



## **Addressing Internal Displacement Resulting from Organised Criminal Activity: What Role for the International Anti-trafficking Framework?**

*This fourth volume in our series on 'Internal Displacement in the Context of Organised Criminal Violence' explores the role of the international anti-trafficking framework in addressing internal displacement resulting from organised criminal activity. In so doing, it first unpacks the definition of human trafficking before exploring the intersections with internal displacement and what this means for responses. Ultimately, the paper calls for legal and policy responses to internal displacement to incorporate anti-trafficking obligations so that effective protection can be achieved in practice.*

*The initial five papers in this series draw on research by experts at the [Internal Displacement Research Programme](#) of the Refugee Law Initiative (RLI), working collaboratively with the UN Special Rapporteur on the Human Rights of Internally Displaced Persons in relation to her [2025 Call for Inputs](#) on this theme.*

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### **Introduction**

Addressing internal displacement in any context is a challenging pursuit. Displacement resulting from organised criminal activity is no exception and may carry additional complexity, given the involvement of organised criminal groups. As such, it is important that legal and policy responses are comprehensive, and that every applicable norm is meaningfully

implemented to ensure effective protection for those experiencing or at risk of displacement.

This paper outlines the relevance of the international anti-trafficking framework (i.e. dedicated anti-trafficking instruments and international human rights law addressing trafficking) in responses to internal displacement resulting from organised criminal activity. To do so, it first unpacks the definition of trafficking before setting out two main ways in which human trafficking and internal displacement may overlap. Then, the piece concludes with reflections on the implications of this intersection for legal and policy responses to displacement in the context of organised criminal activity.

### **What is human trafficking? Separating myth from reality**

The term human trafficking is a familiar one within the public discourse, yet its meaning is not always well-understood. In [media narratives](#), for example, trafficking and smuggling are often conflated. Moreover, trafficking is often associated with cross-border movement, which can mean that the need to address trafficking in internal displacement settings is not always readily considered. To understand the ways in which trafficking and displacement resulting from generalized violence may interact, a useful starting point is the definition of human trafficking itself.

Article 3(a) of the [Palermo Protocol](#) contains what is by now the internationally accepted definition of human trafficking, and states that:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation,

forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

This definition is commonly recognised as having three elements: an act, a means, and a purpose. Significantly, the acts listed in Article 3(a) contain both movement-related and other actions. This means, for example, that a trafficked person may be recruited, or harboured, through a form of coercion for the purpose of forced labour and not have been transported anywhere. Equally, a person may be harboured, through threat of force, for the purpose of sexual exploitation, and this, too, would amount to trafficking. Understood in this way, one may begin to reflect on the ways in which trafficking might occur in the context of displacement resulting from organised crime.

### **Human trafficking in the context of internal displacement**

While movement need not occur for conduct to be trafficking, it often does play a role, with acts such as ‘transportation’ and ‘transfer’ playing a key role in trafficking. Sometimes this movement involves crossing an international border, but it can and does occur within the borders of a single state. In these cases, as [Martin and Gallaway](#) note, trafficking can be a form of internal displacement itself. This is particularly pertinent in light of displacement arising from organised crime. Indeed, it has been [well-documented elsewhere](#) that organised criminal groups with much power over a local population can abuse that power through, for example, the recruitment of young people for the purposes of sexual exploitation, or, indeed, for the purpose of criminal exploitation. In these cases, the internal displacement (where it occurs) and trafficking may be found within the same conduct.

This means that there are two protective regimes – IDP and anti-trafficking frameworks – that ought to apply concurrently. Failure to recognise both types of harm can result in reduced protection for the individuals concerned and reduced effectiveness of the applicable legal frameworks. For example, the [non-punishment principle](#) has emerged as a key norm within the anti-trafficking regime. This principle aims to ensure that “trafficked persons should not be subject to arrest, charge,

detention, prosecution, or be penalized or otherwise punished for illegal conduct that they committed as a direct consequence of being trafficked.” Yet, if trafficking is not identified, the principle’s protection – along with the full range of anti-trafficking provisions – will be rendered moot. This will deprive an at-risk sub-group of IDPs of the specialised protection that the state is obligated to provide.

Beyond cases where internal displacement and human trafficking occur within the same conduct, the two harms are linked in another way: those who are internally displaced are often in positions of insecurity and vulnerability, having, for example, lost homes, local community, and, potentially, income. These factors can increase the risk of individuals experiencing harm that constitutes trafficking. This is true of internal displacement arising from a range of harms. [Trafficking risk factors](#) include, ‘poverty, underdevelopment and lack of equal opportunity’, and it is not difficult to see the connection between such factors and the conditions of internal displacement. In the context of organised criminal activity, there may be unique dynamics at play which impact upon risk. For example, it is well known that trafficking often occurs in the context of organised crime. Indeed, there are power dynamics at play when organised criminal groups have significant control over parts of a territory. In settings with limited protection from the state, and significant control from other highly organised entities, the risks of abuse of power and coercion that [lead to exploitation](#) are clearly heightened.

### **Implications for Legal and Policy Responses to Internal Displacement**

By acknowledging – and beginning to unpack – the links between trafficking and displacement resulting from generalized violence, the human trafficking framework is brought squarely into the picture. That framework contains binding international obligations at the international level, both within the [Palermo Protocol](#) and [international human rights law](#) treaties. Anti-trafficking obligations go beyond the duty to prosecute; they also require states to take action to prevent trafficking and provide protection for those persons who do experience such harm. These protections can complement those within the internal displacement

regime and vice versa. Yet, as outlined above, identification is key. In contexts where internal displacement occurs in the context of organised criminal activity, trafficking is not always considered. The [2023 US Trafficking in Persons Report](#) notes, in relation to El Salvador, that “experts reported authorities did not screen for human trafficking indicators among families fleeing gang-controlled communities or other forced displacement victims”. Such oversights are not unique to El Salvador. Indeed, active screening for trafficking in displacement settings is arguably the exception rather than the norm.

Nevertheless, some encouraging practice is emerging on the international plane. Most notably, in 2020, the [Global Protection Cluster’s Anti-Trafficking Task Team](#) published, [An Introductory Guide to Anti-Trafficking Action in Internal Displacement Contexts](#). The guide helpfully sets out guidance on the definition of human trafficking, provides practical examples of what trafficking might look like in internal displacement settings, and sets out important information on the role of the state and other key actors in such contexts. This guidance certainly represents an important step in the right direction and is to be welcomed. It is vital to continue this pursuit of clarity and operational guidance so that responses, in practice, meaningfully incorporate anti-trafficking obligations.

## **Conclusion**

This short paper unpacked the definition of human trafficking and highlighted its relevance in internal displacement settings, especially when the displacement results from organised criminal activity. It highlights the need for legal and policy responses to internal displacement to incorporate anti-trafficking obligations so that effective protection can be achieved in practice. While some encouraging practice is observable in, for example, the work of the Global Protection Cluster mentioned above, there is more to be done. This includes:

- (1) Addressing misconceptions of what conduct constitutes trafficking to ensure that trafficking is always understood as an issue of concern in internal displacement settings, especially given the role of organised criminal groups in this activity.

(2) Pursuing further understanding of the intersections and overlaps between human trafficking and internal displacement (particularly when it results from organised criminal activity); and

(3) Ensuring that anti-trafficking protection, prevention and intervention obligations are meaningfully integrated into responses to internal displacement, especially in the context of displacement linked to organised criminal activity.

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*This paper is part of the Researching Internal Displacement series on 'Internal Displacement in the Context of Organised Criminal Violence'. The first five volumes in this series draw on research by experts at the [Internal Displacement Research Programme](#) of the RLI, working collaboratively with the UN Special Rapporteur on the Human Rights of Internally Displaced Persons in relation to her [2025 Call for Inputs](#) on this theme.*

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