolising inequality, poverty, passivity and helplessness.'[41]

Findings

On Fleeing the Conflict

While perception of threat to physical life is an indication of displacement, it is not 'a linear phase model of departure–journey–arrival.'[42] Individuals carefully plan their mobility in conjunction with how much material, financial, and social resources they could lose, convert, or carry with them.[43] For some research participants, beyond the material understanding of home as a shelter and asset, it is also like a Jenga puzzle where each block symbolises a family member tightly holding one another. Abruptly removing a block could therefore weaken the stability of the home they know and protect. This is why family members generally stagger their movements out of conflict zones when confronted with violence, 'embark[ing] on quite different journeys'[44] depending on the resources, local context, and duration of the conflict.[45]

This is reified in the stories of research participants who described their displacement trajectories as involving 'more locations than simply home and one place of shelter.'[46] Ivy, a trans woman who was trapped in ground zero with her father and brother, underscored the centrality of care in shaping one's control over trajectories of displacement. She explained, 'I didn't [evacuate]... All the women and […] children were the first to be evacuated... My father and brother,

41 C Brun and P Blaike, 'Introduction', in C Brun, P Blaike and M Jones (eds.), *Alternative Development: Unravelling Marginalisation, Voicing Change,* Routledge, London and New York, 2014, p. 10.

42 Hunkler *et al.*, p. 4835.

43 N Van Hear, 'Reconsidering Migration and Class', *International Migration Review*, vol. 48, issue 1, 2014, pp. 100–121, https://doi.org/10.1111/imre.12139.

44 S Christ and B Etzold, 'Family Figurations in Displacement: Entangled Mobilities of Refugees towards Germany and Beyond', *Journal of Ethnic and Migration Studies*, vol. 48, no. 18, 2022, pp. 4419–4435, p. 4419, https://doi.org/10.1080/136918 3X.2022.2090160.

45 L Vignal, *War-Torn: The Unmaking of Syria, 2011–2021*, Hurst and Company, 2021, p. 161.

46 *Ibid.,* p. 157.

who happens to be PNP [part of the Philippines National Police], and my father is already old enough that he has maintenance, so if I ever went with the women, who would look after my father?... There, that's why I also got trapped there.'

The three of them remained in ground zero to protect their home for another four days until they realised that the situation on the ground had reached a vital threshold. This is a strategy employed by many people in other sites of armed violence. They constantly evaluate the threats they are exposed to, along with their access to immediate needs like food, water, electricity, and basic services.[47] While access to information about potential places of residence is also important, it is often confusing and incomplete.[48] This made it difficult for Ivy to compare the situation in ground zero to the conditions at the Joaquin Sports Complex (Grandstand)[49] where they intended to seek temporary shelter.

The presence of security parameters and knowledge of their whereabouts are vital factors that also shape trajectories of displacement.[50] Even though the siege in Zamboanga City received international attention from news outlets, the information about the checkpoints established by the MNLF had not reached Ivy. In effect, she had to pass through a checkpoint held by the MNLF to exit ground zero. These checkpoints served as filters that marked and distinguished people based on the perception of their identities and documentations.[51] But since Ivy's father and brother are part of the PNP, they could not easily escape because they were 'carrying guns, uniforms, badges, ammunitions'.

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[47] *Ibid.*; A Steele, 'Seeking Safety: Avoiding Displacement and Choosing Destinations in Civil Wars', *Journal of Peace Research*, vol. 46, issue 3, 2009, pp. 419–429, https://doi.org/10.1177/0022343309102660; X Devictor *et al.*, *Forcibly Displaced: Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts,* World Bank Group, Washington, D.C., 2017, pp. 44–45, https://doi.org/10.1596/978-1-4648-0938-5; J Schon, 'Motivation and Opportunity for Conflict-Induced Migration: An Analysis of Syrian Migration Timing', *Journal of Peace Research*, vol. 56, issue 1, 2018, pp. 12–27, https://doi.org/10.1177/0022343318806044.

[48] Vignal; Devictor *et al.*; Schon.

[49] The Joaquin Sports Complex is a stadium known to local residents as the Grandstand. It was turned into the biggest temporary evacuation camp serving more than 10,000 people. R G A Go, 'DPWH to Finish Zambo Sports Complex Rehab this Month', *Philippine News Agency,* 7 December 2018, https://www.pna.gov.ph/articles/1056080.

[50] Vignal.

[51] P Bonizzoni, 'The Border(s) Within: Formal and Informal Processes of Status Production, Negotiation and Contestation in Migratory Context', in M Ambrosini, M Cinalli, and D Jacobson (eds.), *Migration, Borders and Citizenship: Between Policy and Public Spheres*, Palgrave Macmillan, Cham, 2019; B Anderson, N Sharma, and C Wright, 'Editorial: Why No Borders?', *Refuge: Canada's Journal on Refugees*, vol. 26, issue 2, 2009, pp. 5–18, https://doi.org/10.25071/1920-7336.32074.

Accordingly, geographical boundaries are not fixed. They are fluid and constantly reimagined.[52] This allowed Ivy to negotiate her passage through the checkpoint by intentionally presenting herself as a cis-Muslim Filipino woman. She described, 'So, I left my baggage [behind so I could carry] their luggage. I was carrying it, because if you're a woman, they will not check you… unlike if you're a man… So good thing, lucky me, and thanks to God, when I walked through the check point, they did not search my body… I probably didn't look gay, that's why.' Ivy disguised herself as pious by wearing the veil, which was complemented by her ability to speak Tausug.[53]

Ivy exercised her power as a *bakwit* by foregrounding her ethnicity and reconfiguring her femininity. Her gender performance of dominant social norms that are commonly associated with Muslim Filipino women allowed her access to safe passage. However, Ivy's trajectory of displacement did not end after she escaped from ground zero and reached the Grandstand. She described how upon arriving in the Grandstand, she and her family backed out of using the temporary shelter 'because of the difficult situation there… so we decided to stay at my brother-in-law's house.'

Following this, Ivy decided to live separately from her extended family and sought temporary shelter from a friend, who was located not too far from ground zero. She explained, 'I went to my best friend's house which is near the downtown area, because… I wanted to return again to retrieve my things. I'm really eager to sneak in again. So, every now and then, I was attentively listening on the radio or went close to Budget Wise because it's just near to us. I kept on doing [this] for another two weeks.' Although it is rare for people in contexts of armed violence to move alone,[54] Ivy's decision to live separately was part of a collective strategy. By staying close to home, Ivy was hopeful that the crisis would end in a matter of days. She went back and forth to check the situation in ground zero, assessing whether it was safe for her and her family to return. Yet, it was impossible to retrieve the things she left behind, as the level of armed violence in the area had not de-escalated. Rather, it had gotten worse when the AFP razed the area to the ground with fire. When I asked Ivy if this is a common practice by the AFP during wars, she explained that it is part of their standard operating procedure to drive out MNLF members who remain in hiding in the area.[55] This made Ivy hypervigilant in navigating around the city as she crossed different boundaries.

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[52]   *Ibid.*

[53]   Tausug is one of the widely spoken languages by Muslims and some Christians in Zamboanga City.

[54]   Vignal.

[55]   In a separate conversation I had with a resident of Zamboanga City, who was from another community affected by the siege, he said that some MNLF members concealed themselves by pretending to be residents of the city. He cited this as another reason for the clearing-out procedure.

Another research participant who was trapped in ground zero was Lily. Unlike Ivy who initially refused to leave ground zero, Lily and her brother, Ronnie, could not immediately flee as the only exit route they knew had been blocked by the MNLF. This was partly due to how they initially perceived the violence, which delayed their time to respond. Since Lily and Ronnie lived in an area where many residents work in the illicit and informal sectors of the economy, Lily had come to normalise the violence in the area as part of their mundane night life. She explained, 'By 11 p.m. [on 8 September 2013] there was already a shooting, but our neighbours thought it was nothing because it is considered normal there... Someone said that some folks were only testing their guns. Then, it started happening again at dawn until 5 a.m.... We did not escape because... we thought it was nothing, because they [MNLF] said they were only passing by.' But when the police gradually arrived, the MNLF started taking people in as hostages. Someone also knocked on Lily and Ronnie's doorway to ask about their ethnicity and religion. She explained, '[Ronnie] said that someone had asked [about our ethnicity and religion], his reply was we were only renters... The owner of the house is a Christian.'

The MNLF segregated civilians based on their ethnoreligious and linguistic characteristics. They screened residents by speaking to them in Tausug at checkpoints or by knocking on their doors. Those who could not respond in the same language were pulled out from the crowd to be held as hostages and used as human shields. Ronnie, who is from another ethnoreligious group but proficient in Tausug, misled some members of the MNLF who speculated whether the people living in their house were of Christian faith. While Lily is not so fluent in this language, she adopted an alternative strategy to blend in with the crowd by wearing a veil. The power of Ronnie and Lily as *bakwit* lies in their awareness of what they could and could not control in their environment, which is what kept them alive and allowed them to plan an alternative route.

Like Ivy, Lily exercised *bakwit* power by wearing a veil to intentionally present herself as a Muslim Filipino woman to circumvent captivity and reach safety. Deniz Kandiyoti calls this bargaining with patriarchy, a strategy deployed by women in the Global South to 'maximize [their] security and optimize life options with varying potential for active or passive resistance in the face of oppression'.[56] This strategy proved useful for Ivy and Lily because they were selectively targeted for fitting 'the profile of a rival sympathizer'.[57] Moreover, Lily and Ronnie's trajectories of displacement did not end after escaping from ground zero. While it is sometimes impossible to organise long-distance travel during emergency situations,[58] the

[56] D Kandiyoti, 'Bargaining with Patriarchy', *Gender and Society*, vol. 2, issue 3, 1988, pp. 274–290, p. 274, https://doi.org/10.1177/089124388002003004.

[57] Steele, p. 422.

[58] Vignal.

local government offered some residents free transportation to travel to other cities within the province of Zamboanga Del Sur, where the eldest sibling of Lily and Ronnie lives. Although most forced migrants choose to remain in relatively familiar environments and with their relatives,[59] others resort to family separation as a temporary strategy to 'help a child escape from military recruitment or to send a politically active member into hiding'.[60] In the case of Lily and Ronnie, their older siblings collectively decided that a change in environment would be in their best interest, as it would help them cope with the trauma brought by armed conflict. What their trajectories of displacement illustrate is that some migration journeys may be shorter, extended, or farther.[61]

On Securing Refuge

IDPs who sought shelter from relatives or friends were designated by the City's Social Welfare and Development Office (CSWDO) as 'home-based IDPs'. Many of them, like Ivy and Lily, were also 'untagged' and rendered ineligible for humanitarian aid and resettlement programs.[62] Conversely, IDPs with limited access to material, financial, and social resources were forced into unwanted mobility. In Zamboanga City, the largest evacuation camp was established in the Grandstand, the same location where Ivy had arrived and left due to its dismal conditions. Civilians in the camp were registered and housed in makeshift tents that offered insufficient protection from the weather. Many also arrived with few personal items, having had to abandon them when they fled their homes.

Iris, a mother of ten children, moved to Zamboanga City with her family in 2008 to escape a series of conflicts in Jolo City, prompted by clan rivalry, military pacification, and the Abu Sayyaf group linked to Al-Qaeda.[63] Since Iris and her family lived as informal settlers in ground zero, with few material possessions because of the lingering fear of forced evictions and demolitions, they had fewer reasons to remain in place. More importantly, she did not want to risk the

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[59] Devictor *et al.*

[60] B Wilmsen, 'Family Separation: The Policies, Procedures, and Consequences for Refugee Background Families', *Refugee Survey Quarterly*, vol. 30, issue 1, 2011, pp. 44–64, p. 45, https://doi.org/10.1093/rsq/hdq045.

[61] Hunkler *et al.*

[62] United Nations Office for the Coordination of Humanitarian Affairs, '"Untagged" but not Forgotten: Home-based Internally Displaced Persons (IDPs) in Zamboanga', *Philippines Humanitarian Bulletin*, issue 9, 2016, https://ochaimphil.github.io/Humanitarian-Bulletin/HumBulletinSept2016.html.

[63] S Herbert, *Conflict Analysis of the Philippines*, K4D Helpdesk Report 648, Institute of Development Studies, Brighton, 2019, https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/14661/648_Conflict_analysis_of_The_Philippines.pdf.

safety of her children and made decisions based on the need to get through the danger unharmed. But similar to some IDPs, she had to leave the Grandstand and embarked on another journey. She explained, 'We were very terrified, sir. Especially when we heard the shootings. I was really panicking, sir, because I have 10 children... One is a grown-up, but the rest of them are still tiny. I said, that is okay, it is up to Allah what will happen to us. [Then], someone offered help to drop us off there... We had no clue where else to go. We only knew to go there... [But] we could no longer endure the situation there because it was so dirty.'

Concerns over not knowing where else to go is also reflected in the stories of other IDPs in my research. Poppy, who was dropped off at the Grandstand from the General Public Hospital where her now late son had been admitted for Thalassemia, was left to wonder if, *'End of the day na ba to?'* (Is this the end of days?). She explained that in the three months she was in this evacuation camp, 'I never received money... We're okay for the food, they also gave us milk for the children, it was also okay, you just have to line up... It was overcrowded with people, sir. Then our tent, sir, we were on the soil... it was like covered in cellophane where we slept... it took some time before they provided us with *banig*.'[64] But unlike Iris and Poppy, who eventually found alternative living arrangements, IDPs with no options for leaving the evacuation camp had to persist through multiple difficult situations. Hyacinth, who is a widow with four children, also came from Jolo City where she had been displaced twice by the armed violence in the region. She described, 'For four years, sir, [we were in the Grandstand] before we went here [to a transitory site]... Too long, sir. Our tent was flooded [by typhoon Yolanda], we stayed there'.

Giorgio Agamben claims that camps are 'states of exceptions', where individuals are denied rights and reduced to 'bare life.'[65] Even though the movements of Iris, Poppy, and Hyacinth were not restricted, the requirement to register with the CSWDO and stay in the Grandstand to receive food rations and resettlement units left them with few options but to remain despite the imminent danger of dying from food insecurity, malnutrition, and communicable diseases. Their life in this IDP camp increased their vulnerability, since losing their homes entailed losing their livelihood systems. But this is not to say that they just waited for humanitarian assistance to come. While Iris and Poppy exercised their power as *bakwit* by

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[64] Pronounced 'buh-nig', these are traditional handwoven mats used as sleeping mats or floor mats. Mass produced *banig* are made of plastic materials.

[65] G Agamben, *Homo Sacer: Sovereign Power and Bare Life*, Stanford University Press, Stanford, 1998. See also A Ramadan, 'Spatialising the Refugee Camp', *Transactions of the Institute of British Geographers*, vol. 38, issue 1, 2013, pp. 65–77, https://doi.org/10.1111/j.1475-5661.2012.00509.x; O Bakewell, 'Encampment and Self-Settlement', in E Fiddian-Qasmiyeh *et al.* (eds.), *The Oxford Handbook of Refugee and Forced Migration Studies*, Oxford University Press, Oxford, 2014.

leaving the camp, others like Hyacinth exercised her *bakwit* power by refusing to participate in some humanitarian projects for women's empowerment while in the Grandstand. Furthermore, when asked about the quality of humanitarian relief they received, Hyacinth simply laughed and said, *'Wag nang madamot, sir'* (Don't get greedy, sir) to avoid portraying herself as complaining and ungrateful.

IDPs who remained in the Grandstand used their creative *bakwit* power to get the most out of humanitarian assistance. This is exemplified by Rose who pooled in her familial resources to buy a cooking pot to make meals for children while the adults waited in line for food rations. She said, 'The children were already hungry because you had to stay in line for a long time. Then, my sister-in-law suggested that we buy something just for the children... We were able to buy a cooking pot... we had to prioritise the children, then we go in line for ourselves'. In other cases, IDPs who had no money to spend on anything either skipped meals or shared the little food rations they had to prioritise the nutrition of their older and younger family members. The informal support systems that poor Muslim IDPs developed in the Grandstand point to the collective orientation of *bakwit* power. The sharing of few resources with other members of displaced communities is 'not simply because it [is] perceived to be the morally right thing to do, but also because it [is] inevitable that they would need similar help from their community in the future.'[66]

The experiences of largely Muslim Filipino IDPs in the Grandstand stood in stark contrast with some home-based IDPs with relatively better socioeconomic status. Daisy, for instance, expressed that while she appreciated the donations she received from co-workers and friends, she was also sceptical in receiving them in case it may undermine her autonomy. She said, 'Since I am not sure who some of the donated clothes belonged to, I only accepted donations from people I know'. Daisy also added that she would make sure to wash them before wearing. While Daisy associated the receiving of donations with vulnerability and suffering, and exercising agency for her was establishing livelihoods free from humanitarian assistance, not all home-based IDPs hold this view. Ivy, for example, willingly accepted the food supplies she received but redistributed them to other IDPs who needed them more, since she had remittances from her sister to rely on for support. What their stories illustrate is the different ways in which one's understanding of *bakwit* power can be informed by ethnic, religious, and classed identities.

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[66] D Patterson, 'We Survive Together: Utilising Transnational Resources for Community Welfare in Kakuma Refugee Camp, Kenya', *Anthropology Matters Journal*, vol. 20, issue 1, 2020, pp. 94–116, p. 115.

On Rebuilding Lives

A durable solution for IDPs is thought to be achieved when they 'no longer have specific assistance and protection needs that are linked to their displacement',[67] which typically involves return, local integration, or resettlement. Among these conventional solutions, return to and reintegration in the traditional communities of IDPs are the preferred outcomes advocated by the United Nations High Commissioner for Refugees (UNHCR).[68] However, the reliance on return as the viable, durable solution implies that forced migration is a physical problem that can only be resolved through 'a restoration of order in their nation-states' or communities.[69]

For Jasmine, her intention to return was linked to her positive pre-conflict memories of home, which included engaging in financially rewarding activities. Prior to being displaced, Jasmine managed a *sari-sari* store (convenience store) that allowed her to earn income and fulfil her maternal obligations. Even though her store had eventually closed down after she was displaced, she was able to rebuild it through the financial assistance she received from her sibling. Jasmine's *bakwit* power rests in her recognition that a durable solution to forced internal displacement goes beyond the physical reconstruction of communities or return. It also includes regaining previously disrupted daily routines and perception of safety in places of origin.[70]

Accordingly, IDPs who lived in ground zero as informal settlers were either resettled elsewhere across the city, or like Rose, Poppy, Iris, and Hyacinth, were transferred to a transitory camp to await permanent resettlement. But since they have been displaced for over five years without any durable solutions, they are now in a situation of protracted displacement.[71] Even though some of them have secured employment, they still feel unintegrated. This sentiment is shared

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[67]   K Long, 'Rethinking "Durable" Solutions', in E Fiddian-Qasmiyeh *et al*.

[68]   Z C Collado, 'Determinants of Return Intentions among Internally Displaced Persons (IDPs) of Marawi City, Philippines', *Development in Practice*, vol. 30, issue 1, 2020, pp. 113–124, https://doi.org/10.1080/09614524.2019.1673320.

[69]   Long, p. 478.

[70]   Collado; Y Su and L Le Dé, 'Whose Views Matter in Post-disaster Recovery? A Case Study of "Build Back Better" in Tacloban City after Typhoon Haiyan', *International Journal of Disaster Risk Reduction*, vol. 51, 2020, https://doi.org/10.1016/j.ijdrr.2020.101786.

[71]   J Milner 'Protracted Refugee Situations', in E Fiddian-Qasmiyeh *et al.*, p. 152; J Hyndman and W Giles, 'Protracted Displacement: Living on the Edge', in A Bloch and G Dona (eds.), *Forced Migration: Current Issues*, 1st edition, Routledge, 2018, p. 74.

by Hyacinth who now works as a custodian but keeps on wishing to return home. When asked if she still calls Zamboanga City home, Hyacinth expressed, 'For me, I can't do anything. We're here, we'll just call Zamboanga beautiful.'[72] Such testament is not an inclination to surrender, but a recognition of her everyday *bakwit* power to find an end to her situation of protracted internal displacement.

Conclusion

The ability to move to cope with war is influenced by a number of factors. As conveyed in the stories of IDP women and gender diverse individuals in this paper, their trajectories of displacement varied significantly as they were shaped by their class, ethnicity, and religion. Their patterns of mobility were also influenced by their access to informational, financial, material, and social resources. They further involved available alternative housing arrangements in response to displacement and the geopolitical history of the region. In other words, the experiences of IDP women and gender diverse individuals point to the inherently unjust nature of displacement.

Home-based IDPs with some degree of economic privileges did not instantly leave their home during the siege, regardless of their proximity to the battlefront. Some had stronger reason to stay and safeguard their belongings. And when they did decide to leave, they had better options for where and how they could seek temporary shelter. Some also made frequent attempts to return home to retrieve their belongings. Although these actions may seem reckless, many of them understood the risk in delaying their evacuation and choosing to engage in this form of journey after displacement.

IDPs with limited means and information on how and where to move found shelter in evacuation camps. Although their options may seem undesirable, it does not completely negate their autonomy or lead to loss of dignity, as they still had control over their decision-making. The level of insecurity in the Grandstand made them deeply conscious of each other's suffering. Muslim IDPs in the Grandstand formed informal support systems to address various concerns over food insecurity and malnutrition. Their demonstration of collective *bakwit* power was specific to the social, political, and cultural context of the Philippines, and depended on their complex identities and social locations.

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[72]   See also R J Quintero and A Hari, 'Queering Protracted Displacement: Lessons from Internally Displaced Persons in the Philippines', *Anti-Trafficking Review*, issue 19, 2022, pp. 125–29, https://doi.org/10.14197/atr.201222199.

The *bakwit* power of IDP women and gender diverse individuals in Zamboanga City was widely manifested. They calculated their situations at every step of the way by weighing the consequences their decisions would have on themselves and their families, even at the cost of enduring hardship or sacrificing personal desire. Some IDPs manoeuvred their way out of ground zero by foregrounding their identity, while those in the Grandstand avoided asking for better humanitarian assistance to prevent the risk of being portrayed as complaining and ungrateful. This brings us back to the situated, temporal, and relational nature of agency, which can 'ebb and flow' and not simply 'increase throughout time'.[73] With the use of *bakwit* power, the paper recognises how stubbornness in itself is a form of agency that is grounded in local cultural context. At the same time, embracing IDPs' agency does not romanticise their ability to improvise for solutions. As I have noted earlier, there is a danger in over-emphasising the agency of IDPs, as it may undermine their experiences of human rights violations and could lead to withdrawal of humanitarian support and protection. Nevertheless, *bakwit* power offers us with new ways of understanding the agency of displaced individuals outside of active and independent resistance against structural conditions,[74] and how agency is conceived through careful considerations of the past, present, and future.[75]

Acknowledgments

Romeo Joe Quintero is a PhD student in Human Geography at York University, Toronto. His research interests lie around questions of prolonged displacement in urban areas of the southern Philippines. Email: jquin090@yorku.ca

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[73]   Showden, p. 19.

[74]   Showden.

[75]   U Ozkaleli, 'Agency in Multiple Temporalities: Being Syrian Women, Becoming Widows and Refugees, Remaining Pious', *Women's Studies International Forum,* vol. 89, 2021, https://doi.org/10.1016/j.wsif.2021.102538; Mahmood; A Giddens, *Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis*, University of California Press, 1990.

Re-politicising Anti-Trafficking: Migration, labour, and the war in Ukraine

Jonathan Mendel and Kiril Sharapov

Abstract

Drawing on multi-method research, this article demonstrates that the risks of large-scale trafficking due to the war in Ukraine were mitigated by granting Ukrainians more extensive rights than typically afforded to refugees. This shows the advantages of rights-based approaches to migration and labour exploitation. We draw on Bakhtin's and Žižek's work on the carnivalesque to argue that mainstream anti-trafficking initiatives—which are depoliticised and able to win support and funding from across the political spectrum—often serve merely as theatrical and distracting sideshows diverting attention from more impactful activities and the normalised exploitation within capitalism. However, avoiding trafficking is insufficient if Ukrainian citizens and residents still endure exploitative conditions. A weakened legal framework for workers' rights within Ukraine alongside inadequate labour protections across Europe have facilitated such exploitation. In contrast to the depoliticised stance of the anti-trafficking industry, this article concludes that more explicitly political actions supporting migrants' rights, workers' rights, and access to welfare and public services will not only more effectively challenge trafficking but also prevent other exploitation of migrants.

Introduction

This paper addresses a significant yet generally unheralded achievement: despite widespread concerns about the war in Ukraine causing a major human trafficking problem, the anticipated 'chaos at Ukrainian border'[1] has largely been avoided. This has significant policy implications, demonstrating the effectiveness of a rights-based approach to migration in substantially reducing trafficking. It also has profound theoretical implications: the limitations of mainstream anti-trafficking theory were shown when it not only failed to predict what would happen in the aftermath of Russia's invasion of Ukraine in February 2022, but also fell short in providing practical policy solutions for the developing situation.

We begin by reflecting on narratives of fear about potential trafficking, and then discuss how large-scale trafficking has been avoided here. We argue that stronger rights for Ukrainian refugees, including access to travel, work, and welfare, reduced their vulnerability to trafficking. In contrast, most mainstream anti-trafficking activity in the context of this war has been of limited efficacy, with only a small number of 'rescues' and arrests reported and widespread awareness-raising delivering little impact. A first stage in this paper's argument will use this example to demonstrate the effectiveness of a rights-based approach in challenging exploitation, contrasting it with the conventional focus of the anti-trafficking industry on law enforcement, rescue, and awareness raising. We draw on Bakhtin's and Žižek's work on the carnivalesque to argue that mainstream anti-trafficking initiatives—which are depoliticised and able to win support and funding from across the political spectrum—often serve merely as theatrical and distracting carnival sideshows to overshadow other higher-impact activities and the exploitation that is normalised within capitalism.

While averting large-scale trafficking of Ukrainian refugees is a noteworthy achievement, it is not enough. Many migrants from Ukraine and workers within the country face exploitative conditions, even if this exploitation is increasingly decriminalised and normalised.[2] Labour law legislation, enacted by the Ukrainian parliament in 2022, has further weakened an already inadequate legal framework

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[1] See K Fallon, 'Children going missing amid chaos at Ukrainian border, aid groups report', *The Guardian*, 12 March 2022, https://www.theguardian.com/global-development/2022/mar/12/children-going-missing-amid-chaos-at-ukraine-border-report-aid-groups-refugees.

[2] I Schömann, 'Labour Law Reforms in Europe: Adjusting Employment Protection Legislation for the Worse?', *SSRN Electronic Journal*, ETUI Working Paper 2014.02, 2014, https://doi.org/10.2139/ssrn.2512678.

to protect workers' rights. This, along with insufficient protection of workers' rights in other parts of Europe, has facilitated such exploitation. The necessity to challenge this status quo forms the basis of the second part of our paper's argument, which calls for the re-politicisation of anti-trafficking and anti-exploitation campaigns.

Currently, there is a broad yet depoliticised consensus that trafficking is undesirable and that action to prevent it must be taken, although such 'action' is often non-specific, uncontroversial, and ineffective.[3] The anti-trafficking industry's focus on 'rescue' and awareness-raising[4] are seen as non-partisan issues which command broad consensus across the left–right political spectrum. However, to better address the exploitation of migrants, we argue that this consensus needs to be disrupted and re-politicised. We argue for a rights-based approach to labour and migration policy that enhances workers' and migrants' rights through more specific measures, such as relaxing or abolishing border controls on the movement of people; strengthening workers' rights; stopping harmful law enforcement and criminalisation where it impacts negatively on migrants and vulnerable workers; and implementing poverty reduction strategies like higher wages, improved welfare, or a basic income.

Methodology and Analytical Approach

This paper relies on a combination of methods, including a survey of anti-trafficking actors with 12 participants, document and media analysis, and a review of published research and data. To investigate the extent to which the unprecedented number of Ukrainian residents fleeing the war may have contributed to the increase in human trafficking in Europe, we conducted a survey of anti-trafficking practitioners in Poland and Ukraine. This survey, part of La Strada International's mapping for HEUNI's ELECT THB project, was

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[3]   J Mendel and K Sharapov, 'Expanding Circles of Failure: The Rise of Bad Anti-Trafficking, and What to Do About It', *Global Policy Journal*, 18 November 2021, https://www.globalpolicyjournal.com/blog/18/11/2021/expanding-circles-failure-rise-bad-anti-trafficking-and-what-do-about-it.

[4]   For a discussion of how rescue and anti-trafficking developed as 'industries', see, among others, L M Agustín, *Sex at the Margins: Migration, Labour Markets and the Rescue Industry*, Zed Books, London, 2008; and K Kempadoo, 'The Modern-Day White (Wo) Man's Burden: Trends in Anti-Trafficking and Anti-Slavery Campaigns', *Journal of Human Trafficking*, vol. 1, issue 1, 2015, pp. 8–20, https://doi.org/10.1080/23322705.2015.1006120.

carried out from 23 January to 20 February 2023 using Qualtrics.[5] The survey relied on a convenience sample, with the invitation disseminated by the NGOs La Strada Poland and La Strada Ukraine to their respective local networks of government representatives, trade unions, and non-government organisations (NGOs) engaged in anti-trafficking efforts.

To evaluate the media portrayal of trafficking threats to Ukrainian refugees, we used the Nexis Uni search engine to identify news items containing both 'trafficking' and 'Ukraine' in their titles, published in Europe between 24 February and 24 April 2022. Out of 224 items, 88 were selected for thematic analysis (excluding unrelated topics).

The document analysis covered recent changes in Ukrainian labour law and associated commentary, publications from UN agencies, and discussions and publications from the European Commission concerning the Temporary Protection Directive (TPD). Additionally, we incorporated data from the statistical office of the European Union (Eurostat).

Drawing on this range of data sources allowed us to research ongoing events on a timescale where we could report findings quickly enough to respond to rapid changes, while also triangulating data from these sources to be confident that our research findings were robust as well as timely.

Anti-Trafficking: De-politicisation and a pessimistic carnival

As we were drafting this paper and reconceptualising the idea of an anti-trafficking carnival, we were struck by Chris Ash's discussion of engaging with the anti-trafficking movement as a survivor.[6] As Ash explains, 'My first time engaging specifically with the anti-trafficking movement was in 2018. It was disorienting; I

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[5]   For further information about the Enhanced Law Enforcement Cooperation and Training on Trafficking in Human Beings (ELECT THB) project by the European Institute for Crime Prevention and Control (HEUNI), visit https://heuni.fi/-/elect_thb#71e612d2. See also A-G Pekkarinen and A Jokinen, 'Report Series №103a: Patterns of Exploitation. Trends and Modus Operandi in Human Trafficking in Finland, Latvia, Estonia, Poland and Ukraine', HEUNI, 2023, https://heuni.fi/-/report-series-103-patterns-of-exploitation-elect-thb.

[6]   C Ash, 'Rescuing the Rescuers: How Survivors Are Re-making Anti-trafficking', *OpenDemocracy*, 6 June 2023, https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/rescuing-the-rescuers-how-survivors-are-re-making-anti-trafficking.

felt like I was in a carnival funhouse. A lot of familiar words were being used—survivor-centred, trauma-informed, etc.—but not in the ways that I had always known them. So I withdrew. I pulled back from formal anti-trafficking work, but kept speaking about my own experience informally.' The use of 'carnival funhouse' as a simile is interesting in this context, and the concept of the carnivalesque has broader relevance to the anti-trafficking industry. Many aspects of anti-trafficking efforts can be considered carnivalesque: for example, anti-trafficking actors engaging in visually arresting yet ineffective awareness-raising campaigns that echo a funhouse display.[7]

There are longstanding hopes—most significantly, in Bakhtin's work[8]—that carnivalesque can offer radical political potential. Against the conformist Stalin-era use of 'folk culture' and 'folklore', from which the folk themselves were rather removed, Bakhtin saw radical potential in carnival and laughter, envisioning them as means to undermine the status quo.[9] However, Žižek offers a more pessimistic reading of the role of carnival and the carnivalesque under late capitalism. For him, '[w]ith the full deployment of capitalism… it is the predominant "normal" life itself that… gets carnivalised… it is the critique of capitalism, from a stable ethical position, that more and more appears today as an exception.'[10] In this more pessimistic reading, the carnivalesque serves as a release valve rendering life under capitalism more tolerable rather than challenging the existing order. We acknowledge that there are various interpretations of Bakhtin's ideas, including, for example, Gardiner's argument that Bakhtin's concept of the carnivalesque could be incorporated into a critical utopian framework aimed at addressing significant societal goals, particularly the satisfaction of unmet needs.[11] However, our current perspective aligns more closely with how the carnivalesque functions

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7   See K Sharapov, S Hoff, and B Gerasimov, 'Editorial: Knowledge Is Power, Ignorance Is Bliss: Public Perceptions and Responses to Human Trafficking', *Anti-Trafficking Review*, issue 13, 2019, pp. 1–11, https://doi.org/10.14197/atr.201219131; K Sharapov and J Mendel, 'Trafficking in Human Beings: Made and Cut to Measure? Anti-Trafficking Docufictions and the Production of Anti-Trafficking Truths', *Cultural Sociology*, vol. 12, issue 4, 2018, pp. 540–60, https://doi.org/10.1177/1749975518788657; and J Mendel and K Sharapov, '"Stick Them to the Cross": Anti-trafficking Apps and the Production of Ignorance', *Journal of Human Trafficking*, vol. 8, issue 3, 2022, pp. 233–249, https://doi.org/10.1080/23322705.2020.1801284.

8   M M Bakhtin, *Rabelais and His World*, First Midland book edition, Indiana University Press, Bloomington, 1984.

9   R Lachmann, R Eshelman, and M Davis, 'Bakhtin and Carnival: Culture as Counter-Culture', *Cultural Critique*, issue 11, 1988, pp. 115–152, https://doi.org/10.2307/1354246.

10   S Žižek, *Organs without Bodies: Deleuze and Consequences*, Routledge, New York, 2004, p. 213.

11   M Gardiner, 'Bakhtin's Carnival: Utopia as Critique', *Utopian Studies*, vol. 3, issue 2, 1992, pp. 21–49.

in the context of anti-trafficking efforts. In this view, the carnivalesque within anti-trafficking initiatives serves as a diversion from addressing essential material factors, such as unfulfilled human needs, rather than having the potential for radical transformation or change.

Writing about 'humanitarian carnival' after Operation Enduring Freedom in Afghanistan, Billaud and De Lauri argue that the carnival represents a temporary disruption of traditional boundaries, norms, and hierarchies, blurring the distinction between participants and spectators.[12] It is a period during which ordinary social conventions are suspended or even inverted. However, such an inversion does not challenge established power structures; rather, it serves to momentarily subvert them while ultimately reinforcing the prevailing order. In applying the notion of 'carnival' to the reconstruction efforts in Afghanistan, Billaud and De Lauri demonstrate that the vision of a utopian transformation (from the Taliban's rule to the promise of a new democratic state), akin to the carnival's temporary reversals, may fall short (which it ultimately did) in addressing the complex challenges that Afghan citizens had endured for decades, including war, deprivation, and political instability.

In a similar vein, what we see in much of the anti-trafficking discourse today is a carnivalesque play around the labour exploitation that is part of normal life under contemporary forms of capitalism. There is, as in humanitarianism in Afghanistan, little concern for the practical conditions in which policies and interventions are taking place. Instead, there is an emphasis on radical reversals of extreme ideas of trafficking and enslavement, rather than focusing on the economic and political conditions that render people more vulnerable to exploitation or on much more mundane and normalised forms of labour exploitation, which may or may not fall under definitions of trafficking. The rise of ineffective and sometimes harmful anti-trafficking and anti-slavery campaigning—particularly the growth of unevidenced awareness-raising—and its spread through everyday life should be seen as the carnivalisation of the 'normal'. These actions, far from being transformative, theatrically reinforce the status quo. Performative campaigns against rare or exaggerated instances of extreme exploitation normalise, or serve as a release valve for, everyday labour exploitation in capitalist societies.

In the context of exploitation related to the war in Ukraine, a focus on highly visible but largely ineffective anti-trafficking measures, such as awareness-raising and 'rescue', as well as on unrealised fears of large-scale trafficking, serves as a carnivalesque distraction from the normalised and legalised exploitation of migrant labour and its role in sustaining everyday life under capitalism.

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12   A De Lauri and J Billaud, 'Humanitarian Theatre: Normality and the Carnivalesque in Afghanistan', in A De Lauri (ed.), *The Politics of Humanitarianism. Power, Ideology and Aid*, I.B. Tauris, London, 2016.

Echoing Žižek, the normalised focus is on participating in carnivalesque anti-trafficking measures; increasingly marginalised and exceptional is the ethical critique of 'normal' labour exploitation within capitalism. What is also notable is the depoliticising effect of such carnivalesque activities. Much anti-trafficking awareness-raising is perceived as non-partisan or above the fray of party politics precisely *because* it fails to confront the 'normal' exploitation of labour. While it may feel rewarding to performatively denounce rare or imagined instances of extreme trafficking—and everyone can easily join in such play—it fails to engage with the political issues surrounding routine exploitation in daily life.

As we discuss below, in the context of the war in Ukraine, capitalism continues to evolve and develop new mechanisms for labour exploitation; the anti-trafficking industry is a way of carnivalising this trend. Unlike this depoliticising spectacle of the anti-trafficking industry's carnival, a critical examination of labour exploitation and the rights of workers and migrants must offer an ethical critique grounded in more stable positions. What we are witnessing is not the work of ingeniously malevolent traffickers devising radically new ways to exploit 'womenandchildren',[13] but rather an extension of the long history of exploiting migrants and workers to advance capitalism. Responses to such exploitation should ground themselves in the history of workers' and migrants' political activism rather than the purported novelty of carnivalesque anti-trafficking efforts.

A focus on trafficking can be used as part of depoliticisation processes. For Suchland, 'the "violence against women" agenda has contributed to the depoliticization of the economic dimensions of sex trafficking... in Russia. This depoliticization is linked to global processes of neoliberalism and is bitterly ironic given that Marxist critiques of women's oppression once dominated the political landscape'.[14] Such depoliticisation goes beyond the agenda and geographical context Suchland describes: for example, the anti-trafficking industry's claims about the unique and exceptional nature of trafficking related to the war in Ukraine help to avoid political questions about how everyday life in capitalism depends on labour exploitation. Depoliticisation often relies on implausible technical or bureaucratic solutions to complex social problems,[15] and presenting the exploitation of migrant workers as a novel problem to be addressed via the mobilisation of the anti-trafficking industry serves as one such example. Moving beyond these false claims of novelty and this carnival of anti-trafficking, it is important to critique the 'normal' exploitation of labour in general and

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13   C Enloe, 'Womenandchildren. Making Feminist Sense of the Persian Gulf Crisis', *Village Voice*, 25 September 1990, pp. 29-32.

14   J Suchland, *Transnational Feminism, Postsocialism, and the Politics of Sex Trafficking*, Duke University Press, Durham, 2015, p. 91.

15   See J Edkins, *Poststructuralism & International Relations: Bringing the Political Back In*, Lynne Rienner Publishers, Boulder, 1999.

migrant labour in particular. While technology and communications strategies may be useful tools, no technological solutions or awareness-raising campaign will eliminate such exploitation.[16] Far from being above the realm of political discussion and debate, any effective response to trafficking and labour exploitation must engage in explicitly political struggles for workers' and migrants' rights. This includes advocating for higher wages, better working conditions, easier access to welfare and public services, and more open borders.

Sensationalist Anti-Trafficking Narratives and an Unheralded 'Success'

There is a growing body of research on human trafficking in conflict and post-conflict settings. Some literature identifies war as a 'push factor' of trafficking alongside poverty, unemployment and inflation,[17] or as a political 'factor of supply'.[18] Other commentators attribute responsibility to abstract entities like 'regions impacted by…war' rather than to specific actors or distinct configurations of economic and political power.[19]

More nuanced contributions link 'the multiple manifestations' of human trafficking in conflict settings to contexts where 'traditional legal, policy and law enforcement responses are likely to be inadequate'[20] and acknowledge that

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[16]   See J Musto, M Thakor, and B Gerasimov, 'Editorial: Between Hope and Hype: Critical Evaluations of Technology's Role in Anti-Trafficking', *Anti-Trafficking Review*, issue 14, 2020, pp. 1–14, https://doi.org/10.14197/atr.201220141.

[17]   See, for example, C Deighan, 'A Business of Supply and Demand: The Trafficking of Women and Girls from Russia and Ukraine', in G Wylie and P McRedmond (eds.), *Human Trafficking in Europe: Character, Causes and Consequences*, Palgrave Macmillan UK, London, 2010, pp. 82–96, https://doi.org/10.1057/9780230281721_6; S-L Cheng, 'A Critical Engagement With the "Pull and Push" Model: Human Trafficking and Migration Into Sex Work', in R Piotrowicz, C Rijken, and B H Uhl (eds.), *Routledge Handbook of Human Trafficking*, Routledge, 2018, pp. 499–510.

[18]   For example, C Nanu, 'Preventing Trafficking in Human Beings: The Case of Moldova', in Wylie and McRedmond, pp. 142–163, p. 153, https://doi.org/10.1057/97802302 81721_10.

[19]   For example, M C Burke, B Amaya, and K Dillon, 'Sex Trafficking as Structural Gender-Based Violence: Overview and Trauma Implications', in J Winterdyk and J Jones (eds.), *The Palgrave International Handbook of Human Trafficking*, Springer International Publishing, Cham, 2020, pp. 451–465, https://doi.org/10.1007/978-3-319-63058-8_22.

[20]   J Muraszkiewicz, T Fenton, and H Watson, 'Introduction', in J Muraszkiewicz, T Fenton, and H Watson (eds.), *Human Trafficking in Conflict*, Springer International Publishing, Cham, 2020, pp. 1–18, p. 3, https://doi.org/10.1007/978-3-030-40838-1_1.

human trafficking intensifies due to vulnerabilities, which 'manifest in particular ways within conflict setting'.[21] For example, Kidd notes that conflicts often limit individuals' choices, forcing them 'to choose between limited options which are commonly imbued with risk'. Despite these constrained circumstances, individuals continue to exercise agency, even if 'some of these choices will lead to exploitation'.[22]

As with many other countries, there have long been ambiguous statistics and broad claims regarding the extent of human trafficking in Ukraine. These are often based on dubious assessments, extrapolations, and the regurgitation of unverified secondary sources.[23] Such estimates face criticisms for their lack of replicability and validity.[24] Statistics on trafficking in Ukraine, as in most other countries, provide only a fragmented view, enabling the creation of multiple anti-trafficking narratives, possibly rooted in mere statistical noise. This often leads to sensationalised media reports that emphasise individual stories of suffering, and extrapolating these accounts—regardless of whether they include some factual information—leads to exaggerated statistics and an inaccurate portrayal of the actual situation.

Media Analysis

These narratives quickly led to sensationalist claims about human trafficking following the February 2022 invasion. Our media analysis identified three specific overlapping groups as potential victims of trafficking: women and children, unaccompanied children, and orphans—all fleeing the war. Most articles discussed trafficking risks in vague terms and lacked specific details or credible intelligence to back these claims. Notably, none of the articles provided verifiable evidence concerning the scale of human trafficking following the invasion. Instead, they relied on the prevalent anti-trafficking trope of vulnerable 'womenandchildren'

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[21]   J Muraszkiewicz, O Iannelli, and P Wieltschnig, 'Typology', in *Ibid.*, pp. 21–41, p. 37, https://doi.org/10.1007/978-3-030-40838-1_2.

[22]   A Kidd, 'Unavoidable Exploitation? Conflict, Agency and Human Trafficking', in *Ibid.*, pp. 43–60, p. 44, https://doi.org/10.1007/978-3-030-40838-1_3.

[23]   See, generally, R Weitzer, 'New Directions in Research on Human Trafficking', *The ANNALS of the American Academy of Political and Social Science*, vol. 653, issue 1, 2014, pp. 6–24, https://doi.org/10.1177/0002716214521562.

[24]   See, for example, A Guth *et al.*, 'Proper Methodology and Methods of Collecting and Analyzing Slavery Data: An Examination of the Global Slavery Index', *Social Inclusion*, vol. 2, issue 4, 2014, pp. 14–22, https://doi.org/10.17645/si.v2i4.195, and A T Gallagher, 'What's Wrong With the Global Slavery Index?', *Anti-Trafficking Review*, issue 8, 2017, pp. 90–112, https://doi.org/10.14197/atr.20121786.

needing rescue and protection.[25] Phrases such as 'crisis creates new trafficking risks', 'orphans face trafficking threat', 'children…at heightened risk of trafficking and exploitation' were commonly used. The content of these articles fell into four broad categories:

(a) News items reporting warnings from agencies like Europol ('warns of risk'), the UN ('warns of trafficking'), the IOM ('warns of increased risk'), the European Commission ('children can fall into trafficking'), UNICEF ('children…at heightened risk' and 'trafficking networks stalk children'), or the Red Cross (Ukrainian refugees 'at increasing risk of human trafficking').

(b) NGOs and anti-trafficking experts calling for 'action', resources, and funding. For example, one warning suggested that the UK's Home for Ukraine scheme was 'beset with hazard and danger'. It claimed that Ukrainians relying on social media to find UK sponsors were 'prime candidates for human trafficking. That means sex trafficking, trafficking for labour and trafficking for organ harvesting'. The article further implied that UK-based sponsors were 'intermingling with human traffickers who are getting personal data harvesting it and deciding who's going to do what'.

(c) Fewer articles focused on 'human interest' stories, such as a Ukrainian woman concerned for her daughter who had sought refuge abroad, or a UK 'porn heiress' hosting an art exhibition 'to raise money for Ukraine after hearing harrowing stories of "rape and sex trafficking"'.

(d) Some stories presented improbable nightmare scenarios, such as the involvement of the 'Chinese mafia' in 'trafficking in babies' from Ukraine, and over-exaggerated estimates ranging from 'thousands of young Ukrainian women [being] exposed to trafficking, exploitation and abuse' to 'at least 400,000 children fleeing Ukraine [being] at risk of hunger, illness, trafficking, abuse'.

Policy and Academic Reports

Following initial news reports, slightly more nuanced but similarly uncritical accounts appeared in academic and activist outlets. These largely echoed conventional trafficking rhetoric epitomised by 'the paradigmatic image… of a

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[25] See our forthcoming article focusing on the issues of potentiality and certitude in the context of anti-trafficking discourses: J Mendel and K Sharapov, 'Politics Without Principle: FOSTA-SESTA, Potential Borders and the Ethics of Anti-trafficking Online', *Environment and Planning C: Politics and Space*, forthcoming 2024.

young and naive innocent lured or deceived by evil traffickers into a life of sordid horror from which escape is nearly impossible'.[26] For example, a November 2022 report on Ukrainian refugees and internally displaced women who experienced 'war violence' (it remains unclear how the sample was selected), depicted a harrowing picture of the 'feminised displacement emergency'.[27] Notably, this report omits any reference to the 2001 EU Temporary Protection Directive, a significant aspect of anti-trafficking policy and practice in the context of the war in Ukraine, which our paper will discuss.

The UNODC's 2022 *Global Report on Trafficking in Persons* also contains questionable interpretations of the available data. It notes an increase in trafficking victims from Ukraine due to 'the 2014 conflict that took place in the Eastern part of the country', but it provides neither figures nor statistical references to substantiate this claim. Using models based on 2007–2020 data, the report suggests that current displacement could 'theoretically result into more than 100,000 victims from Ukraine'.[28] It also correlates Ukrainian asylum applications with trafficking victim detection in Western and Central Europe, showing estimates for 2022 that exceed the chart's limits.

The report acknowledges measures like temporary protection and residence permits in EU States to mitigate vulnerabilities,[29] but it fails to fully incorporate these mitigating factors into its predictions. The language of the report focusses on vulnerability mitigation rather than the human rights of forced migrants. This flawed analysis readily influenced subsequent reports, which are replete with speculative language like 'may', 'can', and 'might' yet lack verifiable evidence.

Indirect indicators of human trafficking in Europe emerge from Europol's multi-country raids targeting labour and sexual exploitation. Described as 'operational activities on the ground', rather than 'anti-trafficking raids', these operations provide data on arrests and identified victims. For example, a June 2023 operation

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[26]   J Doezema, 'Loose Women or Lost Women? – The Re-Emergence of the Myth of White Slavery in Contemporary Discourses of Trafficking in Women', *Gender Issues*, vol. 18, issue 1, 1999, pp. 23–50, https://doi.org/10.1007/s12147-999-0021-9. See also: R Andrijasevic, 'Beautiful Dead Bodies: Gender, Migration and Representation in Anti-Trafficking Campaigns', *Feminist Review*, vol. 86, issue 1, 2007, pp. 24–44, https://doi.org/10.1057/palgrave.fr.9400355; S Molland, '"Humanitarianized" Development? Anti-Trafficking Reconfigured', *Development and Change*, vol. 50, issue 3, 2019, pp. 763–785, https://doi.org/10.1111/dech.12459.

[27]   S Pertek, I Kuznetsova, and M Kot, '*Not a single safe place': The Ukrainian Refugees at Risk: Violence, Trafficking and Exploitation. Findings from Poland and Ukraine*, Research Report, University of Birmingham, 2022.

[28]   United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons 2022*, United Nations, New York, 2022, p. 56.

[29]   *Ibid.*

against labour exploitation simultaneously conducted in 31 countries, including Ukraine, involved inspecting 11,360 locations, checking 65,839 individuals, and searching 22,958 vehicles, which led to the identification of 261 victims.[30] However, the report does not clarify the nationality of these victims, despite recognising the vulnerability of refugees fleeing the war in Ukraine.

Secondary Data

As of writing, Eurostat has yet to release its 2022 statistics on the extent of human trafficking in the EU. Additionally, there has not been a comprehensive assessment specifically focused on the trafficking of Ukrainian nationals following the February 2022 invasion. However, preliminary insights are available from Eurostat's Annual Reports on Migration and Asylum. The 2022 edition includes 2021 data on trafficking victims from third countries, including Ukraine,[31] while the 2023 edition, published in July 2023, covers data for 2022.[32] It is important to recognise that trafficking statistics vary due to different data collection methods, policy changes, and law enforcement practices, making these statistics incomplete and not comparable across different jurisdictions.

Our analysis reviewed data from the top five countries granting the most temporary protections under the Council Implementing Decision 2022/382, which recognised the mass influx of displaced persons from Ukraine.[33] These countries are Germany, Poland, Czechia, Spain, and Italy. We separately analysed data from EU member states bordering Ukraine, i.e., Hungary, Poland, Romania, and Slovakia. For all these countries, we evaluated data on the 'top countries of citizenship' for identified victims of trafficking in both annual reports.

According to the 2023 edition of the Annual Report, Germany, which granted over a million temporary protections to Ukrainian nationals,[34] had no data on confirmed or presumed victims of trafficking. Poland, issuing the second-highest number of grants, saw an increase in identified victims of trafficking among

[30] See No Author, '21 arrested for labour exploitation and 261 victims identified', Europol, 5 July 2023, https://www.europol.europa.eu/media-press/newsroom/news/21-arrested-for-labour-exploitation-and-261-victims-identified.

[31] See *Annual Report on Migration and Asylum 2021. Statistical Annex*, Publications Office of the European Union, Luxembourg, 2022, https://ec.europa.eu/eurostat/en/web/products-statistical-reports/-/ks-01-22-123.

[32] *Ibid.*

[33] *Annual Report on Migration and Asylum 2022. Statistical Annex*, Publications Office of the European Union, Luxembourg, 2023, p. 11.

[34] Eurostat, 'Temporary protection for persons fleeing Ukraine - monthly statistics', retrieved 25 March 2024, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Temporary_protection_for_persons_fleeing_Ukraine_-_monthly_statistics.

third-country nationals from 109 in 2021 to 180 in 2022, with the top three countries of citizenship being in South America. Italy and Spain also recorded increases in identified victims of human trafficking in 2022 compared to 2021, but neither listed Ukraine among the top three nationalities of trafficked persons despite collectively granting (together with Poland) around 1.3 million grants of temporary protection to Ukrainians. Czechia stands as an exception, identifying Ukrainians among the top three nationalities of its 13 presumed trafficking victims, alongside others from the Philippines and Pakistan.

The Ministry of Social Policy of Ukraine reported 47 victims of trafficking in 2022[35] and 45 in the first half of 2023, including 21 trafficked for forced participation in armed conflicts.[36] Despite inherent limitations in such statistics, the lack of evidence refuted the hypothesised large-scale trafficking of Ukrainians in Europe. If such widespread trafficking had occurred, it would likely have been discernible even amidst statistical inconsistencies; however, the current data do not support the notion of hundreds of thousands of such cases.

Survey

Our survey of anti-trafficking practitioners in Poland and Ukraine gathered insights that reflect specific views of organisational representatives rather than broader trends. Of the 12 respondents, 25% represented governmental organisations and 75% represented NGOs, including two respondents coordinating national anti-trafficking activities in Poland and Ukraine. Most organisations were involved in direct assistance to identified or presumed victims.

About 30% of respondents believed that the invasion had led to an increase in trafficking in Poland and Ukraine, although they did not provide empirical evidence to support their claims. About half believed that the Ukrainian government was increasingly committed to addressing both internal and cross-border trafficking. One respondent representing an organisation which provides direct assistance to presumed or identified victims in Poland commented, 'No victim of human trafficking from Ukraine has reached our organisation since the outbreak of the war.' Two other Polish respondents noted a rise in internal trafficking (of Polish nationals) and of forced labour cases.

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[35] See 'Kilkist osib, yakym Natssotssluzhboiu vstanovleno status osoby, yaka postrazhdala vid torhivli liudmy, stanom na 01.01.2023' (Number of people identified as victims of human trafficking by the National Social Service as of 1 January 2023), https://nssu.gov.ua/storage/app/sites/22/protudiya-torgivli-lydmi/status_2022.pdf.

[36] See 'Kilkist osib, yakym Natssotssluzhboiu vstanovleno status osoby, yaka postrazhdala vid torhivli liudmy, stanom na 30.06.2023' (Number of people identified as victims of human trafficking as of 30 June 2023), https://nssu.gov.ua/storage/app/sites/22/protudiya-torgivli-lydmi/status_30-06-23.pdf.

Respondents identified vulnerable groups as internally displaced Ukrainians within Ukraine (92% of respondents), women and girls (92%), individuals who fled Ukraine for Europe but could not access the EU's Temporary Protection scheme (92%), Ukrainian refugees abroad (83%), and marginalised groups like persons with disabilities, older persons, Roma, and LGBTQI+ individuals (83%). Among the risk factors respondents listed inadequate or misleading information, which led to individuals not receiving the support they needed or ignoring potential risks, as well as financial constraints and limited access to food and housing. About 60% emphasised the need for better anti-trafficking education and awareness.

Notably, none of the respondents suggested comprehensive rights for Ukrainian refugees like the right to work, free healthcare, or welfare payments as key to reducing trafficking risks. Instead, recommendations focused on increasing awareness, funding for victim support, and enhanced law enforcement. This perspective largely aligns with the dominant anti-trafficking paradigm that frames the issue in terms of crime and criminals as the problem, with rescue of ill-informed victims, incarceration of criminals, and deportation of both 'fraudulent' victims and criminals as solutions.

Unheralded Success Challenges Mainstream Anti-Trafficking Theory and Practice

Despite initial projections, there was no influx of hundreds of thousands of trafficked Ukrainians, mainly women and children, into European brothels, sweatshops, and factories. The International Organization for Migration (IOM) made a significant admission in its *Human Trafficking in the Ukraine Crisis* report published in March 2023.[37] It begins by noting 'serious concerns about the risks of trafficking in persons' expressed by a 'wide range of credible anti-trafficking stakeholders', echoing the unfounded claims in early media reports. The report goes on to reference a range of anti-trafficking efforts which have been made. Then, however, it reveals that 'despite the risks, no increase has been observed in the number of trafficked persons identified in Ukraine and the surrounding/ host countries'.[38]

The report acknowledges the significance of extending additional rights to Ukrainian refugees in the EU, including a residence permit, access to employment,

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[37] IOM, *Human Trafficking in the Ukraine Crisis – Regional Anti-Trafficking Task Force*, IOM, Geneva, 2023.

[38] *Ibid.*, p. 7.

social welfare, medical care, and education.[39] However, it does so within a framework that emphasises state protection activities. Interestingly, what has been most effective in this context is what European states have *not* done—for example, they have generally not criminalised, detained, 'rescued', or deported Ukrainian refugees for 'illegal' border crossing, actions often taken against other migrants. While the report frames policies that are largely about states *not* doing harmful things as achievements of state action, its discussion of vulnerabilities largely decentres the role of state actions—such as migration laws, immigration checks and obstacles to accessing benefits, healthcare, and education—that *do* render people more vulnerable to exploitation. While states can dramatically improve the situation of many migrants by doing fewer things to harm them and make them vulnerable, this might be better framed as states causing less harm rather than as a positive achievement of state action. The IOM report acknowledges that 'vulnerabilities [to trafficking] include access to: safe, dignified and fairly remunerated livelihoods; appropriate longer-term housing options; and quality education for children.'[40] Unfortunately, this places key rights—such as the right to dignified work—within a depoliticised framework of vulnerability to trafficking which offers no real way to address or achieve these rights.

The report also makes claims about the increased effectiveness of anti-trafficking awareness-raising campaigns in the Ukrainian crisis compared to other instances of forced displacement. However, it fails to offer empirical evidence for these campaigns' alleged efficacy. Despite extensive efforts, there is no indication that they worked significantly better than awareness-raising campaigns in other contexts which brought little or no benefit.

The report also shows the weakness of internal critique within the anti-trafficking industry. As the report notes, the hypothesis that there would be large-scale human trafficking due to the Ukraine war was *theoretically grounded*, aligning with prevailing anti-trafficking research. However, this hypothesis was disproved, and no significant trafficking issue emerged. As research develops, when a hypothesis is refuted, it should prompt a revision or rejection of the underlying theory. Yet, in this report, the discrepancy between theory and reality is oddly construed as further evidence supporting the efficacy of approaches recommended by the anti-trafficking industry. Against this, we would argue that the failure of a theory to predict what happened should, instead, prompt a critical reassessment of the anti-trafficking industry's frameworks and theories, especially their inability to accurately forecast the scale of trafficking in this instance.

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[39] For a list of rights for beneficiaries of temporary protection in the EU, see European Commission, 'Temporary Protection', n.d., retrieved 8 January 2024, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en.

[40] IOM, p. 27.

Throughout our analysis of documents, media coverage, and survey responses, we observed that anti-trafficking stakeholders expressed considerable concerns and advocated for various interventions. However, surprisingly absent was advocacy for measures that have proven to be effective: granting Ukrainian migrants the right to travel, work, and access welfare and other services. Beyond exposing weaknesses in mainstream anti-trafficking theory, this case study also casts a critical light on prevailing anti-trafficking practices. Anti-trafficking presents a carnivalesque spectacle alongside the war, advocating numerous dramatic interventions but failing to champion practical and effective measures to prevent trafficking. This case should act as a significant challenge to conventional anti-trafficking efforts, which, as we have argued in other contexts, are frequently ineffectual and can be detrimental.[41]

Moving beyond Anti-Trafficking: A political challenge to exploitation

The fact that dire predictions of large-scale trafficking did not come to pass is a noteworthy achievement, but it should not divert attention from the political problem of exploitative working conditions. Prior to the February 2022 invasion, an increasing number of Ukrainian nationals were already subject to exploitative labour in European countries[42]—a trend that recent evidence suggests may have been exacerbated following the influx under the Temporary Protection Directive (TPD). The 2023 report by the EU Agency for Fundamental Rights, based on a survey of 14,685 Ukrainian refugees, found a significant gap between TPD entitlements and their actual experiences. Notably, 30% of respondents experienced some form of labour exploitation; 16% worked long hours, and 10% were underpaid or not paid at all. Only around half received financial assistance from authorities upon their arrival.[43]

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[41]   Mendel and Sharapov, 2021.

[42]   See, for example, K Filipek and D Polkowska, 'The Latent Precariousness of Migrant Workers: A Study of Ukrainians Legally Employed in Poland', *Journal of International Migration and Integration*, vol. 21, issue 1, 2020, pp. 205–220, https://doi.org/10.1007/s12134-019-00708-6.

[43]   European Union Agency for Fundamental Rights, *Fleeing Ukraine: Displaced People's Experiences in the EU*, Publications Office of the European Union, Luxembourg, 2023, pp. 5, 44.

Given that the TPD grants Ukrainian refugees legal status and rights roughly equivalent to those of EU citizens,[44] the focus shifts from unauthorised migration or trafficking to broader issues of access to social support and labour rights. This raises broader political questions about the persistent and normalised exploitative labour, particularly in low-status and low-paid jobs and sectors. Recent erosions in labour rights in Ukraine, rationalised by the state of war and martial law, add another layer of complexity. Effectively challenging the exploitation of migrant labour requires moving beyond dominant carceral anti-trafficking narratives towards broader questions concerning labour rights, often sidelined or overlooked in prevailing anti-trafficking discourses.

The political work of trade union movements is important here. In a striking assessment, IndustriALL, a global union federation, argues that 'instead of improving the current Labour Code, Ukrainian policy makers change labour laws, removing almost all rights gained by workers. In consequence, there is no protection for workers. This is the Ukrainian version of a race to the bottom for workers, in line with the prescriptions of international finance institutions'.[45] Similarly, the International Trade Union Confederation has criticised Ukraine's parliament for dismantling foundational labour protections.[46] Farbar and Rowley also highlighted the role played by international financial institutions, notably the International Monetary Fund (IMF), in degrading labour and welfare protection systems in Ukraine.[47] They discuss the stringent fiscal measures, including reductions in social spending, imposed by the IMF in exchange for a multi-billion-dollar loan to Ukraine.

The scope of this article and its word limitations do not allow for a comprehensive review of these labour law reforms in Ukraine. However, two significant changes have notably increased Ukrainian workers' vulnerability to labour rights violations, including exploitation. The line between exploitation as a labour law issue and exploitation within the framework of human trafficking and criminal law remains

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[44] For more information on EU member states' specific measures and policies to enable access to services for beneficiaries of the TDP, see European Migration Network, *Access to Services for Beneficiaries of Temporary Protection – EMN Inform*, European Migration Network, Brussels, 2022, https://emn.ie/wp-content/uploads/2022/11/EMN_INFORM_services.pdf.

[45] K Özkan, 'Working in War-torn Ukraine', industriALL, 20 July 2023, https://www.industriall-union.org/working-in-war-torn-ukraine.

[46] No author, 'Ukraine: While Workers Defend the Country, Parliament Turns Against Them', ITUC, 20 July 2022, https://www.ituc-csi.org/parliament-turns-against-Ukrainian-workers.

[47] K Farbar and T Rowley, 'Ukraine Is Reforming Its Welfare System as the Cost of War Rises', *OpenDemocracy*, 26 April 2023, https://www.opendemocracy.net/en/odr/ukraine-social-policy-reform-imf.

ambiguous,[48] a distinction made even more nebulous under the current war-induced state of exception. Any legislation or policy which further blurs this distinction should be thoroughly examined and critiqued.

The first pivotal change is the *Law of Ukraine on the Organisation of Labour Relations under Martial Law*, enacted on 15 March 2022. The legislation overrides existing labour laws, significantly curtailing employees' rights, while extending unprecedented flexibility to employers. It allows employers to dismiss employees during periods of temporary incapacity or leave (except maternity leave), extends maximum working hours from 40 to 60 per week, and absolves employers of liability for delayed salary payments due to military or other force majeure events. This law also permits denying annual leave.[49]

The second notable change came in August 2022 with legislation that removed all labour law protections for employees of companies employing fewer than 250 individuals. As *OpenDemocracy* reports, this affected about 70 per cent of all workers in Ukraine, stripping them of numerous labour rights.[50]

The context of these changes is important in several ways. First, there was a drastic plunge into poverty, affecting over 7.1 million Ukrainian nationals within a single

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[48] See an acknowledgment of the complexity of the term 'labour exploitation' by GRETA: 'At one end lie situations which amount to labour law violations, such as failure to pay a mandated minimum wage, and at the other extreme are situations where the unfair advantage is acute and the resulting harm very severe. At this moment, it is not clear where on this continuum labour exploitation turns from being considered a problem of labour law to becoming an issue not only falling under the human trafficking framework, but also under criminal law'. Group of Experts on Action against Trafficking in Human Beings, *Compendium of Good Practices in the Area of Combating Human Trafficking for the Purpose of Labour Exploitation*, Council of Europe, Strasbourg, 2020, https://rm.coe.int/compendium-good-practice-labour-greta/1680a262ae, p. 5.

[49] For further analysis of these changes, see 'The Law on Organisation of Labour Relations Under Martial Law Came Into Force', PWC, 24 March 2022, https://www.pwc.com/ua/en/publications/tax-and-legal-alert/2022/work-arrangements-war-time.html; 'Major Changes Introduced by the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Optimization of Labor Relations" No. 2352-IX', Deloitte, 20 July 2022, https://www2.deloitte.com/ua/en/pages/press-room/tax-and-legal-alerts/2022/07-20.html; and T Connell, 'In Midst of War, Ukrainian Parliament Attacks Worker Rights', Solidarity Center, 8 August 2022, https://www.solidaritycenter.org/podcast/in-midst-of-war-ukrainian-parliament-attacks-worker-rights.

[50] ODR Team, 'Ukraine's Anti-worker Law Comes Into Effect', *openDemocracy*, 25 August 2022, https://www.opendemocracy.net/en/odr/ukraine-labour-law-wrecks-workers-rights.

year; the poverty rate escalated from 5.5% to 24.2% in 2022.[51] According to the United Nations Development Programme, as of April 2023, 44% of Ukrainian households struggled to afford basic necessities; a third faced food shortages, and 55% of women reported feeling unsafe in their daily lives.[52] With escalating inflation and rising unemployment rates, poverty levels are projected to worsen.[53] Internally displaced persons face additional challenges, including unemployment and a more pressing need for medication, secure housing, and medical care.[54]

Second, the ongoing restructuring of businesses, increasing demand for flexible labour, and the expanding informal economy[55] create a 'perfect storm' for labour exploitation. Such exploitation, although severe, may be exempted from criminal law considerations (as not hitting the high bar of forced labour or human trafficking).

Third, the post-conflict reconstruction in Ukraine is expected to increase demand for low-skilled, mobile labour. Ukraine's workforce had already been declining due to ageing, negative population growth, and high emigration rates. Interestingly, the Ukrainian government has recently equated labour market recovery with 'victory'; it estimates that 4.5 million additional workers will be needed over the next decade to meet the demands of post-war reconstruction.[56] With domestic labour scarce, attracting foreign workers seems likely. However, these individuals are likely to face a deregulated environment with minimal labour law protections. In summary, perfectly legal employment in Ukraine may now trap impoverished

[51] 'The World Bank in Ukraine. Overview', World Bank, n.d., https://www.worldbank.org/en/country/ukraine/overview#3.

[52] United Nations Development Programme, *Human Impact Assessment –Ukraine*, June 2023, pp. 68–69.

[53] See P Beaumont, 'Pawn Shops and Bread Queues: Poverty Grips Ukraine as War Drags On', *The Guardian*, 30 April 2023, https://www.theguardian.com/world/2023/apr/30/ukraine-war-poverty-irpin-pawn-shops-bread-queues; World Bank.

[54] Gradus, *Social Screening of Ukrainian Society during the Russian Invasion: The Tenth Wave of the Study*, 2022.

[55] There are no up-to-date estimates of how many people are currently employed informally in Ukraine as of 2023. In 2021, the Statistical Agency of Ukraine estimated that 3 million Ukrainians were informally employed (see A Solop (ed.), *Labour Force of Ukraine*, State Statistics Service of Ukraine, Kyiv, 2022. For an overview of the complex relationship between the informal economy, exploitation, and trafficking, see K Sharapov, 'Trafficking in Human Beings and the Informal Economy', in Piotrowicz, Rijken, and Uhl, pp. 526–534.

[56] See 'Vidnovlennia rynku pratsi - tse shliakh do nashoi peremohy, - Tetiana Berezhna' (The restoration of the labour market is the way to our victory – Tetiana Berezhna), Ministry of Economy, 13 July 2023, https://www.me.gov.ua/News/Detail?lang=uk-UA&id=3741cc27-dbe5-433e-a139-1d480735bc51.

workers into contracts with substandard pay and deplorable working conditions, from which they can be dismissed at will. While such labour conditions are now decriminalised in Ukraine for employers with fewer than 250 employees, they clearly fall within a spectrum of exploitation.

In attempting to evaluate the ramifications of these legislative changes, we encountered a series of notable silences. The first came from the International Labour Organization, which, in a February 2023 report, omits any mention of significant changes to the country's labour rights framework.[57]

The second silence is even more consequential. All labour inspections by the State Service of Ukraine on Labour Issues were suspended, rendering it impossible to gauge the true impact of diminished labour protections. A June 2023 update from this Service indicates that over 27,000 nationals reported issues ranging from unregistered labour relations to non-payment of wages and illegal dismissals. The update disclosed that labour inspectors had identified over 330 cases of undeclared labour and 30 cases indicative of labour exploitation and forced labour within one week of June 2023.[58] As of July 2023, inspections were partially reinstated under limited conditions, with only compliance orders being issued for violations instead of fines.

The third silence concerns the State Targeted Social Programme on Combating Human Trafficking until 2025, adopted on 2 June 2023.[59] It aims to prevent human trafficking and enhance victim support. However, of its 37 measures, only one directly addresses labour exploitation and labour rights, calling for the 'monitoring of compliance with labour legislation and prevention of cases of human trafficking for the purposes of labour exploitation.' The programme omits any discussion of recent legislative actions that suspended much of Ukrainian labour law and inspection systems. Appendix 2 of the programme lists implementation tasks, including the standardisation of procedures to identify labour exploitation and forced labour, and the development of ethical conduct guidelines for businesses. Yet, it overlooks the changed context of increasing demand for flexible, compliant, and easily dismissible labour amidst diminished regulation and labour rights.

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[57] International Labour Organization, *ILO's Response to the Crisis in Ukraine*, ILO, 2022.

[58] See 'Inspektory Derzhpratsi vidnovliuiut kontrol za dotrymanniam prav pratsivnykiv' (State Labour Inspectors Will Resume Control Over the Observance of Workers' Rights), State Labour Service, 22 June 2023, https://kiev.dsp.gov.ua/main-news/inspektory-derzhpratsi-vidnovliuiut-kontrol-za-dotrymanniam-prav-pratsivnykiv.

[59] See 'Derzhavna tsilova sotsialna prohrama protydii torhivli liudmy na period do 2025 roku' (State Targeted Social Programme for Combating Human Trafficking until 2025), Verkhovna Rada, 2 June 2023, https://zakon.rada.gov.ua/laws/show/496-2023-p#Text.

Given the above, it is striking that, in its 2023 *Trafficking in Persons Report*, the US State Department asserts that Ukraine's new laws and decrees enacted due to the war with Russia had 'reduced vulnerability to exploitation.'[60] This claim is made without providing any supporting rationale, and it appears highly unlikely that reducing labour rights, without addressing systemic issues like poverty, would decrease vulnerability to exploitation.

Despite the emphasis on migration and its equation with vulnerability to human trafficking in mainstream anti-trafficking discussions, residents of Ukraine who have either not migrated or have migrated internally may be more susceptible to labour exploitation than those who have migrated to the EU.[61] Although concrete evidence of labour rights violations is challenging to obtain, the extensive legislative changes, rising violence, and increased poverty and precarity—coupled with a strained law enforcement system—suggest that Ukrainians remaining in the country might be at greater risk of labour exploitation and trafficking than those protected by the EU's Temporary Protection Directive. Mainstream anti-trafficking discourses often overlook these normalised and effectively decriminalised forms of exploitation. In contrast, we highlight the importance of more explicitly political campaigns, like those led by trade union movements, to challenge such normalised exploitation.

Conclusion

The absence of large-scale trafficking caused by the war in Ukraine highlights the success of a rights-based approach to migration, where granting migrants the right to travel, work, and access welfare and other services significantly reduced their vulnerability to trafficking. However, the anti-trafficking industry's role in this success was more of a carnivalesque sideshow than a substantive contribution, with tactics like 'rescue' operations and awareness campaigns having limited impact. We have demonstrated the deficiencies of this carnivalesque approach and critiqued the way the anti-trafficking industry has depoliticised its campaigning to garner support (and funding) from a broad political spectrum. Moreover, the example of Ukraine exposes significant gaps in mainstream anti-trafficking theory, which failed to anticipate the situation and must now either be revised or abandoned.

The rights-based approach to forced migration from Ukraine has effectively

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[60]   United States Department of State, '2023 Trafficking in Persons Report: Ukraine', 2023, https://www.state.gov/reports/2023-trafficking-in-persons-report/ukraine.

[61]   There are also individuals, including non-Ukrainian nationals currently residing in Ukraine, whose immigration status placed them in even more precarious situations following the invasion.

mitigated severe exploitation and trafficking, emphasising the importance of treating people as rights holders rather than presuming them to be vulnerable victims in trafficking and forced migration contexts. Nevertheless, this 'success' is not enough, as exploitation of Ukrainian nationals and residents continues, manifesting in decriminalised and normalised forms within the capitalist system, rather than as criminalised trafficking. To challenge this exploitation effectively, a shift is needed from a narrow depoliticised focus just on trafficking to a political critique of how capitalist societies decriminalise and normalise other types of labour exploitation. This critique should focus on workers' and migrants' rights, including access to welfare and services. For example, the Federation of Trade Unions of Ukraine's challenge to the roll-back of Ukrainian labour law and protections or the European Migration Network's campaigning for the right of Ukrainian refugees to access services and benefits both suggest ways to challenge the legalised and normalised ways in which capitalism can render workers and migrants more vulnerable to exploitation.[62] Instead of becoming embroiled in the carnivalesque spectacle that is the anti-trafficking industry, efforts to combat exploitation should engage in more explicitly political campaigns advocating for rights both within and against capitalism.

Dr Jonathan Mendel is a Senior Lecturer in Human Geography at the University of Dundee. Email: J.M.Mendel@dundee.ac.uk

Dr Kiril Sharapov is Associate Professor at the School of Applied Sciences at Edinburgh Napier University. Email: K.Sharapov@napier.ac.uk

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[62]   See European Migration Network; ODR Team.

Armed Conflict-induced Displacement and Human Trafficking in the Sahel: Organised crime, vulnerabilities, and the accountability of non-state armed groups

Daniel Ogunniyi

Abstract

Although organised criminal networks and non-state armed groups (NSAGs) have historically exploited conflict situations to commit various crimes, the extent of human trafficking by these entities in the Sahel has barely been interrogated in academic literature. In principle, while states have an obligation to criminalise trafficking in persons, problems arise where the state has lost parts of its territory to NSAGs or is facing ongoing conflicts with such groups. Boko Haram, for instance, controlled a large swath of territory in Northeast Nigeria from 2009 to 2015, with evidence of human trafficking. Therefore, this paper examines two specific aspects of human trafficking in the Sahel conflicts: trafficking by organised criminals and trafficking by NSAGs, especially terrorist organisations. It argues that while domestic laws may be useful in combating trafficking linked to organised criminal networks, the traditional state-centric approach to human rights protection makes human trafficking governance more complicated where NSAGs are involved, especially where they exercise territorial control. The paper unpacks these complexities and highlights the deficits in existing international law treaties. It argues that customary international law could provide a solution to the anti-trafficking governance challenge in the Sahel and makes a case for the adoption of an anti-trafficking Deed of Commitment within the Geneva Call mechanism.

Introduction

For many years, the Sahel[1] has grappled with several multifaceted and complex humanitarian challenges.[2] Different forms of armed conflicts have reconfigured the region's demographic and social landscape, inducing population displacements and vulnerability to human trafficking. Trafficking in persons generally manifests itself at both ends of the conflict–displacement spectrum. While many children are forcibly recruited into armed groups to wage war, displaced victims of such wars are often exploited in forced marriage, forced labour, the sex industry, etc.[3] Activities of violent extremist groups, such as Boko Haram, Islamic State, and Al-Qaeda-affiliated entities, have led to unprecedented migration flows and trafficking throughout the region. A recent estimate by the UN Refugee Agency reveals that around 2.5 million people have been displaced by decades of armed conflict in the Sahel countries of Burkina Faso, Mali, and Niger alone.[4] Internal displacements within these countries increased tenfold from 217,000 in 2013 to 2.1 million in 2021, inducing a significant refugee crisis.[5] Countries bordering the Lake Chad region, such as Cameroon, Chad, and Nigeria have equally witnessed largescale humanitarian crises due to violent campaigns by terrorist groups and other non-state entities.

Generally, human trafficking can be both instrumental and incidental to armed conflict, the former when used as a method of warfare and the latter when the displaced populations become vulnerable to trafficking.[6] Both forms manifest themselves extensively in the Sahel, with organised trafficking syndicates and non-state armed groups (NSAGs) playing both incidental and instrumental roles.

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[1]   The Sahel is the vast semi-arid region in Africa situated between the Sahara Desert to the north and the tropical savannas to the south. Countries in the Sahel include Burkina Faso, Cameroon, Chad, Guinea, Mali, Mauritania, Niger, Nigeria, Senegal, and The Gambia. Five of these countries are part of the Group of Five for the Sahel (G5 Sahel), established in 2014 as a regional intergovernmental body: Burkina Faso, Chad, Mali, Mauritania, and Niger.

[2]   UNODC, 'Sahel', retrieved 10 April 2023, https://www.unodc.org/westandcentralafrica/en/sahel.html.

[3]   A Malakooti, *The Intersection of Irregular Migration and Trafficking in West Africa and the Sahel. Understanding the Patterns of Vulnerability*, Global Initiative Against Transnational Organized Crime, 2020.

[4]   B Cheshirkov, 'Decade of Sahel Conflict Leaves 2.5 Million People Displaced', UNHCR, 14 January 2022, https://www.unhcr.org/news/briefing/2022/1/61e137ac4/decade-sahel-conflict-leaves-25-million-people-displaced.html.

[5]   *Ibid.*

[6]   F A Onomrerhinor and J Aimienrovbiye, 'Armed Conflict and Human Trafficking in Women and Children in Africa: What Role for the Rule of Law?', *International Journal of Comparative Law and Legal Philosophy*, vol. 1, no. 1, 2019, pp. 90–97.

The climate of hostility often provides a fertile ground for human trafficking to fester, as many pre-existing vulnerabilities affecting the civilian population are usually exacerbated as protections break down.[7] As the rule of law becomes eroded, impunity is often normalised, thereby creating an environment conducive for human trafficking.[8]

Based on a doctrinal methodology, this paper assesses the challenge of human trafficking in the Sahel, focusing mainly on trafficking linked to activities of NSAGs and organised criminal networks. Although the idea of an NSAG is not defined in international law,[9] the International Criminal Tribunals for the Former Yugoslavia (ICTY) noted in the Haradinaj case that NSAGs are typically characterised by a clear chain of command, the ability to gain access to weapons and military equipment, and sometimes the control over a territory, among others.[10] The International Committee of the Red Cross (ICRC) has also defined 'organised armed groups' as the armed wing of non-state parties to a non-international armed conflict.[11] These entities may include dissident armed forces that have broken away from state armed forces or 'other organized armed groups which recruit their members primarily from the civilian population but have developed a sufficient degree of military organisation to conduct hostilities on behalf of a party to the conflict.'[12] While the lack of a common definition has led to the use of many different terminologies,[13] some common elements are still identifiable. NSAGs are usually characterised, *inter alia*, by i) their illegality under domestic law; ii) their distinct identity separate from state armed forces; and iii) the use of armed violence.[14] This paper particularly focuses on the activities of terrorist groups, given that trafficking in persons linked to these entities in the Sahel has historically been largescale and widespread. The assessment of terrorist activities within the context of NSAGs is important, as international humanitarian law (IHL), for instance, makes reference to 'armed groups' as opposed to terrorist

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[7]   UN Human Rights Council, 'Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children', A/HRC/32/41, 3 May 2016, para. 25.

[8]   K Kangaspunta *et al.*, *Global Report on Trafficking in Persons 2018, Booklet 2: Trafficking in Persons in the Context of Armed Conflict*, UNODC, Vienna, 2018, p. 5

[9]   E Heffes and B E Frenkel, 'The International Responsibility of Non-State Armed Groups: In Search of the Applicable Rules', *Goettingen Journal of International Law*, vol. 8, no. 1, 2017, pp. 39–72, https://doi.org/10.3249/1868-1581-8-1-heffesfrenkel.

[10]   For a fuller definition of organised armed groups, see the International Criminal Tribunals for the Former Yugoslavia case of *Haradinaj et al.* (3 April 2008, para. 60).

[11]   The International Committee of the Red Cross, 'Armed groups', retrieved 3 October 2023, https://casebook.icrc.org/a_to_z/glossary/armed-groups.

[12]   *Ibid.*

[13]   *Ibid.*

[14]   Heffes and Frenkel, p. 45.

groups.[15] The idea of 'armed groups' under IHL could, more generally, provide a legal framework for regulating the conduct of terrorist organisations, which are the dominant NSAGs in the Sahel.

The notion of armed conflict in this paper aligns with what the ICTY defined as 'protracted violence between governmental authorities and organised armed groups or between such groups within a State.'[16] This paper begins by briefly identifying the general typologies of human trafficking linked to armed conflicts, followed by an assessment of trafficking by organised criminal networks in the Sahel, especially the trafficking of individuals living in Internally Displaced Persons (IDP) camps. It then discusses human trafficking inherent in activities of NSAGs. It also analyses the accountability mechanisms for regulating the conducts of NSAGs as regards human trafficking. The last substantive section suggests that customary international law could provide a framework for imposing anti-trafficking obligations on NSAGs and makes a case for the adoption of an anti-trafficking Deed of Commitment within the Geneva Call mechanism.

Armed Conflict and Human Trafficking Typologies

As indicated above, trafficking manifests itself at both ends of the conflict–displacement spectrum. Many children are forcibly recruited into armed groups to wage wars, while displaced victims of such wars are often exploited in forced marriage as well as sexual and other forms of exploitations. Scholars have identified different typologies of slavery during armed conflicts. For instance, Jesperson identified 'sex trafficking into conflict, trafficking from refugee/IDP camps, kidnapping to sell, kidnapping for forced labour/combat, kidnapping for sexual slavery, forced underage marriage'.[17] Others have disaggregated human trafficking within and into conflict-affected areas from human trafficking away from conflict-affected areas.[18] Whatever the typology, what appears constant is the enduring links between armed conflict and slavery/human trafficking. The categorisation into trafficking by organised criminal groups and those inherent in the activities of NSAGs in this paper does not neatly follow the above typologies. The different typologies and forms nevertheless manifest themselves in the Sahel. The current approach provides a framework for examining trafficking perpetrated by different kinds of actors.

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[15]   Additional Protocol II of 1977 to the Geneva Convention; *Haradinaj et al.* case n 9.

[16]   *Prosecution v. Tadic* (Decision on Jurisdiction) IT-94-1-AR72 (2 October 1995).

[17]   S Jesperson, 'Conflict and Migration: From Consensual Movement to Exploitation', *International Journal of Security & Development*, vol. 8, no. 1, pp. 1-13, pp. 3–4, https://doi.org/10.5334/sta.631.

[18]   United Nations University*, Fighting Human Trafficking in Conflict: 10 Ideas for Action by the United Nations Security Council*, UNU, New York, 2016

Armed Conflict-induced Displacement and Human Trafficking by Organised Criminal Groups

Whenever there are population movements, displaced people often face increased risks of exploitation by criminal networks. Evidence shows that in the Sahel, as trafficking networks seek alternative routes to avoid detection, they often come in contact with civilians on the move, which increases the vulnerabilities of such migrants to exploitation.[19] Aside from people on the move, there is strong evidence of the displacement–trafficking nexus in the Sahel, especially for individuals living in IDP camps, who are often affected by material poverty due to inadequately managed humanitarian interventions.[20] As a result of their poor economic conditions, women and girls in IDP camps often resort to transactional sex in exchange for money and material resources.[21] In general, desperate individuals caught up in conflict and extreme poverty often have fewer alternatives and commonly accept sex work as a survival or coping strategy.[22] As Sarah Spencer noted, 'In times of conflict, when resources are scarce, women and girls often use the last resource available to secure protection and assistance for themselves and their families: their bodies.'[23] There are also accounts of parents giving away their children to be sexually exploited in exchange for food or money.[24]

Indeed, human trafficking in the Sahel, which may be a result of the humanitarian situation in the region, fits the broader paradigm in which traffickers 'capitalise on loss and destruction to exploit their victims, navigating the blurred line between consent and desperation as crisis-affected families and individuals fight for survival.'[25] There is a strong gender dimension, too, with evidence that women

19   A Fereday, *Niger: Routes Shift Amid Post-Covid Increase in Human Smuggling*, Global Initiative against Transnational Organized Crime, Geneva, 2022, p. 2.

20   E T Njoku, J Akintayo, and I Mohammed, 'Sex Trafficking and Sex-for-Food/Money: Terrorism and Conflict-Related Sexual Violence Against Men in the Lake Chad Region', *Conflict, Security and Development*, vol. 22, no. 1, 2022, pp. 79–95, https://doi.org/10.1080/14678802.2022.2034369.

21   S Bamidele, 'Are They Victims of COVID-19? The Livelihood and Quandaries of Sex Workers in the New Kuchingoro Camp for Internally Displaced People in Abuja, Nigeria', *Anti-Trafficking Review*, issue 21, 2023, pp. 87–104, https://doi.org/10.14197/atr.201223216.

22   *Ibid.*

23   S W Spencer, 'Making Peace: Preventing and Responding to Sexual Exploitation by United Nations Peacekeepers', *Journal of Public and International Affairs*, vol. 16, no. 1, 2005, pp. 167–181, p. 171.

24   Njoku, Akintayo, and Mohammed, p. 80.

25   UNICEF USA, 'UNICEF Is Working to Prevent Human Trafficking in Humanitarian Emergencies', *Forbes*, 9 January 2019, retrieved 11 April 2023, https://www.forbes.com/sites/unicefusa/2019/01/09/unicef-is-working-to-prevent-human-trafficking-in-humanitarian-emergencies.

play a key role in the trafficking process. Criminal networks often engage women living close to IDP camps to work with women within the camps, who identify suitable boys and girls to be trafficked out of the camp to serve as domestic workers within the country or in neighbouring countries.[26]

Despite the risk of human trafficking in the Sahel by organised criminal groups, a survey conducted by the Danish Demining Group in Niger showed that only 2% of Niger's citizens living along the border with Mali and Burkina Faso mentioned cross-border trade, including human trafficking, among the top ten security threats they face.[27] The rapid increase in IDP camps in the Sahel and the lax security in the camps have contributed significantly to criminal activities and a thriving economy for trafficking networks.[28] There is therefore need for states in the Sahel to take stronger measures to respond to this challenge.

Human Trafficking by Non-State Armed Groups in the Sahel

The Sahel region has witnessed growing recruitments of child soldiers by extremist groups. A recent report by Amnesty International reveals that Jama'at Nusrat al-Islam wal-Muslimin (JNIM), a terrorist group based in Mali and active across much of the Sahel, has consistently targeted children aged between 15 and 17 for different activities ranging from active participation in hostilities to spying.[29] Children are also used as cooks, porters, and lookouts.[30] The Special Representative of the UN Secretary-General for Children and Armed Conflict has further demonstrated how the situation in the Sahel is replicated elsewhere in Africa and around the world, noting that in 2022 alone, more than 7,000 children were recruited by armed organisations, while over 4,000 were abducted.[31] The Sahel and other countries in West and Central Africa have the highest number of children recruited by terrorist groups to participate in conflict. The region also ranks among the places where children are most frequently sexually exploited

26   A Sampaio, *Conflict Economies and Urban Systems in the Lake Chad Region*, Global Initiative against Transnational Organized Crime, Geneva, 2022, p. 27.

27   M Bøås, *The Sahel Crisis and the Need for International Support*, The Nordic Africa Institute, Uppsala, 2019, p. 30.

28   Sampaio, p. 26.

29   Amnesty International, 'Niger: "I have nothing left except myself": The Worsening Impact on Children of Conflict in the Tillabéri Region of Niger', retrieved 7 April 2023, https://www.amnesty.org/en/documents/afr43/4627/2021/en.

30   Jesperson, p. 7.

31   United Nations Human Rights Council, 'Statement by Ms. Virginia Gamba Special Representative of the Secretary-General for Children and Armed Conflict', 16 March 2023, https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/66/OTH/OTH_3188_86_38c91b51_14be_4915_bf5a_f4b771b5c1f5.pdf.

or abducted.[32] UNICEF has specifically noted direct cases of enslavement of children by the terrorist group Boko Haram following abductions. Exploitation by Boko Haram often includes direct use for combat operations, rape, sexualised violence, or even death,[33] as well as forced labour and forced marriage.[34] There is evidence that girls and boys are often differently affected by armed conflicts. Sociocultural norms increase the exposure of girls to rape and other forms of sexualised violence, while boys often account for the majority of cases of forced recruitment into armed organisations.[35]

It has been controversially asserted that terrorist networks in the Sahel do not engage in trafficking to the same degree as organised criminal networks.[36] For example, Djallil Lounnas points out that while trafficking syndicates generate significant profits from their criminal acts, terrorist groups do not seem attracted to trafficking, as it does not yield sufficient profits for them and possibly negates their ideological motivation. He notes that terrorists often consider human trafficking as 'a sort of exploitation of men by men, the exploitation of men's misery, which is what they are fighting against. In this context, exploiting the suffering of others would be a contradiction of the belief system that has motivated their engagement in such organizations. Thus, human trafficking represents at most a marginal source of income for such organizations.'[37] However, the ethical and ideological rationales suggested by Lounnas here are not entirely convincing. The so-called aversion to 'exploitation of men by men' usually does not feature whenever vulnerable populations are forcibly conscripted by terrorist groups or sexually exploited. Increasingly, kidnapping for sexual slavery or sale of victims is gaining traction among terrorist groups, which is inconsistent with Lounnas's proposition.[38] Thus, this narrow assessment of trafficking and enslavement may

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[32] UNICEF, *Build Back Better Lives: Protecting Children from Grave Violations in West and Central Africa*, 2021, https://www.unicef.org/wca/media/7401/file/Build-back-better-lives-advocacy-note-eng.pdf.

[33] *Ibid.*

[34] J Read, 'Sexual Violence and the Boko Haram Crisis in North-East Nigeria', *Humanitarian Exchange*, issue 70, 2017, pp. 24 –27, p. 24.

[35] UNICEF.

[36] D Lounnas, 'The Links Between Jihadi Organizations and Illegal Trafficking in the Sahel', *MENARA Working Papers*, no. 25, 2018, p. 4.

[37] *Ibid.*

[38] A study on the exploitative activities of terrorist groups has, for instance, pointed out that 'as ISIS expanded in Iraq, its members kidnapped thousands of children from orphanages, schools, and even their families' homes. Children under the age of 14 reportedly made up over one-third of the 6,800 Yazidis that ISIS abducted in Sinjar in 2014'. See J T Darden, *Tackling Terrorists' Exploitation of Youth*, American Enterprise Institute, 2019, p. 4. See also, UNODC, *Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System*, UNODC, Vienna, 2017.

not fully capture the nuances of practices linked to activities of terrorist groups. Indeed, the kidnapping of girls, including their subjection to sexual slavery, slave trade, and forced marriage, has been well documented,[39] negating the view that terrorist groups are not involved in exploitation. Despite the ideological differences, there is also evidence of occasional collaboration between terrorist organisations and trafficking networks. While terrorist organisations sometimes provide protection to traffickers, terrorist groups receive food and shelter from traffickers, with the two ultimately collaborating to exploit vulnerable individuals.[40]

In many Sahel countries, the potential of livestock farming, fishing, and agriculture attracts Boko Haram and other terrorist groups, making the region a complex space for war, refuge, smuggling, and human trafficking. Control over the illicit economies is crucial to the survival of terrorist groups.[41] In Niger, there is evidence that some male members of terrorist organisations are attracted by financial incentives and other war booties offered by the group, such as sexual slaves, while the prospects of a better life and financial security have been noted to attract women and girls.[42]

Trafficking in Persons and the Accountability of Non-State Armed Groups

This section focuses on the accountability of NSAGs involved in human trafficking, such as terrorist groups, rebel groups, and others. The traditional human rights paradigm focuses on states as the primary duty bearers, whereas an increasing number of victims in the Sahel are trafficked from or into territories controlled by NSAGs. In international law, NSAGs cannot be parties to a treaty and usually do not participate in treaty drafting processes.[43] Nevertheless, these entities are generally bound by Common Article 3 of the Geneva Conventions

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39   O Quist-Arcton, 'The Lament of the Boko Haram "Brides"', *NPR*, 27 August 2017, https://www.npr.org/sections/goatsandsoda/2017/08/27/545912049/the-lament-of-the-boko-haram-brides; H Sherwood, 'Boko Haram abductees tell of forced marriage, rape, torture and abuse', *The Guardian*, 27 October 2014, https://www.theguardian.com/world/2014/oct/27/boko-haram-forced-marriage-rape-torture-abuse-hrw-report.

40   Lounnas.

41   Y H Daouda, 'Poverty and Living Conditions with Boko Haram in the Lake Chad Basin: The Case of Southeastern Niger', *Review of African Political Economy*, vol. 47, no. 163, 2020, pp. 126–134, https://doi.org/10.1080/03056244.2020.1722086.

42   *Ibid.*

43   B Saul, 'Enhancing Civilian Protection by Engaging Non-State Armed Groups Under International Humanitarian Law', *Journal of Conflict & Security Law*, vol. 22, no. 1, 2017, pp. 39–66, https://doi.org/10.1093/jcsl/krw007.

of 1949, and obligations imposed by the Additional Protocol II of 1977 may apply, especially where such armed groups exercise territorial control.[44] The application of international human rights law to NSAGs is, however, much more controversial, as those armed groups usually lack the ability to implement the full range of human rights obligations owed by states.[45] In principle, the existing human rights framework and treaty body mechanisms are ill-equipped to hold armed groups accountable or to mandate them to provide remedies to victims of human trafficking and other human rights abuses.[46]

Although IHL governs the conduct of hostilities between belligerents, it is less relevant in areas not affected by armed conflict, to which displaced populations may have migrated, or when armed hostilities have come to an end. In such cases, the displaced populations will enjoy protection from the state if they fall within its territorial jurisdiction. These issues are primarily addressed by human rights law.[47] Nevertheless, IHL would apply in conflict zones, especially where the issue of trafficking of children for use in combat operations or similar issues arise. In this regard, IHL applies to NSAGs, based on the principle of equality of parties to the conflict.[48] The Appeals Chamber of the Special Court for Sierra Leone (SCSL) has indeed stated that 'it is well settled that all parties to an armed conflict, whether states or non-state actors, are bound by international humanitarian law, even though only states may become parties to international treaties.'[49] Human rights law, on the other hand, is predicated on vertical relationships between the state and the individual.[50] This begs the question to what extent NSAGs can be held accountable for human trafficking.

In 2016, the United Nations Security Council (UNSC) adopted a resolution regarding human trafficking in conflict situations.[51] The resolution condemned 'all acts of trafficking, particularly the sale or trade in persons', for the purpose

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[44]   Article 1(1), Additional Protocol II to the Geneva Convention 1977; see also Saul.

[45]   Saul, p. 40.

[46]   J M Henckaerts and C Wiesener, 'Human Rights Obligations of Non-State Armed Groups: An Assessment Based on Recent Practice', in E Heffes, M D Kotlik and M J Ventura (eds.), *International Humanitarian Law and Non-State Actors: Debates, Law and Practice,* Springer, Berlin, 2020, pp. 195–227, p. 196.

[47]   *Ibid.*

[48]   Heffes and Frenkel.

[49]   SCSL, *Prosecutor v. Norman*, Decision on Preliminary Motion Based on Lack of Jurisdiction, 31 May 2004, Case No. SCSL-2004-14-AR72(E) (Child Recruitment), para 22.

[50]   Henckaerts and Wiesener, p. 205.

[51]   UN Security Council, 'Resolution 2331 (2016) Adopted by the Security Council at its 7847th Meeting, on 20 December 2016', S/RES/2331(2016), 20 December 2016.

of sexual slavery and forced labour by terrorist groups, including those operating in the Sahel, such as Boko Haram.[52] To a large extent, NSAGs often disregard international law and make concerted attempts to undermine it. Indeed, whereas human rights law obligations should subsist during an armed conflict and in post-conflict situations, the reality is that the justice mechanism embedded in human rights law is largely reactive.[53] Regarding the obligation to prohibit human trafficking, including in armed conflict situations, state-centricity remains the dominant approach. The state-centric paradigm ignores the fact that international armed conflicts have become increasingly rare in the post-World War II era, with NSAGs exerting growing influence on the lives of individuals in many parts of the world.[54] Most human rights treaties address the obligation to protect victims during conflict situations with little or no reference to NSAGs. For instance, the UN *Convention on the Rights of the Child* (CRC) provides in Article 38 that state parties must 'respect and … ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.' This includes an obligation to refrain from recruiting children below the age of 15 into state armed forces. As far as the recruitment of children is concerned, the CRC does not make any reference to NSAGs, which typically recruit children. This gap is partly addressed in the Optional Protocol to the Convention, which states that, 'armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.'[55] It has indeed been argued that the language 'should not', used in the provision, suggests that the article does not intend to impose legal obligations on NSAGs.[56] Nonetheless, the obligation to prevent such recruitment falls squarely on the state.[57]

Aside from the CRC, some regional instruments in Africa re-affirm the state-centric paradigm for preventing human trafficking in the Sahel and other parts of the continent. For instance, the African Charter on Human and Peoples' Rights (ACHPR), adopted in 1981, indicates the obligation of states to promote and protect human rights without specifically referencing the protection from and prevention of human trafficking. Nonetheless, the prohibition of human

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[52]   *Ibid.*

[53]   Jesperson, p. 10.

[54]   D Murray, *Human Rights Obligations of Non-State Armed Groups,* Hart Publishing, Oxford, 2016, p. 1.

[55]   Article 4(1), *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.*

[56]   C Ryngaert, 'Human Rights Obligations of Armed Groups', *Revue Belge de Droit International*, vol. 41, 2008 pp. 355–381.

[57]   Article 4(2) Optional Protocol.

trafficking can be implied from Article 5,[58] which recognises the dignity of the human person and explicitly prohibits all 'forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment.' Again, the legal obligation to protect from and prevent human trafficking lies with states that are expected to regulate the conducts of non-state actors. Similar obligations, imposed on African states by Article 11 of the Protocol to the ACHPR on the Rights of Women in Africa 2003 (Maputo Protocol) and the African Charter on the Rights and Welfare of the Child 1990 (ACRWC), suggest that the conduct of NSAGs, including terrorist and other organisations, is to be regulated by states, which are sometimes not as powerful as those non-state entities. Indeed, even more powerful states in the Sahel such as Nigeria have not reported any prosecutions or convictions of NSAGs for recruiting children for combat operations, although other offences such as the sexual exploitation of women and girls displaced by armed conflict have been on the increase in the country and region.[59]

Regulating the conducts of powerful NSAGs by states might be difficult to achieve, especially where states have lost parts of their territories to armed groups, including those acting in a state-like manner. Evidence shows widespread trafficking of children by terrorist groups in the Sahel in violation of international law. Between 2009 and 2015, Nigeria lost a large part of its territory in the northeast to Boko Haram, with overwhelming evidence of human trafficking and exploitation by the group.[60] Even though the lost territory has largely been reclaimed by the government, it is important to determine the scope of obligations of the terrorist group and other NSAGs in control of the lost territory. Although IHL does not explicitly reference or prohibit human trafficking,[61] relevant legal mechanisms such as the Rome Statute prohibit exploitative practices such as sexual slavery, rape, forced prostitution, enforced sterilisation, forced pregnancy,

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[58]   D Ogunniyi and O Idowu, 'Human Trafficking in West Africa: An Implementation Assessment of International and Regional Normative Standards', *The Age of Human Rights Journal*, no. 19, 2022, pp. 165–185, https://doi.org/10.17561/tahrj.v19.6851.

[59]   Onomrerhinor and Aimienrovbiye, p. 95.

[60]   V Felbab-Brown, '"In Nigeria, we don't want them back": Amnesty, Defectors' Programs, Leniency Measures, Informal Reconciliation, and Punitive Responses to Boko Haram', Brookings Institution, May 2018, retrieved 28 April 2023, https://www.brookings.edu/research/in-nigeria-we-dont-want-them-back; C W Ogbondah and P O Agbese, 'Terrorists and Social Media Messages: A Critical Analysis of Boko Haram's Messages and Messaging Techniques', in B Mutsvairo (ed.), *The Palgrave Handbook of Media and Communication Research in Africa*, Palgrave, Cham, 2018, pp. 313–345, p. 316.

[61]   M Hurtado, Á Iranzo Dosdad and S Gómez Hernández, 'The Relationship Between Human Trafficking and Child Recruitment in the Colombian Armed Conflict', *Third World Quarterly*, vol. 39, no. 5, 2018, pp. 941–958, https://doi.org/10.1080/0143659 7.2017.1408404.

and comparable forms of sexual violence as war crimes when they occur in non-international armed conflicts.[62] The Rome Statute also considers as war crime the deliberate displacement of 'the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand.'[63] In other words, population displacement by NSAGs may constitute a war crime where such displacement is not underpinned by security reasons.

In principle, IHL imposes some legal obligations on NSAGs in areas where they control a territory, including human rights obligations.[64] For instance, a 2007 report, submitted by the Panel of Experts on Sudan to the UN Security Council, noted that 'although it is the primary responsibility of the Government of the Sudan to guarantee the human rights of its citizens and to protect them from any transgression, the different armed opposition movements also bear responsibility in areas under their control.'[65] Similarly, the International Commission of Inquiry for Syria pointed out that, although NSAGs 'cannot formally become parties to international human rights treaties, they must nevertheless respect the fundamental human rights of persons forming customary international law.'[66] The UN Human Rights Council also noted in its General Comment 26 that human rights 'protection devolves with territory and continues to belong to [citizens], notwithstanding change in Government of the State party.'[67] These obligations are, however, yet to fully crystallise in the form of a legally binding instrument.

Although IHL and human rights law do not sufficiently address the accountability of NSAGs for the offence of human trafficking, international criminal law clearly imposes liability on individual members of NSAGs for offences such as slavery, torture, war crimes, and others, largely based on collective criminality, via doctrines such as command responsibility and joint criminal enterprise.[68] Furthermore, members of NSAGs may be individually liable for the transnational crimes of human trafficking, e.g., per the *UN Protocol to Prevent, Suppress and Punish Trafficking*

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[62]   Article 8(2)(e)(vi) Rome Statute; see also Hurtado *et al.*

[63]   Article 8(2)(e)(viii) Rome Statute.

[64]   K Fortin, *The Accountability of Armed Groups Under Human Rights Law,* Oxford University Press, Oxford, 2017, p. 19.

[65]   UN Security Council, *Report of the Panel of Experts on the Sudan*, S/2007/584, 2007, para 282.

[66]   UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/21/50, 2012.

[67]   UN Human Rights Council, 'CCPR General Comment No. 26: Continuity of Obligations', Adopted at the Sixty-First Session of the Human Rights Committee on 8 December 1997 CCPR/C/21/Rev.1/Add.8/Rev.1, General Comment 26. (General Comments) (Contained in Document A/53/40, annex VII), para 4.

[68]   Saul, p. 42.

in Persons, Especially Women and Children (UN Trafficking Protocol), supplementing the *UN Convention against Transnational Organized Crime*. The scope of the Protocol extends to offences that are 'transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences' (Art. 4), and requires states to criminalise all forms of human trafficking (Art. 5). Again, this legal regime relies on the implementation of international law by states, giving little power to NSAGs to implement and enforce it.[69]

While there are growing attempts to hold NSAGs accountable for human rights abuses, including the offence of trafficking in persons, the scope of this obligation remains unsettled, at least from a legal normative standpoint.[70] It is generally accepted that states remain the primary duty bearers, with the expectation that they will regulate the conduct of NSAGs. It is clear, however, that the current legal regime, whether under IHL or human rights law, may not sufficiently address the accountability of NSAGs for human rights abuses, including the different forms of human trafficking. A distinction has been drawn in the literature between 'human rights violation' and 'human rights abuse'; only states can be said to violate human rights, while the idea of abuse is more appropriate for characterising the conduct of NSAGs, as the various human rights treaties do not address them but impose obligations on states.[71]

In practice, the state-centric approach may create a legal vacuum in which the state is unable to enforce its domestic law while the armed groups are not subject either to direct obligation under international human rights law.[72] This, in many ways, may impact negatively on the prevention of human trafficking and protection of victims. Where trafficking has occurred, obligations imposed on states, e.g., to provide assistance and protection to victims of human trafficking,[73] are not normally extended to NSAGs. At best, from a human rights law perspective, these entities only possess negative obligations, which might indeed prove useful for prohibiting the recruitment or trafficking of children for direct combat activities. However, a challenge remains. The relevant treaties, including the Protocol to the CRC on Armed Conflict,[74] the Geneva Conventions,[75] the Rome Statute,[76]

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[69]   *Ibid.*

[70]   Fortin, p. 4.

[71]   See, for instance, Henckaerts and Wiesener, p. 205.

[72]   Murray, p. 10.

[73]   Art. 6 of the UN Trafficking Protocol.

[74]   Art. 1 of the Optional Protocol obliges states to protect children who have not attained the age of 18 from taking direct part in hostility. Art. 4 prohibits the recruitment of children below the age of 18 from taking any part (direct and indirect) in hostility.

[75]   Art. 4(3)(c) & (d) of the 1977 Additional Protocol II, Geneva Convention.

[76]   Art. 8(2)(b) xxvi and art 8(2)(e)vii Rome Statute.

and others, prohibit the direct or active participation of children in hostility, whereas children may be used for other purposes falling short of direct and active participation, such as sexual slavery, domestic work, and others.[77]

These deficits may further restrict the applicability of international law in protecting children not directly involved in armed conflict. As such, while international law imposes some obligations on NSAGs, it is clear that the level of protection available to the civilian population is limited, especially in the area of human trafficking. For the most part, the prohibition of the use of children from directly taking part in hostility is where human rights law and IHL largely intersect. While human rights obligations (on the prevention of child soldiering) may be disregarded by NSAGs, since human rights law has states' obligations at its core, these obligations may be reinforced by IHL, which gives a more considerable recognition to NSAGs. However, child soldiering is not the only area in which victims are exploited during armed conflict. A wide range of exploitations take place in conflict situations, which are not necessarily governed by any treaty law. As a result, this paper suggests that customary international law could provide a framework for imposing anti-trafficking obligations on NSAGs.

The Customary International Law Character of Human Trafficking and the Implementation of Human Rights Standards by Non-State Armed Groups

One question that might arise is whether human trafficking prohibition has attained a customary international law status. Indeed, unlike IHL, no exhaustive study has compiled the customary international law character of specific human rights provisions, including the prohibition of human trafficking.[78] In general, a number of human rights rules have been characterised as customary international law, and even as *ius cogens* applicable to NSAGs.[79] The Syrian Commission of Inquiry, for example, indicated that 'human rights obligations constituting peremptory international law (*ius cogens*) bind States, individuals and non-State collective entities. Acts violating *ius cogens* – for instance, torture or enforced disappearances – can never be justified'.[80] In other words, it is possible to identify

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[77]   Hurtado *et al.*, p. 943.

[78]   B D Lepard, 'Toward a New Theory of Customary International Human Rights Law', in B D Lepard (ed.), *Reexamining Customary International Law*, Cambridge University Press, Cambridge, 2017, pp. 233–265, p. 239.

[79]   A Bellal and E Heffes, 'Yes I Do: Binding Armed Non-State Actors to IHL and Human Rights Norms Through Their Consent', *Human Rights & International Legal Discourse*, vol. 12, no. 1, 2018, pp. 120–136.

[80]   UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/19/69, 2012, para 106.

certain human rights which NSAGs are obligated to respect even in the absence of treaties. The point here is that human trafficking bears some semblance with slavery,[81] and can, therefore, constitute customary international law. It is, indeed, often referred to as a form of modern slavery, including under the UK *Modern Slavery Act* of 2015. As Yasmine Rassam noted, the 'international *opinio juris* of the term "slavery" has evolved' to include trafficking in persons.[82] It is generally accepted that the prohibition of slavery is among the least controversial aspects of customary international law that has attained the status of *ius cogens*.[83]

Thus, there is a need to further develop the current accountability framework governing the activities of NSAGs. For instance, the United Nations Action Plan mechanism can be better articulated to address the growing challenge of human trafficking by NSAGs in the Sahel.[84] So far, 38 Action Plans have been signed, of which 11 are with government forces and 27 with NSAGs.[85]

Moreover, organisations like Geneva Call, which has a track-record of engaging with NSAGs, could, for instance, be invited to provide technical support to formulate a coherent legal normative standard. Geneva Call has already developed an innovative mechanism via the Deed of Commitment, which allows NSAGs to pledge to respect specific human rights norms and be held accountable for their commitment. In the past, there have been Deeds of Commitment on diverse themes, including on the Prevention of Starvation and Addressing Conflict-Related Food Insecurity (2021), the Deed of Commitment for the Prohibition of Sexual Violence in Situations of Armed Conflict and Towards the Elimination of Gender Discrimination (2012), and the Deed of Commitment for the Protection of Children from the Effects of Armed Conflict (2010). In principle, the Deeds of Commitment are signed by the leadership of NSAGs and countersigned by

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[81]   Among the forms of exploitation listed in the definition of 'trafficking in persons' contained in Art. 3 of the UN Trafficking Protocol are 'slavery or practices similar to slavery'.

[82]   A Yasmine Rassam, 'Contemporary Forms of Slavery and the Evolution of the Prohibition of Slavery and the Slave Trade Under Customary International Law', *Virginia Journal of International Law*, vol. 39, 1998, pp. 303–332, p. 309.

[83]   *Ibid.*, p. 310.

[84]   An action plan is 'a written, signed commitment between the United Nations and those parties who are listed as having committed grave violations against children in the Secretary-General's Annual Report on Children and Armed Conflict. Each action plan is designed to address a specific party's situation, and outlines concrete, time-bound steps that lead to compliance with international law'. See Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 'Action Plans', n.d., retrieved 30 May 2023, https://childrenandarmedconflict.un.org/tools-for-action/action-plans.

[85]   *Ibid.*

Geneva Call as a witness, while the government of the Republic and Canton of Geneva signs as custodian. A specific Deed of Commitment prohibiting human trafficking by NSAGs could, therefore, be formulated to ensure increased protection for trafficking victims in the Sahel and elsewhere. As NSAGs cannot become parties to human rights treaties, they may not feel obliged to respect rules they never formulated. The Deeds of Commitment give NSAGs the opportunity to formally express their consent to be bound by relevant norms and take ownership of these rules, which could improve compliance.[86]

Conclusion

This paper assessed the challenges of armed conflict-induced trafficking in the Sahel. While noting that domestic laws generally provide a mechanism for holding NSAGs responsible for human trafficking, it demonstrated the legal limits of regulating the conducts of these entities, especially when they exercise territorial control. Regarding the challenge of trafficking by organised criminal networks, the paper demonstrated the increased risks faced by IDPs in the Sahel and stressed the need for states in the region to take stronger measures to respond to this challenge. The paper also recognised the legal and practical limits of imposing human rights obligations on NSAGs, such as terrorist organisations. Beyond the negative obligation precluding them from enlisting child soldiers, they lack the legal capacity to act in a state-like manner, including providing support and assistance to victims of trafficking.

Another weakness with human rights law is that it primarily addresses states, thus, discountenancing the position of NSAGs even though they are more likely to exploit vulnerable individuals during a conflict situation. Nevertheless, some solutions are available in IHL, especially where NSAGs are controlling a territory. IHL expressly recognises NSAGs both in Common Article 3 of the Geneva Conventions and in the Additional Protocol II of 1977. However, the scope of the obligations is, again, very limited, and many individuals may continue to be exploited in a conflict situation by terrorist groups and by individual and organised criminals.

In conclusion, the paper highlighted the existing deficits in broader anti-trafficking governance, especially where NSAGs are concerned. It argued that customary international law could provide a solution to the anti-trafficking gaps in the Sahel and made a case for the adoption of an anti-trafficking Deed of Commitment within the Geneva Call mechanism.

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[86] Geneva Call, 'A New Deed of Commitment on the Prevention of Starvation and Addressing Conflict-Related Food Insecurity', retrieved 30 May 2023, https://www.genevacall.org/doc_starvation.

Dr Daniel Ogunniyi is a lecturer at the Wilberforce Institute and the Law School at the University of Hull in the UK. His research interests lie in the areas of modern slavery, human rights, climate-induced displacement, and international law. Email: d.ogunniyi@hull.ac.uk

A Look at Human Trafficking and the Anti-Trafficking Apparatus in Mexico through the Experience of Victoria, a Trans Woman

Juliana Vanessa Maldonado Macedo and Luz del Carmen Jiménez Portilla

Abstract

In this article, we discuss the experience of Victoria, a trans woman who was trafficked in the context of the criminal war in Mexico. Drawing on anthropological and feminist perspectives that privilege the dialogue of knowledge, Victoria's experience allows us to problematise two central elements of the phenomenon of human trafficking in Mexico: first, the relationship between organised crime groups and human trafficking, and its effects on daily life in local contexts in Mexico, specifically in the experience of a trans woman. And second, the functioning of the Mexican anti-trafficking apparatus which, by focusing on the rescue of victims of sexual exploitation in places where independent sex work occurs, overlooks the identification of other forms of trafficking, such as trafficking for labour exploitation and servitude, both experienced by Victoria at the hands of organised crime groups.

Keywords: human trafficking, anti-trafficking apparatus, trans women, war in Mexico

Introduction[1]

The Mexican government's fight against human trafficking has primarily focused on locating victims, mainly cisgender women, in places where sex work occurs and along migratory routes used by irregular migrants, thus criminalising both actions. This is one of the great risks caused by the *General Law to Prevent, Punish and Eradicate Crimes of Trafficking in Persons and for the Protection of and Assistance to Victims of These Crimes*, introduced in 2012, which has been aimed at prosecuting almost exclusively what it defines as 'sexual exploitation' in independent sex work sites, while neglecting other forms of trafficking that go unreported due to the absence of institutional spaces and trained bureaucratic personnel to process and deal with such cases. Additionally, these forms of trafficking have become so normalised that they are invisible in narratives about the phenomenon and the implementation of anti-trafficking initiatives.[2]

In other national contexts, academics have developed new and better ways of researching anti-trafficking operations and their numerous biases. They have critiqued, among others, the use of unverified statistics;[3] stereotypical descriptions of trafficking, victims, and traffickers that limit the understanding

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[2]   C Torres, *Ambigüedades y complejidades: la ley de trata con fines de explotación sexual y el no reconocimiento del trabajo sexual en México*, Cátedra Extraordinaria Trata de Personas de la Universidad Nacional Autónoma de México (UNAM), Mexico, 2016; L Jiménez, 'El mercado sexual callejero a merced del dispositivo antitrata. Genealogía del discurso de la trata sexual de mujeres en México y los efectos de la operación del dispositivo antitrata en la zona de La Merced de CdMx', Doctoral Thesis in Sociology, UNAM, 2019; V Maldonado, 'Políticas antitrata (de personas) en la frontera de México, Chiapas-Guatemala: ¿rescate de víctimas o criminalización del trabajo sexual y las migraciones (indocumentadas)?', in M Lamas (ed.), *Comercio sexual y discurso sobre trata en México. Investigaciones, experiencias y reflexiones*, CIEG-UNAM, Mexico, 2018, pp. 149–186.

[3]   M Hurtado and A Iranzo (eds.), *Miradas críticas sobre la trata de seres humanos. Diálogos académicos en construcción*, Universidad de la Sabana, Bogotá, 2015; R Weitzer, 'The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade', *Politics & Society*, vol. 35, issue 3, 2007, pp. 447–475, https://doi.org/10.1177/0032329207304319; R Weitzer and A M Tato, 'Movimiento para criminalizar el trabajo sexual en Estados Unidos', *Debate Feminista*, vol. 50, 2014, pp. 187–219.

of diverse experiences and complex roles;[4] and the assertion of the existence of transnational criminal networks without empirical evidence[5] that, in turn, leads to the disregarding of local networks which operate in more covert and simple ways. In other words, despite much that has been said about human trafficking—mainly by state bureaucracies and the media—there is still a need for research into the nuances and particularities of the phenomenon.[6]

This article presents different narratives of human trafficking within the context of the criminal war[7] in Mexico. It introduces a perspective from the trans experience, which in Mexican literature, both on trafficking and sexual diversity studies, has not been critically analysed but is essential to know, as trans people's lived experiences have also been ignored by anti-trafficking initiatives.

We employ the notion of 'criminal war', which was originally proposed by Lessing to account for the strategic use of violence by organised crime groups aimed at the protection of illicit markets in Latin America,[8] and has been applied in the analysis

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[4]   J Doezema, 'Loose Women or Lost Women? The Re-emergence of the Myth of "White Slavery" in Contemporary Discourses of "Trafficking in Women"', *Gender Issues*, vol. 18, issue 1, 2000, pp. 23–50, https://doi.org/10.1007/s12147-999-0021-9; L Agustín, *Trabajar en la industria del sexo y otros tópicos*, Gakoa, Donostia-San Sebastián, 2004; E Bernstein, 'The Sexual Politics of New Abolitionism', *Differences*, vol. 18, issue 3, 2007, pp. 128–151, https://doi.org/10.1215/10407391-2007-013; A Piscitelli, 'Entre as "máfias" e a "ajuda": A construçao de conhecimento sobre tráfico de pessoas', *Cuadernos Pagu*, vol. 31, 2008, pp. 29–63, https://doi.org/10.1590/S0104-83332008000200003; A Piscitelli, 'Feminismos e prostituiçao no Brasil: Una leitura a partir da antropología feminista', *Cuadernos de Antropología Social*, vol. 36, 2012, pp. 11–31; A Baxter and N Chazal, '"It's About Survival": Court Constructions of Socio-Economic Constraints on Women Offenders in Australian Human Trafficking for Sexual Exploitation Cases', *Anti-Trafficking Review*, issue 18, 2022, pp. 121-38, https://doi.org/10.14197/atr.201222188.

[5]   S Cheng, *On the Move for Love: Migrant Entertainers and the U.S. Military in South Korea*, University of Pennsylvania Press, Philadelphia, 2010.

[6]   G Sanchez, '"Circuit Children": The Experiences and Perspectives of Children Engaged in Migrant Smuggling Facilitation on the US-Mexico Border', *Anti-Trafficking Review*, issue 11, 2018, pp. 103–119, https://doi.org/10.14197/atr.201218117; M Lamas, '¿Prostitución, trabajo o trata? Por un debate sin prejuicios', *Debate Feminista*, vol. 50, 2014, pp. 160–186.

[7]   B Lessing, 'Logics of Violence in Criminal War', *Journal of Conflict Resolution*, vol. 59, issue 8, 2015, pp. 1486–1516, https://doi.org/10.1177/0022002715587100; R Zepeda Gil, 'Conceptualising Criminal Wars in Latin America', *Third World Quarterly*, vol. 44, issue 4, 2023, pp. 776–794, https://doi.org/10.1080/01436597.2022.2153665; G Trejo and S Ley, *Votes, Drugs and Violence: The Political Logic of Criminal Wars in Mexico*, Cambridge University Press, New York, 2020.

[8]   Lessing.

of the current context of violence in Mexico.[9] Zepeda defines criminal war as:

> a violent conflict between the State and criminal organisations, or between criminal organisations. The onset, duration, and continuation of which are fostered by local or national governments' use of militarised force to implement a regime of prohibition of any illicit goods or activities. In these conflicts, criminal organisations form private armies to resist, combat, and lobby against the strategies of the State and other criminal organisations to protect their profitable illicit activities.[10]

The current context of violence in Mexico responds to the expression of a neoliberal state that has deregulated access to rights and strengthened the capitalist market and the penal system.[11] Its expressions are deep economic, political, and social inequality, impoverishment, unemployment, and the abandonment of rural areas.

Additionally, the offensive military strategy known as the 'War on Drugs', deployed in 2006 by former President Felipe Calderón, initiated the consolidation of a state that has resorted to its armed forces to carry out an increasing militarisation of security and public life.[12] It has also constructed narratives of terror and threats against certain racialised subjects, aimed at governing life and death,[13] reasserting its authority and authoritarianism, and reconfiguring the sovereignty of the state as a classifying and stratifying agency.[14] This 'War on Drugs' has marked life and

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[9]   For example, Trejo and Ley define criminal wars through four elements that characterise the organised crime groups that participate in them: 1) the search for control of illicit markets; 2) the creation of their own militias to defend their territories; 3) large-scale violence (more than 1,000 deaths per year); and 4) the establishment of territorial controls, in addition to illicit markets. See Trejo and Ley.

[10] Zepeda, p. 784.

[11] *Ibid.*

[12] Velázquez identified the following as evidence of the militarisation of public life: 'activities involving the extended deployment of the army encompass the construction of public and private infrastructure; the distribution of gasoline, textbooks for basic education, and fertilisers; the surveillance of borders; the detection and inspection of migrants; the control of ports and customs; and even the participation of the heads of the Army and Navy in the Science and Technology Council', as well as the transportation and storage of COVID-19 vaccines during the pandemic. See S Velázquez, *Inventario Nacional de lo militarizado. Una radiografía de los procesos de militarización México*, Programa de Política de Drogas-CIDE, Mexico, 2021.

[13] A Mbembe, 'Necropolitics', *Public Culture*, vol. 15, issue 1, 2003, pp. 11–40, https://doi.org/10.1215/08992363-15-1-11.

[14] L Wacquant, *Castigar a los pobres. El gobierno neoliberal de la inseguridad social*, Gedisa, Barcelona, 2010.

collective memory in Mexico based on territorial and local plots of differentiated violence.[15]

It is worth noting that the various groups involved in the drug trade operate differently throughout the country and have diversified their markets to incorporate other types of activities related to illicit markets, such as human trafficking. However, not all of them do so in the same way or use violence as a means of control.

The links established between the state and the drug market have been mediated by various types of agreements, explicit or not, where the actors are complex, and there is an interrelation between state apparatuses and organised crime groups at different levels.[16] Furthermore, local violence in communities disputed by drug trafficking groups also responds to 'a complex web of mimetic indistinctions between drug groups and state institutions.'[17]

To reflect on the conditions that make human trafficking possible, and the implementation of actions to prevent and address it in these contexts of criminal wars and the militarisation of life, we draw on our research on human trafficking in Mexico, which each of us began between 2011 and 2013. At different points in time, we have conducted ethnographic research, structured and semi-structured interviews with cis and trans women, participant observation, and pro-sex worker rights activism in Mexico City, Tapachula, and Tijuana.

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[15] According to Atuesta, former president Felipe Calderón used the term 'war' on the basis that, on the one hand, the number of homicides linked to drug trafficking had exceeded 500 per year and, on the other, as a discursive strategy to demand national unity in the face of the political rupture caused by the 2006 elections. See L H Atuesta Becerra, *La política de drogas en México 2006-2012: Análisis y resultados de una política prohibicionista*, Open Society Foundations, Aguascalientes, 2014.

[16] G Pereyra, 'México: Violencia criminal y "guerra contra el narcotráfico"', *Revista Mexicana de Sociología*, vol. 74, no. 3, 2012, pp. 429–460.

[17] *Ibid.*, p. 430. This link between government and organised crime has been documented and analysed in journalistic investigations and academic studies (including those cited in this text). It is further evidenced by the large number of government officials arrested, imprisoned, and sentenced for their participation in organised crime. For example, Genaro García Luna, Secretary of Public Security between 2006 and 2012, was one of the people in charge of the so-called 'War on Drugs'. He was arrested, tried, and sentenced in February 2023, after being found guilty in a US court of five charges related to his ties to drug trafficking groups. Salvador Cienfuegos, Secretary of National Defence between 2012 and 2018, was also arrested in the US for drug trafficking; following his extradition to Mexico, he was not prosecuted. Among the people identified and prosecuted (in Mexico and the USA) for links to drug trafficking, there are also governors, members of parliament, senators, and actors related to politics and the Mexican government.

Our experiences in conducting research are also inscribed in the contexts of criminal wars, as is the evolution of our lives, coexisting daily with violent conflicts that seem permanent, and their effects. Our interest in researching human trafficking has been focused on producing situated, embodied knowledge[18] in such a way that with our field interlocutors, we use dialogical methodologies,[19] questioning, sharing knowledge, anger, and reflections, and creating affective and political alliances based on ethical, close, and respectful contact.

We conduct this research following a critical perspective on human trafficking,[20] which proposes a construction of knowledge that accounts for its characteristics and the experiences of the actors beyond their current representation, based on a legalistic, institutional, and state discourse.[21]

This is why we chose to present the experience of Victoria, a Mexican trans woman who was internally displaced by the violence taking place in her community and has lived through a process of human trafficking by an organised crime group. Victoria's experience is an ethnographic and analytical window that allows us to recognise the particularities of human trafficking in this context of criminal wars, the failures of the state as a form of violence, and the operation of the Mexican anti-trafficking apparatus.

The interactions with Victoria were part of the doctoral research of Vanessa Maldonado,[22] who conducted fieldwork from 2018 to 2020. The interview with Victoria took place in Tijuana, Baja California, Mexico in 2019, as part of ethnographic research conducted with migrant trans women on the southern and northern borders of Mexico. Although it focused on documenting the violence experienced by trans women sex workers in their transit through Mexico, Victoria recounted her trafficking experience to Vanessa. Hence, she decided to conduct a semi-structured interview about this experience to better understand Victoria's trafficking process.

18   D Haraway, *Ciencia, cyborgs y mujeres. La invención de la naturaleza*, Cátedra, Madrid, 1995.

19   N Scheper-Hughes, *Death Without Weeping: The Violence of Everyday Life in Brazil*, University of California Press, Berkeley, 1992.

20   A Piscitelli, 'Atravesando fronteras: Teorías postcoloniales y lecturas (antropológicas) sobre feminismos, género y mercado del sexo en Brasil', Lecture at LASA, 5-8 September 2007, Montreal; L Agustín, *Sexo y Marginalidad. Emigración, mercado del trabajo e industria del rescate*, Editorial Popular, Madrid, 2009; Lamas, 2014; Sanchez.

21   Hurtado and Iranzo.

22   V Maldonado, 'Devenires trans: De Cuba, Honduras y Guatemala ¿a Estados Unidos? Narrativas de trabajo sexual, migración y movilidad transnacional de mujeres trans en tiempos de las caravanas', Doctoral Thesis in Social Anthropology, CIESAS-CdMx, 2023.

One of the elements that motivated us to revisit Victoria's experience in the context of criminal war is that her story allows us to explore one of the expressions of the government's 'War on Drugs' within a framework of securitisation and militarisation of life that is causing different damages to different subjects. Although we present a close relationship between organised crime groups and human trafficking, we are adamant that criminal justice is not the solution to conflicts that are rooted in deep social, political, and economic inequalities and a state that administers life and death[23] in a racialised manner.

The article is organised in two parts. In the first part we describe and analyse the general context of the criminal war in Mexico. In the second, we problematise how this criminal war is experienced in the body of a trans woman who survived human trafficking.

We ask readers not to appropriate or spectacularise the experiences of human trafficking, but to identify plots of violence that have a structural origin, both in the complex organisation of people who belong to organised crime groups, and of the people who experience violence from them. Although Victoria's story is presented as an individual experience of human trafficking, it is not, in fact, individual but imbricated in a system of capitalist, racist, and cis-heterosexist violence.

The Mexican Anti-Trafficking Apparatus in the Context of a Criminal War

Mexico signed the UN Trafficking Protocol in 2003. This led to the enactment of the *Law to Prevent and Punish Human Trafficking* in 2007, which was then replaced in 2012 by the current law, the *General Law to Prevent, Punish and Eradicate Crimes of Trafficking in Persons and for the Protection of and Assistance to Victims of These Crimes*. The new law harmonised the definitions with the UN Protocol, including the semantic ambiguity of 'sexual exploitation',[24] which has resulted in the criminalisation of autonomous sex markets and their regulation. The *General Law* and state laws in Mexico conceptualise human trafficking as a crime committed by organised crime groups and focus on trafficking for sexual exploitation, mostly of cis women, without distinguishing between sex work and trafficking.

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[23] Mbembe.

[24] Lamas, 2014.

At the global level, an *anti-trafficking apparatus*[25] has been established, described as a network of hierarchical knowledge/power relations, which constructs subjects and regimes of truth about human trafficking in a given historical, social, and political moment. These power relations are embodied through various technologies that function at different levels and generate discourses of truth in and about the social body.

The Mexican anti-trafficking apparatus was formed in a context in which, starting in 2006 under the government of Felipe Calderón, one of the strategies to confront potential threats against national security became the so-called 'War on Drugs', which militarised security and daily life and created an enemy to combat: organised crime.[26] This criminal war continues, with some differences, to this day.

Historically, Mexico's drug prohibition policy started at the beginning of the twentieth century, under pressure from the United States and the 'consolidation of a global drug prohibition regime'.[27] However, drug trafficking, human trafficking, and migrant smuggling have been explicitly treated as national security issues against 'organised crime' since 2008, following the signing of bilateral agreements with the US. Security agreements that began with the *Merida Initiative*, which was focused on 'combatting' organised crime, strengthening borders, and—from

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[25] In Mexico, we have developed this concept based on two theoretical sources: One is Foucault's proposal to explain the existence of a network of knowledge and power relations, which operate through a series of elements that, together, function as a dominant strategy to address a problem. (See M Foucault, *Historia de la sexualidad 1. La voluntad del saber*, Siglo XXI, Mexico, 2009.) In this case, these are the laws to combat trafficking and support victims; public policies against trafficking; government and non-government organisations and others that not only define the phenomenon but also develop political actions to address it. The other source of inspiration are critical anti-trafficking scholars, among them: Adriana Piscitelli in Brazil who calls it the 'anti-trafficking regime'; Laura Agustín who analyses the 'rescue industry' in Spain; Cecilia Varela in Argentina who analyses it as 'anti-trafficking narratives and campaigns'; Kamala Kempadoo in Canada who discusses human trafficking narratives from 'modern slavery', abolitionist feminism, and humanitarian perspectives; and Gabriella Sanchez who questions state-centric narratives about smuggling and trafficking of minors on the northern border of Mexico.

[26] Atuesta Becerra; S Pérez Dávila and L H Atuesta Becerra, *Fragmentación y cooperación: la evolución del crimen organizado en México*, Centro de Investigación y Docencia Económicas A.C. Región Centro, Open Society Foundations, Aguascalientes, 2016; Trejo and Ley.

[27] N Olvera, 'Policías, toxicómanos y traficantes: el control de drogas en la Ciudad de México (1920-1943)', Master's Thesis in Social Anthropology, CIESAS-CdMx, 2016, p. 6.

2014, with a special budget—'combatting' human trafficking.[28]

The discourse and strategies of national security derive from the penal state and the prison system and policies that emerged in the United States at the end of the twentieth century and operate as the impetus for the 'War on Crime'. They have become a 'theoretical source and practical inspiration', generating technologies and security policies *made in* the USA.[29] This discourse of national security, penal policies, and the 'War on Drugs' view crime as the isolated actions of individuals and not in the context of repression, exclusion, marginalisation, or racism that operate in the production of these very laws and in social relations.[30]

The result of this criminal war has been the exacerbation of violence throughout the country and in all its expressions where the state itself, 'the army, the navy, and the municipal, state, and federal police forces have been participants in multiple forms of violence such as torture, extrajudicial executions, and enforced disappearances.'[31] According to data from the Mexican Commission for the Defense and Promotion of Human Rights,[32] between 2006 and 2019, the Attorney General's Office initiated 13,560 criminal investigations for the crime of torture exercised by various public servants, plus 21,360 investigations in state prosecutors' offices.[33] However, the reported cases do not necessarily reflect the prevalence of these crimes, as they are under-reported due to perpetrators' impunity.

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28 V Maldonado, 'Relaciones entre Trata de Personas y Trabajo Sexual en la frontera México-Guatemala: distinciones para su análisis', Master's Thesis in Social Anthropology, CIESAS-CdMx, 2016.

29 Wacquant.

30 Maldonado, 2016.

31 A Ramírez, 'Comunidades políticas de la pérdida: resistencia y construcción de memoria en familiares de desaparecidos', Master's Thesis, Centro Universitario de Ciencias Sociales y Humanidades, Universidad de Guadalajara, 2016, p. 61.

32 J Amaya *et al.*, *Entre la brutalidad y la impunidad. Los crímenes atroces cometidos al amparo de la estrategia de seguridad militarizada (2006–2018)*, Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C, Mexico, 2020.

33 In its latest 2023 report, the National Registry of the Crime of Torture (RENADET), under the Attorney General's Office, states that between 1 January 2018 and 30 September 2023, it has opened a total of 17,837 cases of 'torture and other cruel, inhuman or degrading treatment or punishment', in 27 of the 32 states; however, there is no indication in how many of these cases the perpetrators are agents of the State. See Fiscalía General de la República, *Registro Nacional del Delito de Tortura (RENADET) Presentación de estadísticas públicas, nacionales (fuero federal y fuero común)*, 2023, retrieved 19 March 2024, https://renadet.fgr.org.mx/assets/docs/01_RENADET_Nacional_18-Sep2023.pdf.

> [In Mexico] there are official numbers that record the murders committed each year and we can say that, since 2006, more than 370,000 intentional homicides and femicides have been reported. But there is no way to gauge the accuracy of the official numbers, to know which of these deaths should be counted as results of the armed conflict.
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> In addition, the victims officially registered by the National Institute of Statistics and Geography (INEGI) do not include, for example, 111,000 missing persons, a number that the authorities themselves consider to only offer an approximate idea of the size of the problem because there is no possibility of having an exact figure either. Of course, those counts do not include the victims who lie in hundreds or thousands of clandestine graves that remain hidden throughout the country, waiting for a group of searching mothers, those who travel miles every day looking for their sons and daughters.[34]

Research by academics[35] and human rights organisations[36] has documented the crimes and effects of the criminal war, demonstrating that this securitisation and militarisation of daily life does not address or resolve the origins of precariousness or social and economic inequality or violence that could be considered the basis of organised crime; on the contrary, it produces, reproduces, and exacerbates them.[37]

The geography and the context of criminal war and securitisation was the framework that outlined the central interests in the bilateral relationship between the United States and Mexico: irregular migration, border 'security', 'ungoverned

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[34] Data Cívica, 'Permiso para matar. Asesinatos y desapariciones por agentes federales y estatales', 2022, https://permisoparamatar.org/capitulo/1.

[35] Ramírez, 2016; A Ramírez, 'Política y (po)ética de vivos y muertos: Caminos para rehabitar el mundo después de la desaparición forzada y la muerte violenta', Doctoral Thesis in Social Anthropology, CIESAS-CdMx, Mexico, 2022; S Gerardo, 'Masacre y desaparición', Presentation at the Course on Assistance to Victims of Enforced Disappearance and Society, CAP-CUAM, Campeche, Mexico, 2021; A G Rojo Fierro, 'La guerra contra el narcotráfico en México, ¿un conflicto armado no internacional no reconocido?', *Foro Internacional*, vol. 60, no. 4, 2021, pp. 1415–1462, https://doi.org/10.24201/fi.v60i4.2628; N L De Marinis and R A Hernández Castillo (eds.), *Resistir en la sombra de la pandemia: Las violencias de género en México en el contexto de la COVID 19*, CIESAS/COLMICH (forthcoming).

[36] Amaya *et al.*; Equis Justicia para las Mujeres, Intersecta y Red Nacional de Refugios, *Las dos pandemias: Violencia contra mujeres indígenas en el contexto de COVID-19*, 2020, https://equis.org.mx/wp-content/uploads/2020/08/informe-dospandemiasmexico.pdf; Data Cívica.

[37] Data Cívica.

areas', human trafficking, and the alleged threat that links them all, drug trafficking.[38] All kinds of state violations of human rights, the militarisation of daily life, and the presence of US armed forces in the country have been exercised and justified by this national security approach.

Although drug production and trafficking are the priority issues of these agreements, in regional cooperation with the United States, irregularised migration[39] (legally termed irregular),[40] human trafficking, and smuggling are also targets of persecution.

With all of the above said, in a Mexico devastated and in permanent mourning as a result of the multiple social, human, and material consequences of this criminal war, the violences of the state are committed against specific people—some by action and others by omission—in the name of national security and the war against drug trafficking. Such reasoning has also been used and validated by the Mexican anti-trafficking apparatus.

Experiencing Criminal War in the Body: Surviving human trafficking and the state's failures

In Mexico, we live *de facto* in a criminal war or a multiplicity of criminal wars. This has resulted in profound damage to the social fabric of the populations, forced displacement, kidnappings, extortion, massacres, human trafficking,

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[38]   M Rodríguez Rejas, *La Norteamerizanización de la seguridad en América Latina*, Akal/Inter Pares, Argentina, 2017.

[39]   The term 'irregularised migration' draws attention to migration control policies as producers of irregularity sustained within a global border control regime that operates with a systemic functionality 'to produce irregularized and disposable subjects [...] as an element of contemporary neoliberal capitalism'. See S Álvarez, 'Etnografías y violencias en comunidades en movimiento y circulación migratoria Legados de la primera inmersión en el campo. Desmantelando preconcepciones del sentido común, la selectividad nacionalista, y politizando la etnografía del tránsito migratorio irregularizado', in Y C Neira and A Blazquez (eds.), *Micropolíticas de la violencia. Reflexiones sobre el trabajo de campo en contextos de guerra, conflicto y violencia*, Cuadernos de Trabajo de Meso, Paris, 2017, p. 54.

[40]   These forms of securitisation of mobility become relevant in a country like Mexico, which, on the one hand, is the country of origin, transit, and destination of millions of irregular migrants from the Global South, but on the other, the number of Mexican people who have been forcibly displaced has grown due to the violence of the war context. See V Ruíz-Lagier and A Varela-Huerta, 'Caravanas de migrantes y refugiados en tránsito por México: el éxodo de jóvenes hondureños que buscan, migrando, preservar la vida', *Entre diversidades*, vol. 7, issue 14, 2020, pp. 92–129, https://doi.org/10.31644/ED.V7.N1.2020.A04.

violent deaths, enforced disappearances, as well as daily extrajudicial executions. Officially, there are 115,353 people reported missing in the country,[41] and we are also experiencing a forensic crisis with more than 52,000 unidentified bodies,[42] in addition to thousands of clandestine graves across the country.

This situation of criminal war is intertwined with the continuum of violence[43] produced in the current capitalist, neoliberal, and neocolonial mode of production and based on accumulation by dispossession,[44] which has structured contemporary Latin American states and economies. All this has resulted in armed conflicts, the weakening of national economies, the militarisation of daily life, and the increasing exacerbation of economic inequalities.

Human trafficking in Mexico has this structural origin, embedded in a long historical process of dispossession and grievances, which generates differentiated access to rights based on racialisation, class, sex, and gender. It is not an event of individual wills or subjective evils. The human trafficking reported in this article is of the kind that operates under a specific context of criminal war, controlled by organised and state crime groups linked to the drug trade and related to territorial control and the construction of messages of terror for the population.[45] This is sustained by the criminalisation of drugs and the violent national security policy that places human trafficking and drug trafficking as two actions linked to each other, which must be 'combatted' with military force, instead of addressing the contexts of exclusion, marginalisation, and precarisation of life. As Rita Segato states regarding the 'War on Drugs':

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[41]   According to official figures from the National Registry of Missing Persons (RNPDNO) as of 5 April 2024: https://versionpublicarnpdno.segob.gob.mx/ Dashboard/ContextoGeneral. In these official records, there are several sub-records, some due to the fact that not all disappearances are reported due to the complicity of government officials in the disappearance and others because the missing persons registration system does not record gender identity, so in Mexico we have no idea how many trans people are missing or located.

[42]   'Crisis forense y propuesta de política pública forense desde el Gobierno Federal', presentation by Alejandro Encinas, Undersecretary of Human Rights of the Secretary of the Interior, 17 March 2022, http://www.alejandroencinas.mx/wp-content/ uploads/2022/03/Crisis-forense-y-propuesta-17mar22.pdf.

[43]   R A Hernández Castillo, 'Etnografía feminista en contextos de múltiples violencias', *Alteridades*, vol. 31, no. 62, 2021, pp. 41–55, https://doi.org/10.24275/uam/izt/dcsh/ alteridades/2021v31n62/hernandez.

[44]   D Harvey, *The New Imperialism*, Oxford University Press, Oxford, 2003.

[45]   This does not mean that only organised crime groups are the perpetrators or that trafficking has emerged with them. There are other instances of trafficking, such as of indigenous Guatemalan women forced into domestic work by privileged Mexican families on Mexico's southern border, or the men, women, and children in situations of trafficking in the country's agricultural sectors.

> Armed groups interweave and hybridise with parts of the State and with parastatal forces. The multiplication of the actors also implies a strong network of economies that recruit and live off these conflicts, growing decisively as an economic opportunity for many people, young and not so young, stripped of other possibilities of resolving life.[46]

The case of trafficking that we discuss is not the kind that corresponds with the dominant narrative of the Mexican anti-trafficking apparatus, which posits 'trafficking for the purpose of sexual exploitation' as the most common form and proposes the abolition of sex work and the criminalisation of irregular migration as the main actions to combat it.[47]

It is within the context of criminal war and the Mexican anti-trafficking apparatus that we locate the story of Victoria, a self-described 32-year-old trans woman, who was born and lived during those years in Tlacotepec, a small municipality with no more than 8,500 inhabitants, located in the Sierra Madre del Sur in the state of Guerrero, Mexico. Guerrero has a total population of 3,540,685 inhabitants[48] and in 2020, 66.5% of the population lived in poverty or extreme poverty, 22% above the national average.[49]

Exclusion, impoverishment, and impunity have placed the state of Guerrero in a complex web of various armed groups since the 1960s, when armed organisations of political dissidents arose in the face of authoritarianism, exclusion, and the denial of rights.[50] Currently, without any change in the structural and state violence,

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[46]   R Segato, *Las nuevas formas de la guerra y el cuerpo de las mujeres*, Pez en el árbol, Puebla, 2014, p. 7.

[47]   L Jiménez, 'Darle sentido a la trata: ¿quién, ¿cómo y para qué? Reflexiones teóricas y experiencias de resistencia en torno a las narrativas míticas de la trata sexual de mujeres', in K Tinat and C Laverde (eds.), *Más allá del rescate de víctimas. Trabajo sexual y dispositivos antitrata*, El Colegio de México, Mexico, 2021, pp. 145–180; L Jiménez, 'Representaciones de la trata sexual de mujeres en contextos neoliberales: El papel de los productos culturales en la operación del dispositivo antitrata', *Critical Reviews on Latin American Research*, vol. 10, no. 1, 2022, pp. 85–98; V Maldonado, 'La criminalización selectiva del dispositivo antitrata en México. Experiencias de mujeres trans migrantes y trabajadoras sexuales', *Papel Político*, vol. 27, 2022, https://doi.org/10.11144/Javeriana.papo27.csda; Maldonado, 2023.

[48]   'Censo de Población y Vivienda 2020', Instituto Nacional de Estadística y Geografía (INEGI), https://www.inegi.org.mx.

[49]   Consejo Nacional de Evaluación de la Política de Desarrollo Social, *Informe de pobreza y evaluación 2020*, Coneval, Guerrero, 2020.

[50]   F Ávila, 'Problemas para el estudio de la guerrilla del Partido de los Pobres (PDLP), Atoyac, Guerrero (1972-2012)', Master's Thesis in History, UNAM, 2013.

people from various villages have also organised in self-defence groups.[51]

Guerrero is one of the states with the highest poppy production in the country.[52] The poppy is a plant that produces opium in its flowers, from which morphine, heroin, and other psychoactive substances are obtained for medicinal, scientific, or recreational use.[53] Guerrero is also the territory of operations and disputes between various armed groups who belong to the drug market.

Victoria's work oscillated between sex work and styling in a beauty salon that she established with a financial partner. Her life was spent amid social violence that has become naturalised in Mexico. She narrates:

> *In Tlacotepec, most people grow poppies and marijuana to survive, it is a very important place for drug traffickers. It's their region. There have been entire villages [whose inhabitants] leave, that migrate to other cities because you can't live there, it's like a prison. There, drug traffickers can grab you and force you to do whatever they want, from being a lookout, a cook, a sex slave, a hitman, whatever they want! They threaten you and your family to do what they ask, if not, they will kill you and your family. They are the law. People are tortured, murdered, and found in ditches every day. And I never imagined that one day they were going to kidnap us and [take over] the business, I never imagined that what I heard was happening would happen to me.[54]*

The operation of armed groups that have spread throughout Mexico is a response to the criminalisation of drugs and a state that is involved in drug trafficking networks, which, in turn, creates cities, such as the one described by Victoria, where armed groups operate as the law, i.e., they make decisions about people, territories, and social relations. Thus, the forms, nuances, and distribution of violence are determined by moments of peace and conflicts between state and non-state armed groups and distributed in a differentiated way throughout the territory.

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[51] Guerrero is also the scene of the enforced disappearance of 43 students from the Raúl Isidro Burgos Rural Normal School in Ayotzinapa in September 2014, a crime in which the state and municipal governments, security forces, and armed forces were involved. See A Ramírez and H Guerrero, *Ayotzinapa frente a la mentira institucionalizada*, Fundar, Mexico, 2023.

[52] UNODC, *México, Monitoreo de Plantíos de Amapola 2019-2020*, Mexico, 2022.

[53] Olvera; G Ventura, *El conflicto detrás de la regulación de la amapola con fines médicos y científicos en México*, Thesis to obtain the degree of Specialist in negotiation and conflict management, UNAM, 2020.

[54] All quotes of Victoria in this article are excerpts from an interview conducted with her in August 2019 in Tijuana, Mexico.

It is in these contexts, where armed groups control the social, economic, and political life of entire communities, that human trafficking operates (even before the emergence of these groups).[55] However, it seems that when human trafficking is not perpetrated to sexually exploit children or cis women, or if it is perpetrated against trans women, it is invisible to the anti-trafficking apparatus.[56] In order to move away from the dominant, moralising narratives aimed at the abolition of the sex trade, it is thus of vital importance to highlight the experiences of people who have gone through situations of trafficking, and to identify, name, and integrate an intersectional perspective in analysing these experiences. Victoria narrates:

> *I had a normal life, I ran my beauty salon together with a friend who was also trans, but one day the drug traffickers took over our beauty salon and our business. We could never say no to them because we knew what would happen if we did. At first, they only 'charged rent'[57] of MXN 5,000 (USD 250) per month. We worked just to give them the money, there was nothing left for us.*
>
> *One day we told them that we didn't have any more money, so they said that they were going to keep the business and that my partner and I had to stay and work there. That's how they kept me locked up for almost 10 months, from August 2018 to May 2019. Ten months locked up without being able to sleep day or night, without being able to know if something was going to happen to me or not. So, I decided to run away, and I ran away, I did, I succeeded!*

In Victoria's account, we find the central elements that make up the crime of human trafficking: recruitment (actions), force and coercion (means), and labour exploitation or servitude (purpose). Likewise, it demonstrates that trafficking is carried out by organised armed groups that control territories, not only in terms of drug trafficking, but in a diversity of economies (formal and informal),

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55   In the region around Guerrero, there are no non-governmental organisations or international humanitarian organisations that assist victims of trafficking. There are very few complaints about crimes (not only trafficking, but any crime that involves government actors) due to the collusion between the state and organised crime, and the permanent armed conflict that plagues the region.

56   It should be noted that the *General Law* on trafficking does not explicitly recognise trans women as women; therefore, the application of the law is at the discretion of the implementer. The government statistics of trafficking only indicate 'women' and 'men' in terms of gender, so it is not clear if there are trans people who have reported being trafficked or if they have been identified as possible victims.

57   In Mexico, this (*cobro de piso* in Spanish or 'floor charge') refers to an activity carried out by various criminal groups, who extort merchants by demanding payment of fees. This 'rent', along with threats and murders, are an expression of power, violence, and territorial control, and also send messages to other armed actors.

dehumanising people through coercion and physical, psychological, and verbal violence.

Victoria's story allows us to understand the local specificities of human trafficking linked to the conditions of structural, state, and governmental violence in which she lived (before the trafficking process) and where she situates the violation of her rights. It shows that she is far from a fragile and passive victim; she has the capacity for action. She also shows how the punitive logic and practices of national security in Mexico do not transform the contexts of inequality and violence, and that the State is even less interested in identifying and addressing cases of trafficking outside of its limited focus on cisgender women in sexual economies or under immigration control operations.[58]

Another element that Victoria makes legible about trafficking is how it is linked to the transphobia and homophobia in Mexican society:

> *It's been three months since I left. Because they lock you up, and your life is the guarantee that you're going to be there. They had locked me and my trans friend in rooms. At first, I didn't accept that this was happening to me, I thought that they were going to reconsider at some point and set us free, that they were going to tell us that we could leave. But many months passed and the truth is that I couldn't stand it anymore. Above all, because I couldn't sleep, thinking what will happen to me tomorrow? What will happen if I disobey? What will I do if something goes wrong?*
>
> *When I was locked up, they threatened me all the time with weapons, they didn't threaten my family, because my family abandoned me when they found out that I was trans. I was 16 years old, so it was easier to escape. Obviously, I didn't have access to my social networks, or Facebook, or WhatsApp, or anything, they took away my phone and all external communication.*
>
> *During the day, the beauty salon seemed like a normal salon, but after 10 p.m. they started drinking and doing their things. They humiliated me, they made fun of me a lot, they yelled at me. I already knew I was gay; they didn't need to repeat it all the time. They did a lot of damage to my body and my dignity; the last time was when I decided I wasn't going to*

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[58] This claim that Mexican anti-trafficking initiatives and policies focus on cisgender women in sexual economies and immigration control operations stems from our experience conducting field research for more than ten years with cis and trans sex workers in different parts of the country, with migrants transiting through Mexico, (cis and trans) women who have experienced trafficking, anti-trafficking police forces, and bureaucracies that deal with trafficking. See, e.g., Jiménez, 2019, Maldonado, 2023, and our other publications.

stay there, I didn't want to live the same experience for the rest of my life. All my childhood I suffered discrimination for being homosexual, and then becoming an adult and going back to the same thing? No! And on top of everything, being locked up and yelled at every day that you're worthless because you're gay, no!

Victoria's story allows us to identify various elements of the experience of living through human trafficking, which are ignored in the dominant narrative and by the anti-trafficking apparatus. One is to situate the violations within the trafficking experience and how these are not necessarily located in the realm of 'sexual exploitation' or sexual exchanges, but in the continuum of homophobic and transphobic violence that permeates all spheres of life. This violence is a product of deeply ingrained cis-heterosexual norms and its expression traverses social, ethnic, political, family, school institutions, and all social relations. For the Mexican state, these elements are not even part of its understanding of trafficking, much less in the perspective of care for victims of trafficking.

Machismo, sexism, homophobia, and transphobia are produced and reproduced in various spaces. They are effects of a biopolitical and sexuality apparatus[59] that seeks to control and normalise certain dichotomous cis-heterosexual binary practices. Victoria's story also forces us to see the specificity of trans women's experiences with trafficking from their structural dimensions. Although trans people in Mexico have the right to register their identity as women (in this case),[60] they are subjected to constant harassment and educational, family, labour, and social exclusion because of their identity and dissident sex and gender expression. In addition to homophobic and transphobic violence, they also experience job insecurity and have limited work opportunities, due to transphobia, discrimination, and stigmatisation directed against trans women.[61]

Human trafficking in Mexico is used as an argument to justify national security policies, the militarisation of daily life, and the securitisation of migration and sex work; however, the trafficking that does occur is invisible to the anti-trafficking policy. Most of the experiences of human trafficking that we have documented in the last 10 years of ethnographic work (between Mexico, Guatemala, and Honduras) do not take place in the sexual sphere, and in none of the cases have the people who found a way out of the trafficking processes been 'rescued' by the anti-trafficking apparatus or any other type of government operations. All our interlocutors have survived and escaped those spaces by themselves, with their own means, using their own agency and the networks they managed to build

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[59] Foucault.

[60] Twenty-two Mexican states have a gender identity law, which allows people of legal age to change the gender marker in their identity documents.

[61] Maldonado, 2023.

even within the situations of trafficking. Victoria narrates:

> *One day they recruited a new boy from the mountains and they sent me with him to buy dyes for the salon. At that time, they were running out of people, because other groups had been killing their people in confrontations. When that happened, they would recruit more people, then the ones with more experience would surveil the area and the new ones would stay there [in their headquarters]. So, I went with one of those new guys. We went to Walmart, he went into the bathroom and because we couldn't go at the same time, he went in and told me: 'I'm going to go in, don't move or go anywhere.' At the time, he didn't know how things worked, he would call all the time to ask what he had to do and how he had to do it.*
>
> *He went into the bathroom for about two minutes. And in that moment, I saw that the Urban [local public transport] stop was exactly by the bathroom exit. So I left the bags there and with the change I had from the things I'd bought, I got on the Urban bus, paid my fare, and went to the north of the city. There I took a bus to Mexico City. And from Mexico City to here.*

Victoria's experience highlights one of the ways to escape from a situation of human trafficking without any help from the state, and the total absence of public policies in terms of prevention and care for people in trafficking situations. And Victoria's case is not the only one. During Vanessa Maldonado's fieldwork on Mexico's northern border, kidnapping of migrants for economic extortion, forced recruitment, or human trafficking were a daily reality. Every day, hundreds of young people (men and women) are kidnapped, held, and forced into labour by the organisations that govern or dispute territories. This violence thrives in economic precariousness, racial and sex-gender radicalisation of poverty, and in the daily exploitation of human labour embedded in the capitalist system.[62] It appears to be invisible in discussions of trafficking, thus legitimising labour exploitation in the agricultural sector, in *maquiladoras*, or in other workplaces, where the exploitation of the working class is evident and quotidian.

Class violence, labour exploitation, and the enslavement of women, men, and children in the world have been central in and the engine for the capitalist system of accumulation and reproduction, where 'life is subordinated to the production of profit [and] the accumulation of labor-power can only be achieved with the

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[62] Capitalist systems imply the exploitation of workers and dispossession of the labour force (see Harvey), but governments do not seem concerned by these exploitative practices. On the contrary, they are complicit; in the case of Mexico, through the promotion of social and criminal policies (Wacquant, 2010) to the detriment of the precarious and working classes.

maximum of violence so that, in Maria Mies' words, violence itself becomes the most productive force.'[63]

To be a trans woman in this context is to risk one's life every day given the prevalence of transphobia and sexism, and the daily and normalised transfemicides. Trans women's life expectancy across Latin America is 35 years, half the average life expectancy of cisgender women.

Victoria's case is just one of many: there are thousands of trans women who live in a country that does not guarantee their access to rights and also ignores them when they experience social violence or specific crimes.

Conclusion

In Mexico, there are 'racialised geographies where organised crime violence, militarisation, and the violence of paramilitary groups are concentrated'.[64] The Mexican state operates under a structural racism and heterosexism which also organise the distribution of violence and vulnerabilities. It is in this geospatial distribution of violence that we find human trafficking and the effects of anti-trafficking operations. Effects that have been ignored by a state that, as seen in this article, constructs inefficient anti-trafficking policies, permeated by security and punitive perspectives, with a discourse of 'victims' mobilised as a category linked to an essentialist perspective of (cisgender) women and girls. Mexico's anti-trafficking apparatus neither proposes that, in order to eradicate human trafficking, the contexts that produce social and economic inequalities must be transformed, nor does it acknowledge the existence of structural systems that allow these conditions to exist. On the contrary, it enables these systems and their technologies of power to keep these contexts and scenarios intact.

Finally, Victoria's experience allows us to reflect on the various expressions of human trafficking that trans people in Mexico may experience, beyond trafficking for sexual exploitation, and their relationship with the violence and vulnerabilities of their specific contexts, characterised by a growing presence of armed groups, as well as the effects of forced displacement. The analysis of trans people's experiences involves elaborating a critique of the heterosexist bias of anti-trafficking policies and transphobia that operates through an anti-trafficking apparatus that does not recognise trans people as subjects who are vulnerable to this form of violence.

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[63]   S Federici, *Caliban and the Witch*, Autonomedia, New York, 2004, p. 16.

[64]   R A Hernández Castillo, 'La guerra contra el narco. Violencias de género, militarización y criminalización de los pueblos indígenas', in S Bastos and M T Sierra (eds.), *Pueblos indígenas y Estado en México. La disputa por la justicia y los derechos*, CIESAS, Mexico, 2017, pp. 245–269.

Juliana Vanessa Maldonado Macedo holds a PhD in Social Anthropology from the Center for Research and Higher Studies in Social Anthropology (CIESAS-CdMx). She is an anti-racist and decolonial feminist teacher, researcher, and activist. Her research interests lie in irregularised migrations, migrations of trans women, human trafficking, and the sex trade. She is a member of the Latin American Group for Analysis/Action on Sexual Markets (GLAMSex). Email: juliana.maldonado@gmail.com

Luz del Carmen Jiménez Portilla holds a PhD in Political and Social Sciences, with a focus on Sociology, from the National Autonomous University of Mexico (UNAM). She is a feminist researcher at the Gender Studies Center of the Universidad Veracruzana and a member of the Latin American Group for Analysis/Action on Sexual Markets (GLAMSex). Her research interests lie in the links between feminisms, gender and sexuality norms, and neoliberalism. Email: luzjimenez@uv.mx

Sex Trade and 'Floating Migration' in the Colombian Armed Conflict

Carlos Alfonso Laverde Rodriguez

Abstract

This article analyses the dynamics of the sex trade in the context of the Colombian armed conflict. It argues that the sex trade has adapted to the conflict and its different actors and demonstrates how it operates in such constrained contexts. The article is based on ethnographic research with sex workers in Bogotá who have experience working in different conflict zones. It found that the sex trade is dynamic and that sex workers develop strategies to resist violence and adapt to the respective contexts. These sex workers are a type of 'floating migrants', living and surviving on the sex trade not only for the income it generates but also for the relationships they build with other sex workers, establishment managers, and combatants. The article concludes that the sex trade in Colombia did not arise as a result of the armed conflict. Rather, it is a phenomenon that exists as part of a broader market before, during, and after episodes of violence.

Introduction

Violence against sex workers in the context of armed conflict has been extensively documented, involving both women and men who have been subjected to forms of sexual exploitation ranging from trafficking to sexual slavery.[1] However, it is

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[1] V Mackie, 'Sexual Violence, Silence, and Human Rights Discourse', in A-M Hilsdon, M MacIntyre, V Mackie and M Stivens (eds.), *Human Rights and Gender Politics. Asia-Pacific perspectives*, Routledge, Abington, 2000; S Meger, *Rape Loot Pillage: The Political Economy of Sexual Violence in Armed Conflict*, Oxford University Press, New York, 2016; Y Tambiah, 'Sexuality and Women's Rights in Armed Conflict in Sri Lanka', *Reproductive Health Matters*, vol. 12, issue 23, 2004, pp. 78–87, https://doi.org/10.1016/S0968-

incorrect to generalise that all sex workers in conflict zones have been trafficked or sexually enslaved. Even in extremely violent contexts, questions arise as to the fate of those sex workers who choose to provide sexual services in war-affected areas and who adopt an itinerant lifestyle as part of their economic strategies. This article focuses on analysing the dynamics of the sex trade in the context of the Colombian armed conflict during the first two decades of the twenty-first century.

The Colombian armed conflict has lasted for over 60 years and has involved various illegal armed actors, not only communist guerrillas but also extreme right-wing paramilitary groups, all largely financed by drug trafficking.[2] Civilians have been the main victims of the confrontation. It is no coincidence that Colombia had the third-highest number of internally displaced persons (IDPs) in the world in 2021.[3] Alongside the armed conflict, partially successful peace negotiations have taken place, allowing for processes of disarmament, demobilisation and reintegration (DDR), transitional justice, the construction of historical memory, and truth commissions, among other mechanisms of reconciliation and peacebuilding.[4] All these processes have allowed for the discovery of a significant amount of information, including instances of violence and sexual exploitation within the armed conflict.[5] However, there is limited knowledge regarding the functioning of the sex trade within the conflict, beyond extreme cases. Information on the operation of the sex trade in the armed conflict has

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8080(04)23121-4; C Villacampa and K Flórez, 'Human Trafficking for Criminal Exploitation and Participation in Armed Conflicts: The Colombian Case', *Crime, Law and Social Change*, vol. 69, 2018, pp. 421–445, https://doi.org/10.1007/s10611-017-9765-4.

2   Á Camacho, 'Paranarcos y Narcoparas: Trayectorias Delincuenciales y Políticas', in *A la sombra de la guerra: ilegalidad y nuevos órdenes regionales en Colombia*, Universidad de Los Andes, Bogotá, 2009; G Duncan, *Los Señores de La Guerra: De Paramilitares, Mafiosos y Autodefensas En Colombia*, Planeta, Bogotá, 2006; W Tate, 'Paramilitary Forces in Colombia', *Latin American Research Review*, vol. 46, issue 3, 2011, pp. 191–200, https://doi.org/10.1353/lar.2011.0050.

3   IDMC, *Niños y Jóvenes En Desplazamiento Interno. Informe Mundial Sobre Desplazamiento Interno 2022*, 2022.

4   D Rico and I Medina, *Construcción de Paz En El Posacuerdo: Avances, Tensiones y Desafíos*, Uniandes, Universidad del Norte, Barranquilla, 2020.

5   R Martínez Montoya and A Bello Ramírez, *La guerra inscrita en el cuerpo: informe nacional de violencia sexual en el conflicto armado*, Primera edición, Centro Nacional de Memoria Histórica, Bogotá, 2017; M C Ramírez and Centro de Memoria Histórica (Colombia), *El Placer: Mujeres, Coca y Guerra En El Bajo Putumayo*, Primera edición en Colombia, Taurus, Bogotá, 2012.

mainly focused on its regulation through fear and manipulation in tolerance zones, particularly by paramilitary and guerrilla groups, with little to no attention given to the role of the Armed Forces.[6]

The presence of sex trades in the context of wars is characterised by its diversity and adjusts to the inherent logics of the conflict. This variation derives from specific conceptions of sexuality and the level of control exerted over it as a directive within the armed group.[7] This form of regulation of sexuality amid war has been a consistent element in different conflicts, especially those that seek to safeguard social institutions and their ideological view of bodies and sexuality.[8] Tambiah has illustrated how in the Sri Lankan nationalist conflict, female sexuality was protected within the framework of marriage, and any form of sexual practice deviating from this norm could be considered treason.[9] Expressions such as sexual labour or sexual violence were therefore excluded from their practices.

In Colombia, although the studies that emerged after the negotiation processes with the Revolutionary Armed Forces of Colombia (FARC) and the United Self-Defences of Colombia (AUC) have contributed to clarifying the processes of violence experienced by the actors involved and the civil society,[10] a lack of

[6]   S Ávila, 'Cuerpos Del Bajo Mundo: Prostitución y Violencia En Colombia', PhD Thesis in Anthropology, Universidad de Los Andes, Bogotá, 2013; G Gallego-Montes, 'Prostitución en contextos de conflicto armado en Colombia', *Revista CS*, issue 31, 2020, pp. 413–437, https://doi.org/10.18046/recs.i31.3508; J M Nieto and C I Pacheco, 'Which Conflict? Which Body? Which Nation? Prostitution, Gender, and Violence in the Colombian Postconflict Context', in T S Germain and S Dewey (eds.), *Conflict-Related Sexual Violence. International Law, Local Responses*, Kumarian Press, Sterling, 2012; J M Nieto, 'A angústia dos corpos indóceis: prostituição e conflito armado na Colômbia contemporânea', *Cadernos Pagu*, issue 31, 2008, pp. 365–397, https://doi.org/10.1590/S0104-83332008000200016.

[7]   Y Tambiah, 'Turncoat Bodies: Sexuality and Sex Work under Militarization in Sri Lanka', *Gender and Society*, vol. 19, issue 2, 2005, pp. 243–261, https://doi.org/10.1177/0891243204273076; E J Wood, 'Armed Groups and Sexual Violence: When Is Wartime Rape Rare?', *Politics & Society*, vol. 37, issue 1, 2009, pp. 131–161, https://doi.org/10.1177/0032329208329755.

[8]   C Brown, 'Sexual Exploitation and Abuse in Conflict: An International Crime?', *American University International Law Review*, vol. 34, issue 3, 2019, pp. 503–533; J Halley, 'Rape in Berlin: Reconsidering the Criminalisation of Rape in the International Law of Armed Conflict', *Melbourne Journal of International Law*, vol. 9, issue 1, 2008, pp. 78–124.

[9]   Tambiah, 2005.

[10] L Carrillo, *De La Infantilización a La Agencia Política: Otra Mirada Para Prevenir El Reclutamiento*, *Policy Brief* 8, Instituto Colombo-Alemán para la Paz – Capaz, 2023; H Paredes-Mosquera, J Guachetá-Torres, and E Paredes-Londoño, 'Las Víctimas de Violencia Sexual En El Marco Del Conflicto Armado En Relación Con Los Procesos

information still prevails regarding the role played by the sex trade in the backdrop of the conflict.

Although there have been valuable contributions, the efforts to understand the role of sex work in this context are still scarce.[11] The reports released by Centro Nacional de Memoria Histórica (National Centre for Historical Memory, CNMH) document multiple manifestations of violence suffered by sex workers,[12] but confuse trafficking and sex work. This reflects the dominant global discourse where voluntary sex workers are seen as victims, thus denying their agency.[13]

Research on sex work in the country has mainly focused on the legal regulation of the market in tolerance zones[14] and the violence sex workers experience.[15] However, how a labour market such as the sex trade developed, especially in the context of the conflict, and how it differs from human trafficking, has not been addressed.

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de Paz En Colombia, 1991 a 2017', *Jurídicas*, vol. 15, no. 1, 2018, pp. 88–109, https://doi.org/10.17151/jurid.2018.15.1.6; M Tamayo, L Tamayo, and L Acevedo, 'La Violencia Se Vive de Miles Maneras: Voces de Mujeres Víctimas de Violencia Sexual En El Conflicto Armado Del Carmen de Bolívar - Región Caribe, Colombia, 2018–2019', *Estudios Sobre Las Culturas Contemporáneas*, vol. 26, no. 51, 2020, pp. 9–34.

[11] Ávila; A Carrillo, N Millán, and J Babativa, 'Aportes y Asuntos Críticos En La Medición de La Violencia Sexual Contra Las Mujeres En El Marco Del Conflicto Armado En Colombia: Una Reflexión a Partir Del Diseño y Los Resultados de La Envise 2010–2015', *Estudios Socio-Jurídicos*, vol. 22, no. 2, 2020, pp. 55–86; I Suárez, 'Violencia de Género y Violencia Sexual Del Conflicto Armado Colombiano', *Cambios Y Permanencias*, issue 6, 2015, pp. 173–203; Tamayo *et al.*; Comisión de la Verdad; Nieto and Pacheco; Paredes-Mosquera *et al.*

[12] Martínez Montoya and Bello Ramírez.

[13] E Bernstein, '¿Las Políticas Carcelarias Representan La Justicia de Género? La Trata de Mujeres y Los Circuitos Neoliberales Del Crimen, El Sexo y Los Derechos', *Debate Feminista*, vol. 50, 2014, pp. 280–320.

[14] C Laverde, 'Aportaciones Desde Una Perspectiva Socio-Jurídica al Debate Del Trabajo Sexual Femenino En Colombia', *Revista Logos Ciencia & Tecnología*, vol. 5, no. 2, 2014, pp. 244–262, https://doi.org/10.22335/rlct.v5i2.124; C Laverde, *Prostitución y Trabajo: Condiciones Sociales y Laborales de Mujeres Trabajadoras Sexuales En La Ciudad de Bogotá*, ILAE, Bogotá, 2015; M Tirado, C Laverde, and J Bedoya, 'Prostitución En Colombia: Hacia Una Aproximación Sociojurídica a Los Derechos de Los Trabajadores Sexuales', *Revista Latinoamericana de Derecho Social*, issue 29, 2019, pp. 289–315, https://doi.org/10.22201/iij.24487899e.2019.29.13909.

[15] Gallego-Montes; Nieto.

This article explores how sex workers exercised their agency, and the strategies and forms of mobility they employed, in environments marked by the presence of armed conflict. It demonstrates how sex work, as a labour market, was part of a sexual market shaped by the circumstances of the armed conflict, and how sex workers were 'floating migrants'.[16] Although sex workers suffered various forms of violence in the context of the conflict, sex work did not originate exclusively as a tool of war or as part of the logic of the conflict, but reflected many of the dynamics of this market, present in times of both peace and war. This perspective enables a differentiated analysis of cases in which phenomena such as sexual slavery, human trafficking, or forced marriage were manifested. In the remainder of this article, I problematise the concept of agency of women who have experienced violence in conflict environments, describe my research methodology, and present and discuss my research findings, before offering a brief conclusion.

Sex Work and Agency in the Context of Armed Conflicts

Armed conflicts and sex work are linked by complex dynamics. Enloe has shed light on the connections between the sex trade and conflict situations, exploring cases such as the militarisation in Vietnam, Thailand, and South Korea. In these contexts, militarisation had a significant impact on the sex industry due to the presence of US military bases during the Cold War. For example, as troops returned from combat zones in Vietnam, they would often head to Bangkok and coastal villages in Thailand to rest, creating a growing demand for the services of sex workers.[17] Enloe argues that militarised prostitution differs from other forms of sex work, since the state or illegal organisations implement explicit measures to safeguard male clients from exposure, for example, by screening for sexually transmitted diseases. Thus, in the context of conflict, the sex trade system operates to protect combatants.[18]

According to de la Garza, individuals involved in a labour market do not only behave logically;[19] they create their own interpretations of work and the places where they work. This implies that their decisions to work is not only based on

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[16] The term 'floating migrant' (*flotante migrante* in Spanish) is used by Fidelia Suárez, leader of the Colombian Sex Workers Union, to describe the phenomenon of the constant mobility of sex workers, mainly within Colombia, in response to the economic dynamics of each region.

[17] C Enloe, *Maneuvers: The International Politics of Militarizing Women's Lives*, University of California Press, 2000; C Enloe, *The Morning After: Sexual Politics at the End of the Cold War*, University Of California Press, 1993.

[18] *Ibid.*

[19] E de la Garza, *Trabajo No Clásico, Organización y Acción Colectiva*, UAM-I, Mexico, 2001.

rational choices, but on a complex web of social meanings that are interwoven around work activity. In addition, economic decisions made by sex workers, as by other workers, are influenced by extra-work factors that relate to historical and situational contexts.[20] As Maruani has pointed out, work implies not only a wage but also a position within the given social structure.[21] Thus work, as a social activity, carries significant social meanings, involving power dynamics and not only wages as the factor determining employment choice. Therefore, in the case of sex work, it is not possible to reduce the importance attributed to work to a single choice, but rather it lies at the confluence of various elements.[22]

The sex trade sparks debates about the violence sex workers face, their motivations, and the extent to which they act out of choice and exercise agency. There are two discernible streams in the feminist debate on sex work framed in the so-called sex wars.[23] On one side are those who claim that all sex work is a form of violence against women and never a freely chosen occupation.[24] On the other side are those who, while not denying that there can be violence in sex work, consider that it always involves a process of negotiation and a degree of agency.[25] In the context of wars, the former perspective tends to lump sex work,

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[20] M Granovetter, 'Economic Action and Social Structure. The Problem of Embeddedness', *American Journal of Sociology*, vol. 91, no. 3, 1985, pp. 481–510, https://doi.org/10.1086/228311.

[21] M Maruani, 'De La Sociología Del Trabajo a La Sociología Del Empleo', *Política y Sociedad*, issue 34, 2000, pp. 9–17.

[22] C Laverde, 'Apropiación subjetiva de derechos laborales: Mujeres trabajadoras sexuales organizadas en defensa de sus derechos en la ciudad de Bogotá', Doctoral thesis in Sociology, El Colegio de México, 2018.

[23] L Duggan and N D Hunter, *Sex Wars. Sexual Dissent and Political Culture (10th Anniversary Edition)*, Routledge, New York, 2006.

[24] See, for example, K Barry, *The Prostitution of Sexuality: The Global Exploitation of Women*, New York University Press, New York, 1995; A Dworkin, *Intercourse*, Touchstone Books, USA, 1997; M Farley, '"Bad for the Body, Bad for the Heart": Prostitution Harms Women Even If Legalized or Decriminalized', *Violence against Women*, vol. 10, issue 10, 2004, pp. 1087–1125, https://doi.org/10.1177/1077801204268607; S Jeffreys, *The Idea of Prostitution*, Spinifex, Melbourne, 1997.

[25] For example, K Kempadoo, 'Prostitution, Marginality and Empowerment: Caribbean Women in the Sex Trade', *Beyond Law*, vol. 5, issue 14, 1996, pp. 69–84; M Lamas, 'Trabajadoras Sexuales: Del Estigma a La Conciencia Política', *Estudios Sociológicos*, vol. 14, issue 40, 1996, pp. 33–52; M Lamas, 'Feminismo y Prostitución: La Persistencia de Una Amarga Disputa', *Debate Feminista*, vol. 51, 2016, pp. 18–35, https://doi.org/10.1016/j.df.2016.04.001; M Lamas, *El Fulgor de La Noche. El Comercio Sexual En Las Calles de La Ciudad de México*, Editorial Oceano, Mexico, 2017; J O´Connell Davidson, *Power, Prostitution, and Freedom*, Polity Press, Cambridge, 1998; R Weitzer, *Legalizing Prostitution: From Illicit Vice to Lawful Business*, NYU Press, New York, 2012.

human trafficking, and child prostitution together without differentiation,[26] while the latter attempts to draw conceptual distinctions based on the dynamics and complexities inherent in this phenomenon.[27]

The first perspective considers women involved in the sex trade in areas of military influence as victims. Scholars assert that these women are coerced directly through deception or due to their circumstances of poverty and argue that this coercion ultimately leads to situations of rape and sexual slavery.[28] This is largely the case in the Colombian context too, where the sex trade is considered as a manifestation of sexual violence perpetrated during the conflict,[29] ignoring the experiences of women who chose to carry out this activity relatively freely. The second perspective recognises the complexities linked to violence and sex work in conflict contexts. For example, Jørgensen and Rauxloh provide analytical tools to distinguish between forced prostitution and sexual slavery.[30] Approaching the two as synonymous limits the understanding of the complex logics of organised crime and human trafficking, which, indeed, go beyond the simple enslavement of women. Likewise, McAlpine, Mazeda, and Zimmerman have investigated the inconsistencies in the use of the concept of sexual exploitation in literature related to this topic.[31] Their study enables a critical understanding of the dynamics of the armed conflict and its impact on the sex trade.

The academic literature has shown significant interest in sexual violence against women in conflict contexts, including in recognising their agency and the ways

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[26]   L Ahmad and P Anctil Avoine, 'Misogyny in "Post-War" Afghanistan: The Changing Frames of Sexual and Gender-Based Violence', *Journal of Gender Studies*, vol. 27, issue 1, 2018, pp. 86–101, https://doi.org/10.1080/09589236.2016.1210002; J S Butler, 'Prostitución militarizada: La historia no contada', *Mora*, vol. 15, issue 2, 2009, pp. 119–141; M O´Brien, '"Don't kill them, let's choose them as wives": The Development of the Crimes of Forced Marriage, Sexual Slavery and Enforced Prostitution in International Criminal Law', *The International Journal of Human Rights*, vol. 20, issue 2, 2016, pp. 386-406, https://doi.org/10.1080/13642987.2015.1091562.

[27]   N Jørgensen and R Rauxloh, 'Profiting from Sexual Violence in Armed Conflict: A Case for the Resurrection of the Crime of Enforced Prostitution', *Chinese Journal of International Law*, vol. 19, issue 3, 2020, pp. 393–423, https://doi.org/10.1093/chinesejil/jmaa029; A McAlpine, M Hossain, and C Zimmerman, 'Sex Trafficking and Sexual Exploitation in Settings Affected by Armed Conflicts in Africa, Asia and the Middle East: Systematic Review', *BMC International Health and Human Rights Volume*, issue 16, 2016, https://doi.org/10.1186/s12914-016-0107-x.

[28]   Butler.

[29]   CNMH, 2017.

[30]   Jørgensen and Rauxloh.

[31]   McAlpine *et al.*

they develop strategies to address their circumstances.[32] Acknowledging women's agency in situations of violence during war does not imply that victims cease to be victims, but rather highlights the strategic actions that some victims undertake, thus demonstrating their capacity for action. Agency manifests itself through forms of resistance against oppressive structures or practices,[33] allowing women to obtain various resources and ensure their own safety or that of their families.

In this sense, agency cannot be conceived without resistance or strategic actions to confront violence, even if they manifest as forms of strategic submission. These strategies consist of the victims' ability to make small strategic decisions within oppressive environments as a defence mechanism against more extreme forms of violence.[34] However, these resistance strategies face social stigma, as victims are expected to exhibit passive behaviour.

Methods

This article is based on a larger research project in which I analysed the subjective appropriation of rights, specifically labour rights, expressed by organised sex workers in the city of Bogotá, Colombia.

Data collection spanned two periods: in August and December 2016, and the second half of 2017. I accompanied members of SinTraSexCo, a sex worker union in Bogotá,[35] and participated as a volunteer in three regional meetings that they organised with sex workers in Barranquilla, Bucaramanga, and Tunja. All participants in my study were affiliated with SinTraSexCo, so they were all over the

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[32] N Begikhani, W Hamelink, and N Weis, 'Theorising Women and War in Kurdistan: A Feminist and Critical Perspective', *Kurdish Studies*, vol. 6, issue 1, 2018, pp. 5–30; K Stallone, 'Strategic Submission to Rape Is Not Consent: Sexual Violence in the Colombian Armed Conflict', *Violence Against Women*, vol. 28, issue 14, 2022, pp. 3482–3504, https://doi.org/10.1177/10778012211054872; M Utas, 'West-African Warscapes: Victimcy, Girlfriending, Soldiering: Tactic Agency in a Young Woman's Social Navigation of the Liberian War Zone', *Anthropological Quarterly*, vol. 78, issue 2, 2005, pp. 403–430, https://doi.org/10.1353/anq.2005.0032; P Yadav, 'Can Women Benefit from War? Women's Agency in Conflict and Post-Conflict Societies', *Journal of Peace Research*, vol. 58, issue 3, 2020, pp. 449–461, https://doi.org/10.1177/0022343320 905619.

[33] K Abrams, 'From Autonomy to Agency: Feminist Perspectives on Self- Direction', *William & Mary Law Review*, vol. 40, issue 3, 1999; Begikhani *et al.*

[34] Stallone.

[35] El Sindicato de Mujeres Trabajadoras Sexuales de Colombia – The Colombia Women Sex Workers' Union.

age of 18 to approximately 50 years old. Although this was not the focus of my research, many of the women's narratives were related to their experiences in the context of the conflict, and the conflict thus became a central element of analysis.

I conducted 19 in-depth interviews with sex workers, ranging in length from one to four hours each. I also facilitated three focus groups, which together involved 40 sex workers. The focus groups were organised in the context of union activities. My presence at these meetings was agreed in advance with the organisation, in return for which I delivered three personal finance workshops in Bogotá, each consisting of five hour-long sessions.

The interviews and focus groups were conducted using a questionnaire specifically designed to explore the various strategies employed by participants to claim and exercise their rights. The individual interviews were audio recorded with the consent of the participants, but in the focus groups, recording was not permitted; therefore, I took notes. To preserve the confidentiality of the participants, the data collected was anonymised.

I also conducted an exhaustive documentary review of the materials generated in the framework of the 2016 Peace Agreement signed by the government. This analysis covers both the documents produced by the Comisión de la Verdad (Truth Commission) and those produced by the CNMH. These reports have played a fundamental role in the clarification of the events that took place during the armed conflict and contributed to a fuller understanding of its complexities.

Findings

In the context of the trade union struggle, it is common for sex workers to argue that their work is on a par with other occupations. However, it also exposes them to situations of violence, especially in the context of the armed conflict. To further understand the context of sexual violence during conflict, it is essential to delve into what Wood calls the pattern of violence.[36] This implies the need to explore the repertoires of violence that encompass the selection of targets, the frequency of violent acts, the period during which they were perpetrated, and the region in which they were manifested.

Within the framework of the conflict, sex workers were subjected to acts of violence as a result of the dynamics inherent in the conflict itself. The CNMH and others have documented testimonies about sex workers who were abused, raped,

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[36] E J Wood, 'Conflict-Related Sexual Violence and the Policy Implications of Recent Research', *International Review of the Red Cross*, vol. 96, issue 894, 2014, pp. 457–478, https://doi.org/10.1017/S1816383115000077.

and killed by paramilitary groups due to their working relationship with guerrillas.[37] The presence of armed groups in each territory has led to the establishment of control over sexuality in communities, which implies the imposition of certain norms to prevent violations committed by civilians. However, depending on the degree of control exercised by the military hierarchies over their subordinates and the civilian population,[38] other types of violence also occurred.

Violence perpetrated against sex workers originated mainly for three reasons. Firstly, because of direct or indirect participation in conflict dynamics, violence against sex workers is linked to two connections attributable to the logic of the conflict: in cases where there were suspicions of possible infiltrators sharing information with other armed groups; and as a strategy to maintain group cohesion and reinforce the notion of the virile soldier. Secondly, as a way of regulating sexually transmitted diseases, sex workers were subjected to violence, either for the risk of carrying sexually transmitted diseases or for having infected combatants.[39] Finally, violence against sex workers was meted out as a punishment for their activity, which was considered immoral. On some occasions, as noted in the final report of the Comisión de la Verdad,[40] sex workers were raped as punishment because they were considered a danger to morality. Similarly, this dynamic is reflected in the reports of the CNMH,[41] which noted that paramilitaries punished women who were presumed to have had sexual relations with guerrillas. These rapes were not only an act of revenge, but also a form of symbolic 'cleansing', considering the enemy as impure, or so-called 'social cleansing', as the following account shows:

> *One night in the early hours of the morning a car arrived and a tall man got out of the car. […] When we were inside he said to me, 'I haven't come to be with you, I've come to give you some advice: go away, many of these girls aren't worth it, and it's not worth it if you end up with a stray bullet because you're close to them.' That's when I woke up completely, and when I was with the man, some shots rang out. He said to me, 'Did you hear? [sound of a gunshot] Get ready, I'm leaving'. Two blocks away they killed a colleague of mine who had stolen [something] and they shot her*

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37 Ramírez and Centro de Memoria Histórica (Colombia). See also: Mesa de trabajo mujer y conflicto armado, *VIII Informe Sobre Violencia Sociopolítica Contra Mujeres, Jóvenes y Niñas En Colombia*, Generalitat Valenciana, Bogotá, 2008.

38 Comisión de la Verdad; Ramírez and Centro de Memoria Histórica (Colombia); G Sánchez and Comisión Nacional de Reparación y Reconciliación (Colombia) (eds.), *Mujeres y guerra: Víctimas y resistentes en el Caribe colombiano*, Primera edición, CNRR - Grupo de Memoria Histórica, Taurus, Bogotá, 2011.

39 Ramírez and Centro de Memoria Histórica (Colombia).

40 Comisión de la Verdad.

41 Ramírez and Centro de Memoria Histórica (Colombia).

in the mouth and the one next to her was shot in the leg. That's when the killings started. (Sex worker interview, August 2017)

However, it is possible that there are other forms of violence perpetrated by combatants which lack a direct connection to the organisation's goals, as maintaining control over such acts would not represent a fundamental threat to military aims. This type of violence is opportunistic, originating from personal impulses rather than the pursuit of organisational purposes, or motivated by strategic reasons.[42] This provides evidence that sexual violence, like the demand for sexual services, was not uniform across armed groups. In the context of irregular warfare, commanders' control over combatants may be weak, resulting in a diversity of violent practices.[43]

Despite the violence and insecurity experienced by individuals engaged in sex work, in my fieldwork, women expressed that they were aware of the context and conditions they would face when engaging in it. Their involvement was primarily motivated by the substantially higher remuneration than that in town or city establishments. Furthermore, the conflict has disrupted many traditional livelihood opportunities, so some women choose sex work because it is the most profitable alternative.[44]

Sex workers' choices may put them at greater risk of violence, but it would be inappropriate to suggest that they lack agency. In the context of the Colombian armed conflict, some women have chosen what Stallone has termed 'strategic submission', i.e. giving in to sexual violence to protect themselves or their loved ones.[45] This survival strategy can be considered a form of agency in an environment where options are limited. However, these expressions of agency may not be immediately recognised by society and may even lead to the victim being stigmatised for not having explicitly resisted. In the sex trade, the motivations of sex workers are complex and their agency can take on a strategic nature.

Nieto has outlined the dynamics of sex work in one area under paramilitary control. Sex workers were offered a high payment of around USD 60 per service[46] which, given the general lack of work in the area, was an attractive incentive. The work involved servicing many combatants over an entire weekend, during which

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[42]   Wood, 2014.

[43]   Wood, 2009.

[44]   Lamas, 2016.

[45]   Stallone.

[46]   Based on data from the National Administrative Department of Statistics of Colombia - DANE (Colombia estadística 2000–2009. Volume I), the average daily minimum wage during the first decade of the twenty-first century was approximately USD 4.6.

they could not leave their work without the group's authorisation.[47] During my fieldwork, sex workers reported that the paramilitaries did not always respect the previously agreed upon working conditions in the camps. Sometimes they were forced to continue working even during their menstrual period and had to resort to measures such as using tampons or rags with vinegar or taking medication to control the flow and meet the demand. However, despite the poor living and working conditions in the camps, as well as the long periods of work that could extend over several weeks, the women said that the work was attractive because of the high payment.

In addition to administrators, drugstores and health centres also made profits by carrying out examinations required by the armed groups and providing medicines in cases of sexually transmitted diseases. These examinations were conducted on a regular basis, every two to three weeks, and sex workers were required to carry a card. This card allowed the authorities and illegal armed groups to monitor and control the health conditions of both sex workers and the combatants involved. However, cards were often obtained fraudulently in order to allow sex workers to continue their work unhindered, thus generating an additional brokering process.

The control exercised by managers or brokers in relation to hours, fees, client interaction, and alcohol consumption function similarly in both conflict and non-conflict contexts. In both cases, regulation is put in place to safeguard potential clients or combatants, as sex workers are perceived as a moral or health risk. This construction of the sex worker as a threat was the state's approach to prostitution in the 1990s.[48]

'Floating Migrant Sex Workers'

Sex workers offered their services in three different ways. Those who had relatively permanent residences offered their services in brothels. Itinerant sex workers worked discreetly in camps and trenches; given the potential threat of infiltration, these workers were selected by the administrators because of their level of trustworthiness. Thirdly, some worked in bars, where they offered their services in a more disguised manner.[49] Some supplemented their income by playing additional roles such as cooks, *raspachines* [coca workers], or service personnel.[50] The women who worked in the trenches were generally more experienced, as they catered to a larger number of men than those in the conventional brothels or bars.

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[47] Nieto.

[48] Corte Constitucional de Colombia, *Sentencia T-620*, 1995.

[49] Gallego-Montes.

[50] Ramírez and Centro de Memoria Histórica (Colombia).

Many of the women also migrated to Bogotá and other major cities in Colombia, and even to cities in neighbouring countries, such as Ecuador. These displacement strategies are interpreted as manifestations of the nomadic lifestyle adopted by sex workers, who use the exchange of information with their peers to guide their movements in search of more favourable economic conditions. In addition to seeking financial improvements, this mobility is also motivated by a desire to distance themselves from their family environment.[51]

The sex trade in conflict zones is part of broader processes of mobility and itinerant sex work. This form of mobility by sex workers is linked to the displacement of temporary income sources, such as local fairs and festivals, or the harvest of both legal and illegal crops (coca leaf, for example). It is also closely linked to networks of contacts among them. During my research, I found that, despite being in different regions of the country, sex workers could establish connections and relationships with other sex workers that facilitate the dissemination of relevant information about the feasibility of carrying out their work in specific locations. Whether in times of peace or war, sex workers deftly move between different territories that are characterised by the constant presence of armed and unarmed actors. This incessant movement immerses them in relationships marked by violence, highlighting the complexity and challenges they face, regardless of the context.[52]

Despite clashing with the values and moral aspirations that guided various armed groups in the territories, sex workers were an integral part of the wartime economic dynamics. In the case of paramilitary groups, sex workers were transported in groups of forty or sixty to the locations where the squads were stationed, with the purpose of offering their sexual services. This practice of concentrating sex workers in conflict zones has also been reported by the CNMH.[53] In municipalities where illicit economic activities flourished—such as coca cultivation or, in some cases, mining—prostitution venues quickly emerged to meet the demand of these mostly male-dominated economies.[54] Sex workers' presence in the camps also provided a morale boost to the combatants.

> *I would work seasonally in red light areas, go away for three months and then go back, generally with the support of administrators I knew in the places where I moved. Approximately 40 women would arrive in these places, although a few days later, many of them would enmozaban [get a partner]. (Sex worker interview, August 2017)*

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[51] Ávila.

[52] Enloe, 2000; Nieto and Pacheco.

[53] Ramírez and Centro de Memoria Histórica (Colombia).

[54] Defensoría del Pueblo de Colombia, *El conflicto armado y el riesgo para la mujer rural: estudios de caso en los departamentos de Chocó, Córdoba, Santander y Caquetá*, Defensoría del Pueblo, Bogotá, 2014.

In the focus groups, some sex workers shared their experiences of migration across the country. These moves were based on their knowledge of different regions or on recommendations from colleagues, considering the perceived availability of income in each area. This continuous movement around the country is the reason why the leader of the sex workers' union and numerous other members call themselves 'floating migrant sex workers' (*trabajadora sexual migrante flotante*). This self-description sheds light on the dynamics of constant mobility inherent in sex work, supported by a network of information that facilitates the choice of destinations and the conditions under which sex work is performed.

A similar pattern is observed in different conflict contexts, such as Peru during the confrontation between the army and the Shining Path. In this scenario, sex workers known as 'the Charlies' were hired and transported to conflict zones to offer their services to soldiers, who were afterwards deducted the corresponding amount from their salaries.[55] Soldiers were incited to resort to these services under the threat of questioning their masculinity and, consequently, affecting the group cohesion.

In Colombia, although there is no conclusive evidence of this form of persuasion, it is likely that a similar dynamic occurred. This interpretation raises questions about sexual violence in the conflict, given that knowledge about sexual violence and the pressures faced by combatants to engage in certain sexual practices, such as group encounters that affirmed the image of the sexually voracious soldier, is limited.

Therefore, sex work acquires strategic relevance for armed groups because, from their perspective, on one hand, they 'control' the expression of unbridled sexuality among men, preventing problems such as possible rape, and on the other hand, it ensures control over sexually transmitted diseases, as well as relationships considered deviant, such as homosexuality.[56]

Work and Friendship Networks in the Sex Trade

Sex work also took place in covert ways. Sometimes it was carried out in secret and the client was referred to as a 'friend' from whom they received payments that were not always monetary but could also take the form of in-kind assistance. This linguistic choice to name or not to name, to reveal or conceal sex work, has allowed sex workers to tailor their actions to cultivate more or less long-lasting relationships with many of their clients. The conception of the client as a friend, in addition to concealing the type of activity, allows the money to be symbolically

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[55] J Boesten and L Gavilán, 'Military Intimacies: Peruvian Veterans and Narratives about Sex and Violence', *Latin American Research Review*, vol. 58, issue 4, 2023, pp. 762–778, https://doi.org/10.1017/lar.2023.18.

[56] Boesten and Gavilán; Wood, 2009.

cleansed, as it is not explicitly agreed upon in an economic negotiation.[57] The distinctions proposed by Viviana Zelizer on the separation of the public spheres of the market and the private, affective life present significant variants in the context of sex work.[58] As Adriana Piscitelli has pointed out, in Brazil, there is a fusion in some cases with the logics of the marriage market.[59]

According to one of my interviewees, many sex workers in the camps became involved in romantic relationships soon after their arrival, sometimes establishing long-term relationships or even marrying. This dynamic, present in conflict zones as well as other contexts, has been recognised as a strategy for sex workers to not only ensure regular income but also to maintain romantic relationships, sometimes simultaneously.

The significant role played by the administrators in the sex trade premises is well known, as they were often responsible for transporting them to the places where the paramilitary groups operated. This intermediary work was a strategic component in connecting combatants to an already established market. According to the CNMH, it is plausible that the managers of the sex trade venues were urban members of the paramilitary groups, playing both military and organisational roles, such as, in this case, recruiting sex workers.[60] In some cases, sex workers also relied on local people who offered transport services to rural and remote areas that could only be reached by boat.

Discussion

The sex trade in militarised or conflict-affected areas is different from other forms of sex work. This is evidenced by the implementation of explicit measures designed to favour and protect clients, such as the exclusive testing of women for sexually transmitted diseases, with the aim of protecting combatants.[61]

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57   C Laverde and M Tirado, 'Carrera Moral y Significados Del Dinero En El Trabajo Sexual: El Caso de Bogotá, Colombia', *Revista CIFE: Lecturas de Economía Social*, vol. 22, no. 36, 2020, pp. 47–67, https://doi.org/10.15332/22484914/5437.

58   V Zelizer, *La Negociación de La Intimidad*, Fondo de Cultura Económica, Buenos Aires, 2009; V Zelizer, *The Social Meaning of Money: Pin Money, Paychecks, Poor Relief, and Other Currencies*, Princeton University Press, Princeton, 2017.

59   A Piscitelli, '¿Actuar La Brasileñidad? Tránsitos a Partir Del Mercado Del Sexo', *Etnográfica*, vol. 15, issue 1, 2011, pp. 5–29, https://doi.org/10.4000/etnografica.765.

60   Ramírez and Centro de Memoria Histórica (Colombia).

61   Enloe, 2000.

In the context of the Colombian armed conflict, the armed groups have taken control of the management of some forms of prostitution.[62] Those armed groups that permit sex work regulate it to reinforce the narrative of the male warrior with uncontainable sexual needs to sustain morale and maintain heteronormativity among soldiers during periods of combat; and to shift the responsibility for monitoring sexuality and the risks of sexually transmitted diseases to sex workers.[63]

The relationship between sex work and armed conflict involves complex dynamics that go beyond the mere victimisation of sex workers. While there is a system of oppression marked by gender inequalities in a context characterised by an exacerbated use of violence, sex workers are able to mobilise their resources and develop suitable strategies. In this way, they exercise agency to confront situations of violence in both war and peace contexts.

My research revealed that sex workers in Colombia have been itinerant in their work, constantly migrating from conflict zones to less violent ones, guided by the information they receive, usually from other sex workers. This 'floating migration' highlights a greater influence of variables associated with sex work for economic purposes, rather than being exclusively linked to illegal armed groups, such as the paramilitaries.

It is also important to recognise women's agency and consider power dynamics in complex contexts. Relationships cannot be reduced to a victim/victimiser dichotomy. Even in the presence of violence and victimisation, women may deploy strategies of agency and resistance against a gender order that transcends the scope of the armed conflict. Applying a situated approach to understanding the dynamics of labour markets that enable sex workers' decisions in this context will allow for a better understanding of the dynamics of violence.

Conclusion

The conflict in Colombia has left behind a considerable number of victims and, after the signing of the peace agreement in 2016, efforts have been made to recognise the ways in which the Colombian population was subjected to various forms of victimisation. As Gualdrón[64] points out, impunity persists in part due to the silence maintained by victims and communities, a consequence

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62   Gallego-Montes.

63   Enloe, 1993.

64   F S O Gualdron, 'Victimización y violencia sexual en el conflicto armado en Colombia', *Subjetividad y Procesos Cognitivos*, vol. 19, no. 2, 2015, pp. 173–186.

of the relationship of power and control that the various groups involved in the conflict exerted in the territories. However, until the underlying dynamics of the conflict and how the populations experienced them are properly understood, it will be impossible to unravel the intricate relationship developed over decades of confrontation and how violence became ingrained in the fabric of the country.

There are still many gaps in the knowledge about sex workers' connection to the conflict and how they became intertwined with military structures, which acted as consumers of sexual services and perpetrators of violence, reaffirming a male logic of control over sexuality. At the same time, this violence should not be reduced to categories such as human trafficking, sexual slavery, or forced prostitution. Doing so would prevent recognition of sex workers' agency, the similarities between sex work and other forms of employment, as well as manifestations of violence that persist beyond the conflict. It would also exclude sex workers' struggles from broader forms of resistance, like those in other labour sectors where women's work is undervalued.[65]

Although there are gaps in the understanding of the relationship between the sex trade and armed conflicts, my research reaffirmed that the sex trade has persisted in contexts of armed conflict as well as in times of peace. The operations of this market are influenced by various social and economic factors, such as periods of commercial or agricultural bonanza, drug trafficking, or, as examined in this article, the presence of armed groups that demand the services of sex workers.

The sex trade did not emerge as a direct consequence of the conflict; rather, it is a phenomenon that manifests itself before, during, and after episodes of violence. The dynamics of sex work have adjusted and adapted to the context of the armed conflict and its various actors.

There is continuity in the working conditions of sex workers in periods of war and peace, such as long working hours, physical and verbal attacks, threats, and loss of security. In addition to this violence, sex workers are victims of various expressions of violence in other contexts,[66] all guided by the patriarchal social order driven by a moral economy that stigmatises them. However, despite these circumstances, sex workers create information networks and move as 'floating migrants' to resist and evade violence, as well as to find better livelihood opportunities and safety for themselves and their families.

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[65]   Kempadoo, 1996.

[66]   Laverde, 2018.

Dr Carlos Alfonso Laverde Rodriguez is Associate Professor in the Department of Business and International Relations at the Universidad de La Salle, Colombia. His research interests are related to gender and economics, sexuality and labour markets, and the sociology of law. E-mail: clavede@unisalle.edu.co

Short Articles

Human Rights Due Diligence: Risks of modern slavery for workers displaced by conflict

Eloise Savill and Suzanne Hoff

Abstract

This short paper outlines some of the risks of exploitation that people fleeing conflict-affected areas face when trying to access employment in countries of transit and destination. It argues that businesses have a responsibility to prevent and mitigate these risks in their operations and supply chains. Based on interviews with civil society representatives in six European countries, this paper provides a list of measures that employers can take to protect their employees from exploitation.

Introduction

In 2020, a quarter of the world's population was living in conflict-affected countries. By mid-2023, the number of people forced to flee conflict, violence, and human rights violations was estimated to have reached 110 million, more than double the number recorded in 2010 (41 million).[1]

These displaced people are at higher risk of human rights abuses, which may take place in either the conflict-affected areas, along the unsafe migration routes they are forced to take to flee the conflict, or when they arrive in a transit or destination country. Such human rights abuses can include labour and sexual exploitation, including severe forms such as forced labour and human trafficking.

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[1] UNHCR, *Mid-Year Trends 2023*, UNHCR, retrieved 25 January 2024, https://www.unhcr.org/mid-year-trends-report-2023.

Displaced people are at higher risk of exploitation for many reasons, including discrimination, deceptive and coercive recruitment practices, a lack of resources, language barriers, weak social networks, and a poor understanding of labour laws in their transit or destination countries.

Human Right Due Diligence Guidance for Businesses

Russia's full-scale invasion of Ukraine in February 2022 'caused the fastest-growing refugee crisis in Europe since the end of World War II'.[2] European governments, UN agencies, and regional bodies such as the European Union (EU), the Council of Europe (CoE), and the Organization for Security and Cooperation in Europe (OSCE), as well as civil society actors were quick to put in place various measures to support people fleeing Ukraine and reduce the risks of human trafficking, forced labour, and other forms of exploitation they may face. However, the role of businesses in these efforts was much less clear. While employers and businesses recruited and employed people displaced from Ukraine, as they were given temporary EU residence and work permits, there was little focus by these actors to address their vulnerability to exploitation and abuse.

To address this gap, between August and October 2022, we held consultations with representatives of 15 civil society organisations promoting the rights of displaced people in six countries that were receiving some of the highest numbers of people fleeing the war in Ukraine at the time: Bulgaria, Germany, Italy, Moldova, Poland, and Romania. The discussions focused on risk factors for exploitation and barriers to finding decent work affecting people displaced from Ukraine; what measures the private sector should take to prevent exploitation and secure decent work for them; and what measures have been taken by civil society, governments, and the private sector to enable them to access decent work. Based on these consultations, we developed a Guidance on how businesses can prevent and mitigate some of the risks of labour exploitation, forced labour, and trafficking that can affect displaced people.[3]

In this short paper, we present some of the main findings of our research as well as our recommendations for businesses, particularly those that operate or work with suppliers in countries that neighbour conflict-affected areas, or in countries

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[2]   World Bank, 'Fragility, Conflict & Violence – Overview', 2023, https://www. worldbank.org/en/topic/fragilityconflictviolence/overview.

[3]   See the Guidance, including more information about the methodology: E Savill and S Hoff, *Human Rights Due Diligence: Risks of Modern Slavery for Displaced Workers*, Anti-Slavery International and La Strada International, 2023, https://www.antislavery.org/reports/human-rights-due-diligence-on-the-risks-of-modern-slavery-for-displaced-workers.

with high numbers of displaced people. The recommendations are intended to guide due diligence activities to help prevent and remedy the exploitation of displaced people.

Human Rights Abuses Faced by People Displaced from the War in Ukraine

Some of the key issues that stakeholders raised during our consultations included the following:

- **Recruitment practices** lacked regulatory oversight, raising concerns that no proper checks were carried out, which, in turn, left displaced people more exposed to exploitation. In Romania, for example, there were cases of false adverts for jobs in tourism, hospitality, and catering. These jobs turned out not to exist and people were deceitfully recruited into other forms of work.

- **Language barriers**, alongside a low level of understanding of labour rights, created obstacles for displaced people in accessing the labour market. In Poland, there were cases where this was exploited, with workers paying for the translation of required documents which should have been free, and being provided with documents, including labour contracts, which they could either not understand, or that were translated incorrectly.

- **Poor employment practices** were reported in Germany where some displaced people were only provided labour contracts after they had started work. Such practices increased the risk of exploitation because workers were unable to give informed consent to the contract terms before commencing their jobs.

- **Offers of accommodation and transport**, made at the border to people fleeing Ukraine and sometimes linked to employment, were highlighted as potential risks. Stakeholders indicated that many such offers resulted in exploitative working conditions and being housed in accommodation not meeting basic standards. This led to workers becoming dependent on employers and scared to report problems due to the fear of losing their employment or housing.

- **Widespread discrimination** was observed in the provision of support and other services, including those enabling workers to access their rights. In Italy, for example, stakeholders reported discrimination in the provision of accommodation. This included reports of racism directed

against non-Ukrainian nationals who had been living and working in Ukraine but were treated differently than Ukrainian nationals fleeing the war.

- **Excessive working hours** were reported by some people, who were refused statutory vacation days or regular breaks during working hours. In Romania, for example, stakeholders reported cases of excessive overtime in the hospitality sector, which workers were unable to dispute. Displaced people were also paid much lower wages than their Romanian colleagues.

- **Women**, who made up a very high proportion of the people displaced by the conflict, faced specific gender-based risks. According to our interviews, women found it particularly difficult to access clear information, guidance, and support, for example, in relation to childcare. This, in turn, limited their employment options.

Key Recommendations for Businesses

In line with the UN Guiding Principles on Business and Human Rights, businesses have a responsibility to respect human rights. This includes the responsibility to conduct appropriate due diligence to assess, prevent, mitigate, and remedy risks and harm to people. In areas bordering conflicts and in countries accepting a high number of displaced people, businesses need to conduct heightened due diligence due to the increased risk of human rights abuses in these locations.

As a first step, businesses need to raise awareness among their teams and suppliers of the risks of exploitation faced by displaced persons. They also need to assess and identify risks while clarifying who is responsible for implementing related recommendations to prevent, mitigate, and remedy them. In this process, businesses should partner with local NGOs, associations, and experts who are working to protect the rights of displaced people in the countries where their suppliers operate, to identify specific risk factors and how best to protect workers from exploitation.

Other key recommendations for businesses to prevent, mitigate, and remedy the exploitation of displaced people include: to engage with all workers to understand their recruitment journey and provide access to remedy should exploitative recruitment practices have taken place; to check that their accommodation and transportation are decent, safe, and secure; to provide workers with a contract in a language they understand before they start work, as well as training on their rights; and to ensure that displaced workers are able to access a meaningful grievance mechanism with an effective remediation process.

Call to Action

Heightened human rights due diligence is crucial in areas of high risk, including conflict-affected settings. All businesses—from consumer-facing brands to business-to-business suppliers—have a duty to respect the human rights of all those working in their own operations and in their value chains, including displaced people.

The organisations where we work, Anti-Slavery International and La Strada International, encourage all businesses operating in areas hosting a large number of displaced people to use the Guidance we produced, assess their operations, and implement our recommendations while taking into account the specific contexts. By considering the risk areas listed in the Guidance, businesses can effectively undertake due diligence activities to protect and support displaced workers. This means that businesses can play a crucial role in mitigating the negative impact of conflict-related displacement on displaced people.

Eloise Savill is Private Sector Adviser at Anti-Slavery International, the world's oldest human rights campaign which works to understand and eliminate modern slavery through legislative change, research, and advocacy. Eloise leads on the implementation of Anti-Slavery International's advisory work with businesses. This involves working with businesses to develop meaningful due diligence to address forced labour and slavery in global supply chains. Eloise's professional background lies in anti-modern slavery work and research, with a particular interest in developing and supporting businesses to develop worker-driven approaches to eliminating modern slavery. Email: e.savill@antislavery.org

Suzanne Hoff is the International Coordinator of La Strada International, a European NGO Platform against trafficking in human beings. She is responsible for strategy planning, monitoring of European anti-trafficking policies, and coordination of research and advocacy projects. Suzanne has an academic background in East European studies and (television) journalism. Her previous work focused on human rights in Central and Eastern Europe. Email: sh@lastradainternational.org

ANTI-TRAFFICKING REVIEW

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We welcome submissions from a diverse range of actors, including academics, practitioners, trafficked persons and advocates. The *Anti-Trafficking Review* particularly welcomes contributions from those with direct experiences and insights to share.

The *Anti-Trafficking Review* is aimed at a wide readership. It therefore encourages submissions that are in clear, jargon-free English with appropriate but not excessive citation.

Articles should be previously unpublished and should not be under consideration for publication elsewhere. All articles go through a rigorous double-blind peer review process.

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The Anti-Trafficking Review promotes a human rights-based approach to anti-trafficking. It explores trafficking in its broader context including gender analyses and intersections with labour and migrant rights. It offers an outlet and space for dialogue between academics, practitioners, trafficked persons and advocates seeking to communicate new ideas and findings to those working for and with trafficked persons.

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