



# Internal Displacement in the Context of Organised Criminal Violence

A new thematic collection and series

*Developed in collaboration with the Special Rapporteur  
on the human rights of internally displaced persons*

REFUGEE LAW  
INITIATIVE

SCHOOL OF  
ADVANCED STUDY  
UNIVERSITY  
OF LONDON



Researching  
Internal  
Displacement

### This Series

The first five volumes in this series on 'Internal Displacement in the Context of Organised Criminal Violence' 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.

### Refugee Law Initiative (RLI)

The RLI is a unique academic centre promoting interdisciplinary research, teaching and exchange on law, policy and practice in refugee and displacement contexts. Established in 2010 at the School of Advanced Study of the University of London, the RLI works in the UK and internationally to promote new research and facilitate practical impact in this field.

### Internal Displacement Research Programme (IDRP)

Established in 2019 by the Refugee Law Initiative, the Internal Displacement Research Programme is presently the only academic programme in the world working exclusively on internal displacement.

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Cover Photo: Tegucigalpa, Honduras

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# PREFACE

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Refugee lawyers had seen cases of individual asylum-seekers fleeing from violent street gangs and other criminal groups since at least the 1990s, particularly from countries in the north of Central America and from Mexico. But it was only in the 2010s that forced migration researchers and policymakers fully understood that these apparently isolated refugee cases had now become part of a wider pattern of forced displacement within societies riven by the presence of violent and organised criminal groups.

## Understanding crime as a driver of displacement

Since then, research has documented the dynamics of this ‘new wave’ of displacement in Mesoamerica. Studies have shown the scale of displacement due to the violence of organised criminal groups can be significant across nations both small (e.g. El Salvador) and large (e.g. Mexico). Governments, civil society and international agencies have begun to take steps to address the dire humanitarian and security challenges facing people displaced within their own countries by criminal violence.

But, a decade later, what do we really know about crime as a driver of displacement? How widespread is the phenomenon? Where do resulting patterns and experiences of internal displacement differ from other violent contexts such as war? How can legal, policy and operational frameworks best address displacement in contexts where criminal groups hold influence? What role do States, civil society and international actors each play in this response? What are its theoretical implications?

## Introducing the series

This new series of short pieces on the Researching Internal Displacement platform focuses on ‘Internal Displacement in the Context of Organised Criminal Violence’. It promotes renewed engagement by researchers and practitioners with the profound questions that remain outstanding on this issue. The series invites reflection on the state of existing research and the potential gaps in our thinking as well as stimulating new research, data and analysis on contexts where this phenomenon is observed.

The series emerges from a research collaboration between experts at the [Internal Displacement Research Programme](#) (IDRP) of the Refugee Law Initiative and the [UN Special Rapporteur on the Human Rights of Internally Displaced Persons](#). It revolves around a thematic report being developed by the Special Rapporteur. A small team of IDRP experts has provided input regarding the call for this report and its content, and their short papers on relevant topics constitute the first five papers in this series.

## Scope of initial contributions to the series

The five papers were published once weekly in early 2025 (now available in this collection) and draw on research by IDRP experts. The **first paper**, by Prof. David Cantor, [reflects on what we have learnt in the past ten years](#) about internal displacement in the context of violence by organised criminal groups in Central America. It argues that labelling these situations as ‘criminal’ should not distract us from the similarities, as well as differences, with the dynamics of displacement during armed conflicts. The piece points to the attendant implications for protecting and assisting the internally displaced in this context.

The **second paper**, by Dr Victorie Knox, [looks at how violence involving organised criminal groups and networks causes significant displacement](#), above all in Latin America and the Caribbean. It examines the structural factors that underpin violence and risk from organised criminal groups and how this generates displacement, with a focus on the role of the State. The paper then considers how displacement by violence and risk from organised criminal groups plays out, describing the distinct displacement dynamics that ensue and the general lack of effective responses.



The **third paper**, by Dr Miriam Bradley, examines international law on the use of force in situations of violence linked to organised crime. These can reach the thresholds for armed conflict, triggering international humanitarian law (IHL) applicability, in addition to international human rights law (IHRL). While an armed conflict classification can activate international mechanisms for protection during war, the application of IHL reduces the protections afforded under IHRL and may do more harm than good for IDPs and those at risk of displacement. International protection mechanisms must ensure fuller protection of IDPs.

The **fourth paper**, by Dr Gillian Kane, 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 **fifth paper**, by Gabriela Malo, looks at internal displacement generated in the context of violence by criminal groups in Ecuador, describing this relatively new and little-discussed form of injustice affecting tens of thousands of Ecuadorians per year. With little government acknowledgement of the problem, the needs of people displaced by criminal gang violence remain under-resourced and unaddressed. As a result, the paper argues that most affected people have little recourse to assistance, lacking knowledge of how and where to seek protections and solutions.

The papers in this series sit alongside a more extensive body of work on the topic developed by other authors on the Researching Internal Displacement platform over the past few years. Most of this work concerns internal displacement in the context of organised criminal violence in Latin American countries. It includes short pieces like those in this series, longer working papers and video documentaries – mostly produced by researchers and practitioners from that region (with some in Spanish). You will find those in our blog and working paper collections.

#### **Looking to the future: contribute to the series!**

Internal displacement due to organised criminal violence raises pressing questions for researchers (alongside those for practitioners identified by the Special Rapporteur). The initial papers in the series address some of them, but many others require resolution. It is notable also that most research and policy on this issue is concentrated in the region of the Americas, particularly in Mesoamerica and Colombia. It is imperative that we broaden the understanding of this theme to other countries and regions. Organised criminal violence has led to displacement and other humanitarian effects in many other settings.

We welcome new contributions to this series on ‘Internal Displacement in the Context of Organised Criminal Violence’. They can be on any theme, region or country relevant to this topic – and can take the form of original short pieces, longer Working Papers or artistic creations. They must not be published elsewhere. For the Researching Internal Displacement guidelines for contributing authors, please see relevant sections of the [Blog](#) and [Working Paper](#) pages on the site. For any other questions, or to propose or discuss a submission, please contact the editorial team via the [rid@sas.ac.uk](mailto:rid@sas.ac.uk) mailbox.



David Cantor  
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Refugee Law Initiative



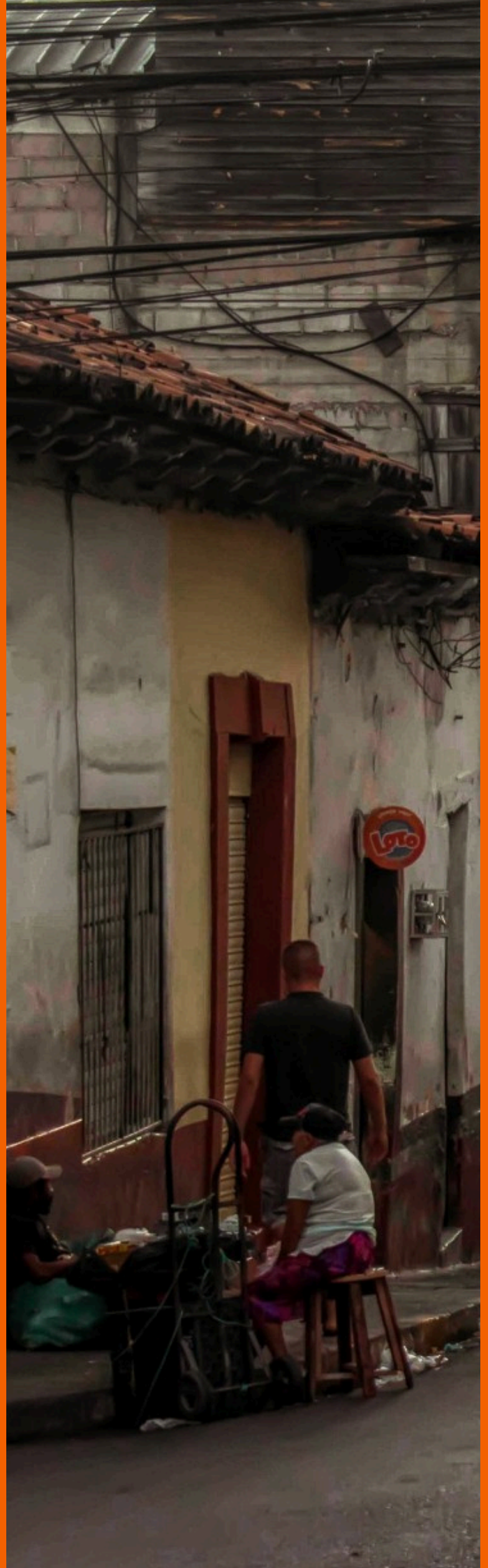
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# 1

## **Criminal Groups and Internal Displacement: What Lessons Can We Learn from Central America Ten Years On?**

First published on 20 February 2025  
Written by David Cantor

Photo: Tegucigalpa, Honduras



This short piece, which looks at internal displacement in the context of organised criminal violence in Central America, argues that labelling these situations as ‘criminal’ should not distract us from the similarities, as well as differences, with dynamics of violence and displacement during armed conflicts and points to attendant implications for protecting and assisting the internally displaced in this context.

This is the first paper in a mini-series of five papers on ‘Internal Displacement in the Context of Organised Criminal Violence’. The series draws 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.

## Introduction

Criminal groups have driven a wave of displacement in the north of Central America - El Salvador, Honduras and Guatemala. In 2014, escalating arrivals of refugees from these countries at the US southern border attracted global media interest; and drew attention to the role of criminal groups in driving displacement. But levels of internal displacement in these small countries have also been significant and continuing. As of 2024, at least 318,600 people were internally displaced just in El Salvador and Honduras.

Ten years on, what wider lessons does this regional context hold for how we understand and respond to internal displacement linked to the violence of criminal groups? In these countries, such groups have included violent street gangs - like those affiliated to the MS-13 and Barrio 18 identities - and local criminal organisations dedicated to cross-border trafficking of goods, as well as Mexican drug cartels. This short paper identifies four main learning points that illustrate why labelling of such groups as ‘criminal’ should not serve to distract us from their potential to drive patterns of population displacement.

## Criminal groups as ‘armed actors’

In the countries of the north of Central America, it has been possible to analyse how such criminal groups drive displacement by understanding them as organised armed groups operating in localised contexts where State authority is attenuated. These situations display strong similarities with low-intensity armed conflicts. For instance, they have comparable levels of violence in ‘hotspot’ locations. Equally, both criminal groups in the north of Central America and parties to conflicts such as Colombia depend on illicit economic activities (and have but tenuous ‘political’ aims). Likewise, in both, the State contributes to the violence (often using military as well as police forces) and ultimately treats any opposing armed groups as ‘criminal’. The point here is not that the situations of violence in the north of Central America are ‘armed conflicts’ (although some might qualify as such). Rather, by treating criminal groups as strategic armed actors like those in conflicts, we can better grasp how they contribute to displacement crises.

For instance, it is clear that only certain kinds of criminal groups drive displacement at scale. In the north of central America, they are those that pursue, however incoherently, control of local populations in ways that include (but need not be limited to) the use or threat of violence. Yet, even among such criminal groups, considerable differences are also seen to exist between the different kinds - e.g. gangs, local trafficking groups and Mexican cartels - in terms of structure, locality, scale, aims and methods. For instance, in the north of Central America, the cliques of the main violent street gangs have tended to be small, relatively undisciplined and poor, localised to a few square blocks of urban zones and often act in predatory ways towards inhabitants. By contrast, groups engaged in cross-border trafficking have tended to be larger and better organised and resourced, operating across extensive predominantly rural zones, and usually less predatory towards inhabitants. As we will see, such particularities shape the ensuing dynamics of displacement in the respective zones.

## Shaping the dynamics and profiles of displacement

In the north of Central America, displacement ‘hot spots’ have tended to concentrate in urban zones.



It is also often atomised and pre-emptive, i.e. individuals or families fleeing the threat of death as perceived traitors, rivals or informants or, with gangs, as resisting extortion or their wide range of other arbitrary rules. Allowing someone to live and leave the area is usually not in the illicit group's interests. As such, displaced people with these profiles face serious protection risks if they return home or are located by the group (and some people are actively pursued). However, people also leave the zones where groups such as gangs operate due to more diffuse pre-emptive fears about insecurity, often losing out financially as a result. Finally, criminal groups do sometimes displace people intentionally in order to occupy lands or houses. Similarly, where control of the zone is disputed between two or more groups, they not only scale up the threat of violence underpinning 'everyday' displacements but also often order mass displacements as a quick way to get rid of any 'suspect' inhabitants.

In these contexts, the differentiating and often targeted nature of the violence underpinning displacement creates different profiles of protection needs among the displaced, based principally on which criminal group they are fleeing and in what circumstances. For instance, youths from poor neighbourhoods find themselves again of interest to the criminal groups present in the areas to which they displace or are generally vulnerable to violence from State security forces. Likewise, the conservatism on issues of sex and gender that cuts across society (including gangs and the State) can heighten protection risks for female and LGBTIQ+ individuals. Extreme avoidance strategies can be seen post-displacement as well as prior to flight, with at-risk youths confining themselves hidden within the family house for weeks or even months. Protection needs, as well as displacement patterns, can thus be highly differentiated.

### **Responding to the displacement crisis**

The State is an ambiguous actor in the violence affecting these countries. The limited capacity of its civilian institutions, the aggressive violence of its security forces and the degree of infiltration by criminal elements (such that it cannot always be neatly separated from them) are all factors that contribute to the displacement crisis. Criminal groups are not the only drivers of violence and displacement here. Indeed, in many ways, the State acts like a State involved in a low-intensity conflict (even at times trying to negotiate settlements with gang structures, as in El Salvador in 2020). But there are also differences. For instance, the fact that the Salvadorian security forces could, in a matter of months in 2022, enter gang territories and locate, arrest and detain all suspected gang members (and many innocent youths too) and 'pacify' those localities indicates that, for a State determined to take extreme (and probably unlawful) measures, the gangs' territorial 'control' was flimsier than that of non-State armed groups in conflicts. At the same time, the scope for the State or other actors to agree and sustain 'humanitarian' accords or access with criminal groups appears relatively more limited.

In this context, 'recognising' displacement as a humanitarian issue (and not just a matter of suppressing crime) can be a challenge, given government concerns about the resulting political impact. But addressing the needs of displaced persons through penal law provisions for victims of crimes is ineffective when the displacement is at scale or where the displaced are required first to denounce a crime (thereby denying protection to the many people who displace pre-emptively in this context and bringing additional dangers for them as 'informants'). By contrast, by adopting displacement-specific laws, Honduras and El Salvador have been better able to tailor the protection and assistance response towards the needs of displacement-affected people. Given resource scarcities in each country, the frameworks also usefully prioritise interventions based on needs within those populations. In both countries, UNHCR – the UN refugee agency – played an important role in supporting the development of this response.

### **The 2014 north of Central America situation: an aberration?**

It is tempting to see the north of Central America in 2014 as paradigmatic of displacement driven by criminal groups. But, whilst that context attracted substantial interest, it was not static through time. Gangs and trafficking groups are highly adaptable and how they operate and use violence can shift quite quickly, often in response to external factors.

Indeed, the surge in displacement in the north of Central America in the mid-2010s itself arguably reflected a change in the scale and methods of extortion practised by gangs in urban zones. Likewise, in the rural areas, it partly reflected the sudden introduction of brutal violence by rival Mexican cartels and their proxies seeking to take over trafficking routes. Conversely, the recent mass detentions in El Salvador have dramatically curtailed the scope for gangs to operate (whether this is sustainable is less clear). Thus, criminality in such contexts should not be seen as endemic or unchanging, but rather they should be recognised as having the potential to shift rapidly with changes in the underlying conditions, in much the same way as conflict dynamics.

Conversely, in regional terms, the north of Central America is not an aberration. In the past ten years, criminal groups elsewhere in the Americas have generated significant displacement in parts of Mexico, Brazil, Venezuela and under the umbrella of the armed conflict in Colombia. This is also ever more evident in Ecuador. In Haiti, the breakdown of State authority has seen over one million people internally displaced, many multiple times, as predatory criminal gangs consolidate their power in a vacuum of State authority. Indeed, a shift towards criminality as a key driver in the dynamics of organised social violence is evident across the Americas. But violent criminal groups operate and produce displacement in contexts of weak State authority in many other parts of the world. In Nigeria, for instance, extensive attacks by armed criminal gangs in North West State have forced people to flee their homes. In parallel, many internal armed conflicts across the world are shaped in important ways by the efforts of armed actors to control illicit economies. The Democratic Republic of Congo is but one tragic example of lives lost and people displaced.

### Looking to the future

The 2014 wave of displacement in the north of Central America was not a temporal anomaly and, in some of those countries, it continues to this day. It was also not a geographical anomaly: similar kinds of armed criminal groups are present in many other countries in the world. Where they seek to control local populations in ostensibly 'peaceful' but violent locations where State authority is weak, dynamics of forced displacement are likely to emerge as a result of the activities of such groups and/or the State's security forces. The same is true where they operate under the umbrella of more established armed conflicts. Finally, we should be alert also to the involvement of armed criminal groups in development projects that generate their own displacements. The fact that we label groups such as gangs, trafficking organisations and cartels as 'criminal' must not blind us to the wider social and humanitarian consequences of their activities - that includes displacement.

*David Cantor is Professor and Director of the Refugee Law Initiative and its Internal Displacement Research Programme. This short piece draws principally on his research on conflict, violence and displacement in the Americas since 2004.*

### Selected bibliography

- Cantor, David (2023) Criminal Groups and A Decade of Displacement in Central America and Mexico. *Brown Journal of World Affairs*. 29(1), pp. 1-19.
- Cantor, David (2018) Returns of Internally Displaced Persons during Armed Conflict: International Law and its Application in Colombia. Leiden: Martinus Nijhoff.
- Cantor, David (2016) As deadly as armed conflict? Gang violence and forced displacement in the Northern Triangle of Central America. *Agenda Internacional*, 23 (34). pp. 77-97.
- Cantor, David (2014) The New Wave: Forced Displacement Caused by Organized Crime in Central America and Mexico. *Refugee Survey Quarterly*, 33(3), pp. 34-68, <https://doi.org/10.1093/rsq/hdu008>
- Knox, Vickie (2019) Gang violence, GBV and hate crime in Central America: State response versus State responsibility. *Forced Migration Review*, pp. 61-62.
- United Nations High Commissioner for Refugees (2018) Eligibility Guidelines for Assessing the International Protection Needs of asylum-seekers from Guatemala, <https://www.refworld.org/policy/countrypos/unhcr/2018/en/120120>.

# 2

## **Internal Displacement Caused by Violence Perpetrated by Organised Criminal Gangs and Networks: Drivers and Dynamics**

First published on 27 February 2025  
Written by Victorie Knox

Photo: Honduras Street scene. 2023 © Victorie Knox





This second volume in our series on ‘Internal Displacement in the Context of Organised Criminal Violence’ looks at how violence involving organised criminal groups and networks causes significant displacement, above all in Latin America and the Caribbean. The first part of this paper examines the drivers and structural factors that underpin violence and risk from organised criminal groups and how this manifests to cause displacement, with a focus on the role of the state, either by its action or inaction. The second part examines what displacement by violence and risk from organised criminal groups look like, describing distinct displacement dynamics that ensue and the general lack of effective responses.

## **Part I. Factors underpinning criminal violence and displacement caused by criminal groups**

### **Locating violence**

Many of the countries most deeply affected by violence involving organised criminal groups and networks have violent historical backgrounds, which may include more recent political repression, dirty wars or civil conflict, or past colonial domination. Violence linked to criminal groups is particularly prevalent in Mexico, northern Central America, and parts of the Caribbean and South America. While certain countries and cities are more impacted than others, within these, those areas most affected are often the most marginalised and deprived areas, although some areas may be considered strategically attractive for criminal activities (such as drug trafficking or production, or border areas for smuggling) or have resources of economic interest. Within countries and cities that are widely understood to be affected by organised criminal networks and groups – for instance, Mexico and San Pedro Sula in Honduras – some areas are safe and relatively unaffected, some are moderately affected while other areas are affected by extreme levels of violence. In this respect, rather than specific geographical locations, areas most affected by criminal activities are usually distinguished by their demographic characteristics – as places of social exclusion and an absence of effective state presence – or by their strategic importance to criminal groups.

Local dynamics and political changes can lead to sudden and perhaps unpredicted and volatile increases in violence and incursions into previously unaffected or less affected areas. This happens with incursions of criminal groups into new areas or markets, or when criminal groups battle for control over territory, economic activities or local illicit markets. There may also be rifts or power struggles within organised criminal groups or changes to their activities that cause areas to be affected by new or higher levels of violence, leading to displacement of families, households and communities, including incidents of mass displacement, resulting in the breakdown of the social fabric and abandoned ‘ghost towns’. Most recently, significant increases in gang violence have occurred in Haiti, Trinidad and parts of Ecuador and Mexico.

Gang violence has exploded in Haiti since 2021 amid political instability, particularly in the capital Port-au-Prince, causing extremely high levels of violence and homicides as well as a breakdown of essential services. A million people have fled violence, although conditions in displacement are dire and internally displaced persons (IDPs) are vulnerable to further violence – especially gender-based violence – and secondary displacement. In Ecuador, alongside displacement caused by gang violence, extortion and forced recruitment, thousands of households have been forcibly displaced as criminal groups seize homes to establish themselves and their operations.<sup>1</sup> Recently, violence and displacement have risen in the state of Chiapas in southern Mexico, as large criminal groups – notably the Sinaloa Cartel and the Cartel Jalisco Nueva Generación – battle for control of strategic areas for illicit trafficking in a region also affected by conflict over natural resources. Rifts between two entities of the Sinaloa Cartel in the latter part of 2024 have caused extreme violence to erupt in the Mexican state of Sinaloa, resulting in widespread displacement of individuals and communities as the groups battle amongst themselves and with state security forces.

### **Underlying drivers and structural factors**

A core underlying driver of the establishment of violent criminal groups is a lack of effective state presence, from the perspectives of both security and social provision. This creates vacuums in which cri-

minal groups can establish and assert their authority, enforcing it with violence. In this context, such groups usurp key elements that are normally monopolised by the state: use of force, taxation and cross-border trading.

The establishment of violent criminal groups has deep roots in the absence of effective state presence and services in marginalised communities and the political, economic, and social marginalisation and exclusion of people who live there, especially the young. Poverty, a lack of opportunities, job insecurity and entrenched inequality and disadvantage also make people vulnerable to involvement in criminal activities as a survival strategy, for both economic and protection reasons, and this may be heightened by family breakdown or parental absence because of work or emigration. Within this context, in addition to finding recruitment opportunities, criminal groups may become important social actors, providing services to local communities that the state has failed to deliver. This may range from providing healthcare, housing, and jobs in Sinaloa, Mexico to controlling household utilities in northern Central America.

Patriarchal attitudes and gender stereotypes contribute to the extreme machoism of organised criminal groups and to the intersections of gang violence with GBV and SOGI violence. Within this context, boys and young men are most vulnerable to forced recruitment and homicide. Gangs consider women and girls within their territory as their 'property', systematically using threatened or actual sexual violence, sexual torture and rape to terrorise and control, to punish 'disobedience' and to force compliance, and sexually exploiting and abusing minors.

While access to illicit markets and activities – such as the trafficking of drugs, weapons and human beings, drug manufacture, local drugs markets, and people-smuggling – is attractive to criminal groups, their activities are not limited to these, and to conceptualise them solely in this manner would not be conducive to developing effective responses. Gangs operate widespread extortion within areas under their territorial control, and large criminal groups in Mexico also collect dues, known as piso, on the transit of licit and illicit goods through their territory – or from smaller groups conducting certain criminal activities within it. Groups are increasingly involved in ostensibly legitimate commercial activities – including cattle-ranching, timber extraction and natural resource exploitation – to launder money and generate income.

### **The role of the state**

Although the perpetrators of criminal violence are non-state actors, the role of the state must not be underestimated. This is particularly so in contexts where there is entrenched corruption and strategic links between organised crime and officials that enable criminal groups to operate and flourish. Organised criminal groups rely on a weak rule of law to develop and operate freely, but the state role in this is not just passive. To maintain power, criminal groups require state acquiescence through impunity or collaboration through corruption, and ensure this through strategies of coercion, collusion, infiltration, force or threats. This can produce its own distinct violence, which may become more extreme in times of political change and elections, as demonstrated, for instance, in targeted violence against candidates in elections in various states of Mexico.

Impunity in the context of organised crime and corruption derives from three intersecting factors. Firstly, in the context of a weak rule of law, corrupted state agencies and criminal gangs' code of silence (known in central America as *ver, oír y callar* or 'see, hear and shut up'), there is a reluctance to report gang crime because of a fear of violent reprisals, amplified by the fear of information being leaked to gangs by corrupt or coerced state agents. Secondly, there can be practical challenges to effective responses, such as institutional weakness and a lack of capacity to respond to the volume of widespread violence. Thirdly, the corruption of state institutions and authorities prevent the meaningful pursuit of justice, undermining people's confidence in the authorities to provide effective protection or guarantee confidentiality. Nonetheless, these problems must be understood as part of much greater state failings in terms of their responsibility to prevent violent crimes, punish offences and provide legal remedy.

### Adverse impact of security responses

State security operations and responses to organised crime can aggravate situations, restrict civil liberties and displace criminal groups to previously unaffected areas. Repressive responses to organised crime and gang activity may adversely cause further displacement. Young people living in gang-affected areas in El Salvador and Honduras flee arbitrary harassment, police violence, and death squads that conduct ‘social cleansing’ by killing suspected gang members, while other residents flee after night-time raids, fearing persecution either from gangs or the police. In both Honduras and El Salvador, increased raids and security operations in gang-affected urban areas have led gangs to move to previously unaffected rural areas, which in turn has caused some rural residents to flee. Furthermore, security-based responses to generalised violence do not address the root causes of such violence, such as inequality, poverty, exclusion and discrimination, or equip people for non-violent conflict resolution. While the recent crackdown on criminal gangs in El Salvador has resulted in reduced violence, many actions taken under this repressive response do not comply with international human rights norms, and the sustainability of this approach remains to be seen.<sup>2</sup>

## Part II. Displacement dynamics caused by criminal violence

### Fleeing threats

Displacement is often a by-product of criminal activity, threats and violence, with people fleeing to escape increased risk. This may be due to rising levels of violence locally or a targeted threat, where people flee to escape the violent enforcement of gang demands. The triggers of displacement include murder attempts or violent assaults, the murders of close relatives or partners, death threats, forced recruitment, extortion, sexual exploitation of minors, and witnessing crimes. People targeted by gangs have heightened security concerns before and after displacement and may be pursued by gangs to secure their demands or mete out violent punishment. The level and immediacy of risk and the extent to which risk persists after displacement depend on how serious gangs perceive such ‘infractions’ to be.

Not complying with gang demands (e.g. extortion) or resisting their authority (e.g. refusal to collaborate) can incur actual or threatened violence and death threats, often provoking displacement. Resisting forced recruitment is an affront to gang authority and usually punished with murder, with risks extending to family members. Being a witness, reporting a crime or cooperating with authorities is a violation of the gang rule of silence, and those who cooperate with authorities are viewed as traitors. They and their family are at risk of murder, which continues after displacement as gangs might pursue such people relentlessly. Children and adolescents targeted for forced recruitment, collaboration or sexual exploitation in Central America may be sent to live with relatives in another part of the country, forced into self-containment (autoencarcelización, i.e. living in hiding),<sup>3</sup> or flee with their family.

### Targeting of distinct profiles

People with certain profiles may be ordered to leave because a criminal group does not want them in the area, and others may be forced to flee because of violence or threats related to these. This may be an innate characteristic that conflicts with the machoism of criminal groups, such as their sexuality. For instance, LGBT+ people may be ordered to leave gang territory in northern Central America. Others may be targeted because of their work, with certain groups at particular risk of being targeted with harassment, threats and violence, including journalists working on issues such as corruption and organised crime, human rights defenders, and people working on violence prevention and youth projects. Police and military officers and their families may be forced to flee. People in certain professions may be disproportionately targeted for extortion and, therefore, resort to displacement in response. This includes transport workers (bus drivers, taxi drivers), small business owners and street traders, as well as school teachers, who may also be forced to allow gangs access to schools for criminal activities and falsify grades. Others may be extorted for their professional services, such as nurses and doctors who are forced to give clandestine care to members of criminal groups. People with these distinct profiles may experience difficulties in re-establishing themselves internally and/or finding safety, even though some states may offer – in principle – special protection mechanisms or relocation opportunities for certain pr-



ofessions.

### **Deliberate displacement**

Criminal groups may employ displacement as a strategy to secure property or land, forcing families or entire communities to flee, resulting in somewhat distinct displacement dynamics. This is perpetrated by various actors in different contexts – from the usurping of a single house for criminal purposes to the seizing of land for overtly criminal or ostensibly legitimate activities. Groups expropriate strategically located houses for use as lookouts or places where they can store illicit goods, or for gang members or their families to live, forcing residents to vacate with death threats or actual violence, with the police often reluctant to intervene. Street gangs in Honduras expropriate properties in this manner or for use as *casas locas* ('crazy houses'), where they conduct illicit activities, and criminal groups in Ecuador have seized people's homes to consolidate power and develop operational bases.<sup>4</sup>

Entire communities or multiple communities within a region may be forced to flee by criminal organisations who want control of their land for illicit activities, such as drug-trafficking or production or the cross-border smuggling of goods and people. Thousands of people and numerous communities have been forcibly displaced in Chiapas, Mexico in recent years as large criminal groups vie for control of strategic border zones and terrestrial routes. Mass displacement is also provoked to facilitate the involvement of organised criminal groups in resource extraction and other ostensibly legitimate activities, either for money laundering or as additional sources of income in their portfolio – from gold mining in Colombia to cattle-ranching in Honduras to avocado production in Mexico. To secure access to such resources, groups order communities to leave. In Guerrero, Mexico, numerous rural communities have been forced to flee by criminal groups, who seize control of regions rich in resources such as timber and precious metals.

### **Intersecting displacement drivers and the blurred lines between perpetrators**

Criminal violence may also intersect with other displacement drivers or sources of violence. There may be blurred lines between state and criminal actors in some contexts, where perpetrators of violence may have shared interests, criminal actors may be coopted by state actors, or an array of interlinked actors, including private security companies, criminal groups, and paramilitaries, work complicitly with the security forces and state entities at the local and/or national levels. State actors or local elites may engage criminal groups as 'security' to force through megaprojects (mining, tourism, dams, etc) with harassment and violence or to harm, assassinate or remove local resistance and land-defenders, as is happening in parts of Honduras and Mexico. While such projects and the associated violence may cause displacement in the broader community, defenders may adopt immobility as a form of resistance.

Likewise, the broadening of criminal portfolios can lead to incursions into new economic markets, such as timber, mining and cattle-ranching, provoking displacement. For instance, organised criminal groups have become involved in natural resource extraction in Mexico's resource-rich states, causing further violence and displacement. There are also blurred lines around some vigilante groups, community police and self-defence groups (*autodefensas*) that form in response to the presence of organised crime. While some *autodefensas* that formed in Michoacán, Mexico in 2013 were absorbed by state forces as rural police, others morphed into criminal groups, joining an array of interlinked perpetrators of violence, causing significant and protracted displacement.

### **What displacement looks like**

People who are at immediate or imminent risk of highly targeted violence or persecution, together with their close relatives or partners, tend to flee quickly and discretely, often without much time to plan. This displacement happens in an atomised, or drop-by-drop, manner, with individuals or families leaving one-by-one, although such displacements can result in whole streets or neighbourhoods being slowly abandoned. Because a place of safety is not the same for all, people's movements are unpredictable and ostensibly random, but their decisions and individual trajectory follow the same logic of an individual safety plan.

Internal displacement in El Salvador and Honduras is precarious, transient and often abandoned for cross-border flight. The lack of state responses and the pervasive reach of gangs and their communications networks mean there are limited options in-country. Internal displacement is, therefore, often ineffective and unsustainable, with people unable to find a place of genuine and lasting safety. Three distinct characteristics of displacement have been observed: repeated displacements, with several temporary moves; self-containment; and the abandoning of internal displacement for cross-border flight. IDPs are displaced in the context of the state conditions that have allowed or enabled this violence, whether by corruption and impunity, the weak rule of law, or the failure to prevent human rights violations and tackle the root cause of violence. As well as perpetuating violence, state failure to provide effective responses and protections for victims of crime means that many IDPs are unwilling or unable to access protection, and this contributes to displacement and shapes displacement dynamics. Those with limited economic means might have to rely solely on social capital during displacement. They may even be unable to travel to find safety and thus resort to self-containment.

People may be too scared to approach the state for protection as information may be leaked to perpetrators by corrupt or coerced state agents, resulting in violent reprisals or murder. IDPs tend to fear ongoing risk and pursuit by gangs after displacement. Likewise, IDPs might be rejected by the host community and even family members, who fear for their safety if they offer refuge or – in some parts of Guerrero, Mexico – even speak to IDPs who arrive. This clandestinity and the reluctance to approach authorities present significant challenges to securing protection during displacement. This also makes it difficult to accurately record and track displacements, thus adversely affecting the development and implementation of effective responses and preventative measures.

*Victorie Knox is a lecturer in Refugee Studies at the University of London's Refugee Law Initiative. This short piece draws on her research on organised crime, corruption and displacement in Central America, Mexico and the Caribbean since 2011.*

## Endnotes

- 1 See also Malo, G, 2025, "As criminal violence grows, Ecuadorians escape internally. A government stance on displacement is pending".
- 2 See also Cantor, DJ, 2025 "Criminal Groups and Internal Displacement – What Lessons Can We Learn from Central America Ten Years On?"
- 3 A type of forced immobility, undertaken as a protection strategy, either before or after displacement.
- 4 See also Malo, G, 2025, "As criminal violence grows, Ecuadorians escape internally. A government stance on displacement is pending".

## Selected bibliography

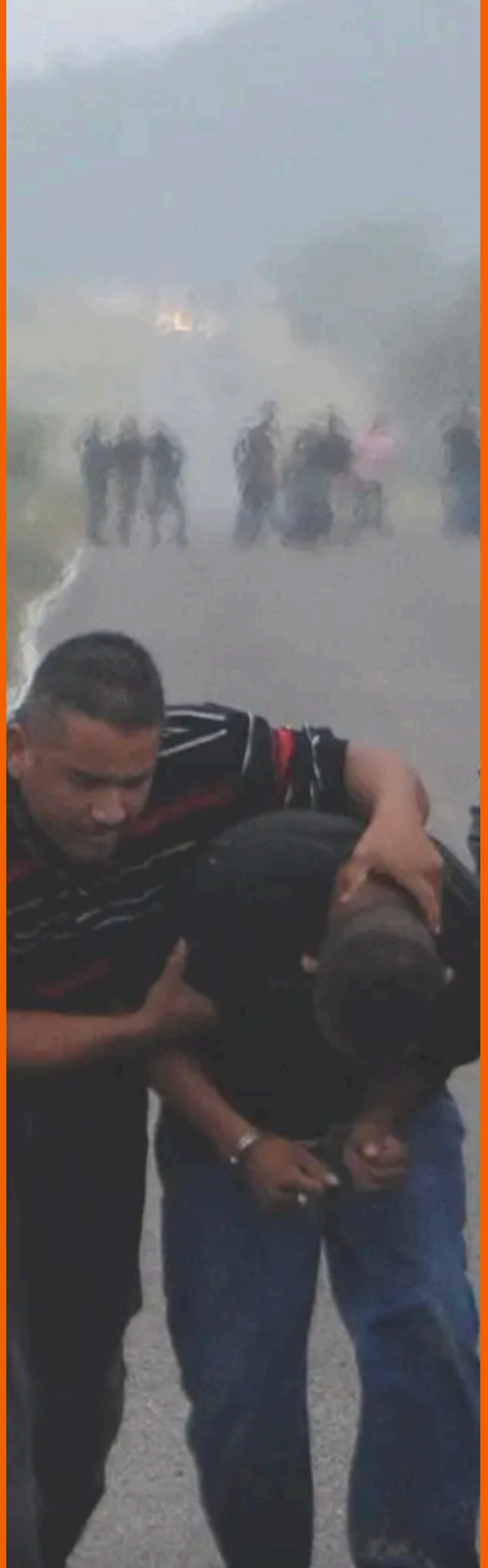
- Cantor, David (2023) Criminal Groups and A Decade of Displacement in Central America and Mexico. *Brown Journal of World Affairs*. 29(1), pp. 1-19.
- Cantor, David (2016) As deadly as armed conflict? Gang violence and forced displacement in the Northern Triangle of Central America. *Agenda Internacional*, 23 (34). pp. 77-97.
- Cantor, David (2014) The New Wave: Forced Displacement Caused by Organized Crime in Central America and Mexico. *Refugee Survey Quarterly*, 33(3), pp. 34-68, <https://doi.org/10.1093/rsq/hdu008>
- Knox, Vickie (2019) Gang violence, GBV and hate crime in Central America: State response versus State responsibility. *Forced Migration Review*, pp. 61-62.

# 3

## **The Applicability of International Human Rights Law and International Humanitarian Law in Situations of Violence Linked to Organised Crime**

First published on 6 March 2025  
Written by Miriam Bradley

Photo: Sonora, Mexico. "Helicopter" by Knight Foundation





This third volume in our series on ‘Internal Displacement in the Context of Organised Criminal Violence’ examines international law on the use of force in situations of violence linked to organised crime. Such violence can reach the thresholds for armed conflict, in which case international humanitarian law (IHL) applies, in addition to international human rights law (IHRL). While an armed conflict classification can activate international protection mechanisms, the application of IHL reduces the protections afforded under IHRL and may do more harm than good for IDPs and those at risk of displacement. The author calls for a reorientation of international protection mechanisms to ensure fuller protection of IDPs.

## **Introduction**

In general, international human rights law (IHRL) applies in situations of violence linked to organized crime networks and groups. Only when a situation of violence meets the international humanitarian law (IHL) thresholds for armed conflict does IHL apply. With a focus on Latin America, this short paper suggests that those thresholds may have been met in some contemporary cases of violence linked to organized crime. It argues, however, that an armed conflict classification and the concomitant application of IHL represent a double-edged sword. While an armed conflict classification can serve to activate some kinds of international protection mechanisms, the application of IHL can equally serve to legitimize militarized responses to organized crime and tends to reduce, rather than extend, the legal protections enjoyed by internally displaced persons (IDPs) and those at risk of displacement.

## **Violence linked to organized crime networks and groups**

Organized crime networks and groups use violence against each other, state agents, and the wider population. In response, and frequently in collusion with criminal actors, state agents use violence against criminal actors and the population. Conflict scholars increasingly argue against dichotomising “criminal violence” and “political violence”. They have shown, however, that an empirically sound and analytically useful distinction can be made between actors who seek to overthrow or secede from the state, as in traditional insurgencies, and those whose ambitions are limited to influencing the making or enforcement of state policy. In Latin America, for example, most organized crime groups have more limited aims vis-à-vis the state and, consequently, employ violence according to a logic of coercion rather than conquest. Empirical studies have shown that they tend to minimize direct confrontations with police or military, and that they depend on collusion with state agents.

Violence linked to organized crime drives displacement. We lack adequate data on the scale and nature of such displacement, but the available evidence suggests that displacement is sometimes a deliberate strategy of organized crime groups and sometimes an incidental consequence of other strategies (extortion, forced recruitment etc). Through acts of commission and acts of omission, state agents also bear responsibility for displacement.

## **International human rights law**

In general, IHRL applies in situations of violence linked to organized crime. IHRL emerged in the aftermath of World War II, and for decades it was widely held that it did not apply in situations of armed conflict, which were the exclusive preserve of IHL. Now, however, it is widely accepted that IHRL applies both in peacetime and during armed conflict.

IHRL imposes tight restrictions on the use of (lethal) force by state agents, and in peacetime, they are expected to operate under a law enforcement paradigm. This means that the use of force should normally be limited to the police, and the use of firearms is permissible “only where necessary to counter an imminent or grave threat to life or physical integrity, and when less violent means are not or would not be effective.” The lowest amount of force necessary to achieve a law enforcement objective is to be applied. IHRL also sets out a range of protections specifically for IDPs and those at risk of displacement, as collected and set out in the Guiding Principles on Internal Displacement. While the rights of individuals laid out in IHRL primarily imply duties or obligations of states, it is also now well established that non-state actors, including armed non-state actors, have obligations under IHRL. Non-state actors are also bound by domestic law; by definition, murder and other criminal activities are prohibited.

## **International humanitarian law**

Different rules of international law apply where the violence in question meets the thresholds for armed conflict. Also known as the law of armed conflict, IHL applies in international and non-international armed conflicts (IACs and NIACs). An IAC occurs when there is a resort to armed force between states, including even minor skirmishes between armed forces, with no minimum threshold for the intensity of violence. The difference between NIAC and other kinds of organized armed violence is defined by thresholds relating to the intensity of lethal violence, and the level of organization and territorial control of participating non-state armed groups. The motives of those armed groups are irrelevant, and the applicability of IHL depends on the facts of the situation and not on any recognition of armed conflict by its parties.

## **Classifying situations of violence linked to organized crime**

Despite levels of lethal violence equalling or exceeding those in conventional wars, situations of violence linked to organized crime are often not formally classified as armed conflict. Given the motives of participating armed groups are irrelevant, in principle this kind of violence can constitute armed conflict as per IHL. There is no central authority to provide a definitive assessment of the facts in any given situations of violence, and while the International Committee of the Red Cross (ICRC) has the moral and expert authority to make such an assessment, it does not always make its classifications public. The parties to any conflict are expected to determine the applicable legal framework, but they may face incentives to classify a situation as NIAC when the IHL thresholds have not been met or, conversely, to deny the existence of a NIAC even when the thresholds have been met.

Looking at Latin American countries with high levels of violence linked to organized crime, we see a range of positions on the classification of particular situations of violence. As of 2023, the ICRC had publicly identified six NIAC dyads in Colombia, including some involving organized crime groups (e.g. the Autodefensas Gaitanistas). In early 2024, the Ecuadorian president recognized a NIAC involving twenty-two criminal groups, but the country's constitutional court ruled that the violence did not constitute NIAC. For their part, legal scholars have argued that the IHL thresholds for NIAC have been met in Rio, El Salvador, and at least some parts of Mexico, some of the time since 2006. By contrast, the governments of Brazil, El Salvador and Mexico have denied the existence of armed conflict on their territories, and the ICRC has not made public its classifications of these contexts.

## **Implications of an armed conflict classification**

There remains some debate as to the precise relationship between IHRL and IHL, but the dominant perspective (held by the UN High Commissioner for Human Rights, among others) is that IHRL and IHL are complementary and mutually reinforcing in armed conflict contexts. Nevertheless, the two bodies of law are sometimes inconsistent with one another (for example, over the targeting of combatants or incidental civilian casualties). In such cases, the principle of *lex specialis derogat legi generali*, according to which the more specific rule is applied over the more general rule, means that in armed conflict situations, the rules of IHL often have precedence over those of IHRL. As such, an armed conflict classification—and the concomitant application of IHL—risks displacing IHRL's tight restrictions on the use of force and its explicit protections for IDPs and those at risk of displacement.

The invocation of IHL carries serious risks as it legitimises the militarized responses that have been shown to contribute to more, rather than less, violence. When a situation of violence is treated as NIAC, the relatively more permissive IHL norms on the use of force apply. Under IHL, civilians may not be targeted, but enemy fighters are a legitimate target even when they are not posing an immediate threat, and an attack on a military target may be legitimate even if it results in civilian casualties, provided that the expected civilian harm and loss of life is not excessive relative to the expected military advantage.

At the same time, however, various international protection mechanisms are activated or strengthened where there is armed conflict. For example, the UN Security Council and Secretary-General engage consistently on the protection of civilians in armed conflict.

In situations of violence that fall short of armed conflict, there is no clear-cut obligation in states to accept external humanitarian assistance. By contrast, under IHL, while humanitarian agencies require the consent of the affected state, the state must not arbitrarily withhold consent to an offer from an impartial humanitarian body to assist the population with relief actions to provide such necessities as food, water, medical supplies, clothing, and means of shelter.

## Conclusions

The application of IHL tends to reduce, rather than extend, the legal protections enjoyed by IDPs. The human rights of IDPs and those at risk of displacement may thus not be best served by the application of IHL but rather through a fuller application of IHRL, including the Guiding Principles. In practical terms, this may require a reorientation of international protection mechanisms and institutions away from an exclusive focus on armed conflict, and in this regard, the interest of the UN Special Rapporteur on the human rights of internally displaced persons in situations of violence linked to organized crime is especially welcome.

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## Selected bibliography

- Flores-Macías, Gustavo A., and Jessica Zarkin. “The Militarization of Law Enforcement: Evidence from Latin America.” Perspectives on Politics 19, no. 2 (2021): 519–38.
- ICRC. “The use of force in law enforcement operations”. Geneva: ICRC, 2022.
- ICRC. “How Is the Term “Armed Conflict” Defined in International Humanitarian Law?”. Geneva: ICRC, 2024.
- Kalmanovitz, Pablo, and Miriam Bradley. “Individualization and Collectivization in Contexts of Organized Criminal Violence”. In: The Individualization of War. Edited by: Jennifer Welsh, Dapo Akande, and David Rodin, Oxford University Press, 2023.

## 4

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

First published on 13 March 2025  
Written by Gillian Kane

Photo: "[The Wrong Side of the Fence](#)" by Jason Jacobs  
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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.

## 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.

*Gillian Kane is a Lecturer in Law at Ulster University, Belfast. This short piece draws on her research on the intersecting legal regimes that apply to human trafficking in displacement settings.*

## Selected bibliography

- ACAPS, 'Ecuador: The escalation and impact of violence on children's protection, education, and health in Esmeraldas and Guayas', available at: [20241210 ACAPS ECUADOR](#)
- [The escalation and impact of violence on children.pdf](#) accessed 11 February 2025.
- Gallagher A, The International Law of Human Trafficking (CUP 2010).
- Global Protection Cluster, 'An Introductory Guide to Anti-Trafficking Action in Internal Displacement Contexts' (2020) available at: <https://publications.iom.int/system/files/pdf/guidance-anti-trafficking.pdf> accessed 11 February 2025.
- Martin, S and Amber Gallaway A, 'Internal Displacement and Internal Trafficking: Developing a New Framework for Protection' in Koser, K, and Martin, S (eds), The Migration-Displacement Nexus: Patterns, Processes and Policies (Berghahn Books 2011).
- Rodríguez-López. S, '(De)Constructing Stereotypes: Media Representations, Social Perceptions, and Legal Responses to Human Trafficking' (2018) 4 Journal of Human Trafficking, 61-72.
- US Department of State, 2023 Trafficking in Persons Report: El Salvador, available at: [El Salvador - United States Department of State](#) accessed 11 February 2025.

## 5

# **As Criminal Violence Grows, Ecuadorians Escape Internally: A Government Stance on Displacement is Pending**

First published on 20 March 2025  
Written by Gabriela Malo

Photo: Chimborazo, Ecuador. Many IDPs take refuge in the highlands. 2021 © Bermeo





This fifth volume in our series on 'Internal Displacement in the Context of Organised Criminal Violence' looks at internal displacement from criminal group violence in Ecuador, describing this relatively new and little-discussed form of injustice affecting tens of thousands of Ecuadorians per year. With little government acknowledgement of the problem, the needs of people displaced by criminal gang violence remain under-resourced and unaddressed. Most affected people have little recourse, lacking knowledge of how and where to seek protections and solutions.

## Introduction

Recent years have seen a sharp increase in criminal actors and crime affecting Ecuador. The activity of local criminal organisations soared at the turn of 2020, much of it connected to international drug cartels. As criminal activity grew in frequency and intensity, Ecuadorians as well as migrants and refugees were drawn into violence at levels never before experienced in Ecuador. Criminal groups grew in number and size and are responsible for massacres in prisons, attacks with explosives, generalised extortion of businesses and individuals in their areas of influence, kidnapping, sicariato (contract killing), and eviction from sites coveted as operating posts in key urban enclaves. Increasingly, children and adolescents are recruited to assist and carry out violent acts.

Children are severely affected by criminal violence, particularly in marginalised urban areas. Migrant and Afro-Ecuadorian adolescents and youth are particularly targeted by criminal groups to provide information, sell drugs or become the agents of threats and other crimes. Girls and adolescent women are recruited for sexual and other purposes in a post-pandemic context of poverty and insufficient social services. An informer or lookout may be as young as eight. Adolescents are often "assigned" street jobs, including the carrying out of homicide, while senior gang members stay safely behind. Besides these blatant forms of human trafficking, large numbers of children and adolescents die by violent homicide. In 2023 alone, 770 children were killed, an increase of 640 percent in child deaths over the last four years.

The predicaments of refugees and migrants are often dire, as many live in underprivileged areas where criminal groups have established themselves. They are frequent targets of extortion due to the precarity of their situation. Relying on weaker, more recently-established social safety networks, they are not simply victims of crime; violence becomes an additional obstacle to their potential integration, thereby prolonging their displacement.

In response to increased violence, the Ecuadorian government declared a non-international armed conflict in early 2024 and several states of emergency. Police, as well as military forces, are charged with fighting criminal organisations. One effect of these efforts was a drop in the homicide rate, with the number of homicides in 2024 sixteen percent lower than the country's historical high in 2023. However, in January 2025, the numbers increased again. The perceived impunity of the criminal acts and a mistrust of institutions have created a sense of vulnerability among those affected by criminal violence. Additionally, the "Malvinas" case, where a military intervention against adolescents is being investigated, adds to reports by human rights defenders on violations since the conflict was declared. DESPLAZAMIENTO INTERNO EN ECUADOR.

In such a context, displacement occurs. A new survey, Desplazamiento Interno en Ecuador by the NGO 3iSolution, found that from January to December 2024, 82,876 people over fifteen years of age (910 people per 100,000) reported having been displaced by armed violence and insecurity in Ecuador. The majority of respondents are male (59%), and eleven percent are Venezuelan migrants. They are part of an approximately quarter of a million people who experienced internal displacement in Ecuador for various reasons in 2024, including 34,747 who fled interpersonal violence.

The reasons to flee are usually threats or actual violence by criminal groups. In the same report by 3iSolution, of those displaced by violence, thirty percent faced extortion, eleven percent sexual violence, seven percent appropriation of property, three percent homicide, and three percent forced recruitment. Whole families moved in forty-six percent of the cases. thirty-eight percent of IDPs have been displaced

multiple times. Fifty-five percent reported being displaced in groups of ten or more families. Forced movement is not exclusively internal; according to humanitarian actors consulted, a number of Ecuadorian community leaders and human rights defenders targeted by violence have been resettled abroad.

### **Reading the patterns**

The first efforts to compile data on internal displacement or the intention of movement within Ecuador have been undertaken by humanitarian actors. The locations with the highest homicide rates are in the coastal provinces, consistent with practitioners' views that most displacement routes go from coastal cities to either other coastal locations or highland cities. There is also visible displacement from mining areas in the southern highlands and Amazon regions, where criminal groups engage in extortion, money laundering and appropriation of informal gold mines.

Displacement patterns seem to vary in response to context and the shifting practices of criminal groups, who, in turn, undertake new activities or change locations when pressed by State forces, or after striking new or breaking old alliances.

According to another NGO study (not yet released), in 2024, coastal provinces plus northern highland provinces and Azuay in the south were simultaneously both expulsion and reception locations for at-risk groups. Generally, displaced persons initially seek to stay in their province of residence but consider a more distant destination if danger reappears.

Esmeraldas, in the northern coast, is among the provinces with high population turnover. Displacement was visible there since 2021; then, in early 2024, violence dropped, as in the rest of Ecuador, reportedly due to the military crackdown, then fluctuated depending on the presence of State forces. The closing of businesses is an early warning sign for population displacement as "protection fees" extorted from formal and informal entrepreneurs force many out of business. The impact extends to jobs, clients and supply chains. Displaced people contacted by NGO informants in the last year share certain features: most leave due to menaces to their lives by criminal groups and seek to go undetected. Fear of child recruitment is one of the drivers; according to practitioners, some families send adolescent boys to stay with extended family and attend school in a different city.

People of all income levels prioritise security when selecting a destination. Highland cities, with lower homicide rates, are often chosen, and some universities enable enrolment options tailored for students from Coastal schools.

### **A new phenomenon**

Ecuadorians generally don't understand or know how to navigate the challenges of displacement. Few displaced people have approached churches, social services or NGOs to seek help. Among the first to obtain assistance were Venezuelan migrants and Colombian refugees moving out of violent areas, as many know that NGOs often offer assistance supported by external funding. Lacking knowledge and unable to access government resources, however, Ecuadorians generally receive no support and protection during displacement.

Displaced Ecuadorians usually seek shelter with extended family members who can support them for a short time. Some lodge temporarily at shelters run by municipalities or faith-based organisations, which, in turn, are in need of support. Housing, work, health services (including mental health support), and school readmission are pressing needs, and generally remain unanswered. Discrimination by fellow Ecuadorians, who tend to conflate victims and perpetrators, complicate the search for jobs or housing. Discussion of displacement in Ecuador is silenced by fear of persecution, with criminal groups present in several provinces.

### **No official stance**

When internal displacement escalates due to violence, as happens in Ecuador (along with Honduras, El S-

alvador and Guatemala in recent years), governments are bound by certain obligations of international law, particularly human rights. In addition to efforts undertaken to protect their populations and minimize the risk of displacement, States must recognise displacement as a humanitarian issue.

However, the fact that thousands of civilians have been forced to move has not yet been acknowledged by the Ecuadorian government as of early 2025. Presidential Executive Decree 493 of January 2, 2025, which imposed the ninth state of emergency in a year in response to criminal violence, does not mention displacement or its numbers. It is expected that the issue may be addressed after Presidential elections to be held in April 2025 (the incumbent running for re-election). As the time of this writing, only the Office of the National Ombudsperson (Defensoría del Pueblo del Ecuador, the national human rights protection mechanism) had collected information on cases of internal displacement and carried out a study, in partnership with UNHCR. Initial findings show that among internally displaced people from areas with high crime rates, upon arrival in host communities, 38.8% lodged with family or friends while 6.1% stayed in shelters. Only 57.7% of school-aged children resumed their education.

Meanwhile, external migration of Ecuadorians continues, with violence and its economic effects as additional drivers. Along with deportation, emigration is widely discussed in the media, but there is no public awareness of internal displacement. An additional issue, the rise in asylum requests filed by Ecuadorians abroad, has also gone unnoticed.

Humanitarian actors hoping to respond have asked the Ecuadorian government and the international community to recognize the issue, which in turn would allow for a call for international assistance (albeit in a challenging funding context given changes in US foreign aid). The management of displacement in neighbouring Colombia and the north of Central America can be useful examples for the Ecuadorian State to better address pending tasks: design national response mechanisms, allocate resources, coordinate local initiatives for assistance, include protection for displaced populations in government strategies, and train public servants to adapt social services to the needs of internally displaced persons. Ecuadorians also need to introduce the issue of internal displacement in legislation and public policies.

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### Selected bibliography

- ACAPS. 2024. Ecuador: The escalation and impact of violence on children's protection, education, and health in Esmeraldas and Guayas. 10 December 2024.
- CEDA. 2024. Ecuador at a crossroads: The intersection of violence, migration and displacement. Report, December 2024.
- IOM. 2024. Análisis del flujo de población ecuatoriana hacia el extranjero. July 2024.
- IOM-DTM. 2024. Encuesta de intenciones migratorias Ecuador, Round 1. March-April 2024.
- Jesuit Refugee Service. 2025. Tendencias de la migración forzada en las Américas: Informe de contexto regional – Primer semestre 2024. 13 January 2025.
- Malo, Gabriela (2024) Internal Displacement and Violence in Ecuador: Tendencias and Needs. Working Paper Series, N.1, August 2024. Cátedra de Migraciones, Universidad del Pacífico, Lima.
- UNHCR. 2024. Tendencias nacionales. El desplazamiento forzado en Ecuador 2024. May 2024
- UNHCR. 2024. Ecuador. Diagnóstico Participativo 2023. Percepciones de la población refugiada y otras personas desplazadas por la fuerza sobre la inseguridad y violencias en Ecuador. 15 February 2024.
- UNHCR. 2010. Handbook for the protection of internally displaced persons.
- WOLA. 2025. Trump's Pause of U.S. Foreign Assistance to Latin America: An "America Last" Policy.
- 3iSolution. 2024. Desplazamiento interno en Ecuador, enero-octubre 2024.



