

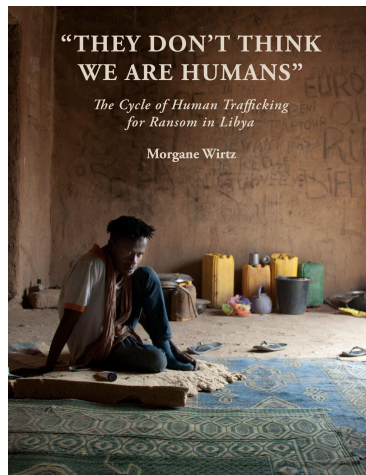
Explaining Human Trafficking for Ransom: A Theoretical Framework

Morgane Wirtz

Chapter in:

“They don’t think we are humans”

The Cycle of Human Trafficking for Ransom in Libya



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Chapter 2

Explaining Human Trafficking for Ransom: A Theoretical Framework¹²

2.1 Introduction: Framing migration as a human rights issue



Figure 2.1. Travellers praying before embarking on the road through the Sahara from Niger to Libya (Photograph: 2019 © Morgane Wirtz)

This research was carried out with a view to understanding the situation of human trafficking for ransom in Libya. It addresses the question of why it is so persistent, despite the gravity of the situation and the human rights abuses reported by survivors. This chapter seeks to develop a conceptual framework for understanding the phenomenon of human trafficking for ransom, including the

¹² Parts of this chapter are based on the chapters ‘Living in a Black Hole: Explaining Human Trafficking for Ransom in Migration’ authored by Van Reisen, M., Smits, K., Wirtz, M. & Smeets, A, and “‘We had no Choice; it’s Part of the Journey’: A Culture of Sexual Violence in Libya’ authored by Wirtz, M. published in Van Reisen, M., Mawere, M., Smits, K., & Wirtz, M. (2023). *Enslaved. Trapped and Trafficked in Digital Black Holes: Human Trafficking Trajectories to Libya*. Bamenda, Cameroon: Langaa RPCIG.

I (Morgane Wirtz) was an active contributing author to the research undertaken for the chapters and the writing of the chapters. The re-use and reproduction of part of the text has been approved by the other authors.

conditions of cruelty, particularly sexual violence, that the practice entails.

This chapter starts by looking at the push and pull theory, which is the migration leading theoretical model. It explains migration as the result of the evaluation of negative factors that drive a person to leave their place of residence (push) and positive factors that attract the person to the new destination (pull) (Ravenstein, 1885; 1889; Lee, 1966). This theory is used by policymakers and NGOs to understand migration and inform ideas of how to curb it. However, numerous researchers question the adequacy of this theory arguing that migration decisions are not always the result of rational choices and that this theory fails to explain diverse aspects of migration, including human trafficking (Haug, 2008; Zimmerman, *et al.*, 2011; Cheng, 2017; Van Reisen, Stokmans, Mawere & Gebre-Egziabher, 2019; Kidane, 2021). The picture above shows travellers praying before taking (legally) the five day road from Agadez (Niger) to Sebha (Libya). They are aware of the dangers of this road. Migrants and refugees also have information about the risks associated with migratory journeys but are not avoiding such situations (Kuschminder & Triandafyllidou, 2019).

This chapter also looks at public policy framing. Van Reisen, Mawere, Smits and Wirtz (2023) argue that the framing of a problem influences the solution considered. Since the 2010s, the migration issue in the EU has been presented as a ‘migration crisis’. But when looking at the number of migrants who arrive (legally and illegally) in Europe, researchers found that there is no quantitative crisis (Schmoll, 2020; de Haas, 2017). Rather, there is a crisis of hospitality and solidarity, Schmoll argues (2020). Changing the framing, allows to state that the ‘problem’ is not that ‘illegal migrants’ arrive in Europe, the problem is that human beings die, are tortured and raped in an attempt to reach Europe.

This chapter suggests a framing of migration as a human rights issue. The notions of ‘natural rights’, ‘right to have rights’ (Arendt, 1951) and human rights culture (Rorty, 1998) are presented in a view to provide an understanding of why migrants and refugees in Libya are not eligible for human rights. The concept of the human trafficking cycle (Van Reisen, Estefanos & Rijken, 2014; Smits, 2023b) is then developed in this chapter as a lens to understand the persistence of the human trafficking for ransom in Libya and the human rights violations reported by survivors. The theory of black

holes and how it can explain the modus operandi of human trafficking for ransom is then presented. This chapter then turns to a categorisation of sexual violence (Wirtz, 2023) that are perpetrated in the context of human trafficking for ransom and in the broader context in which migrants and refugees experience violence in Libya. Understanding sexual violence provides insight into how violence is used to keep victims locked in the human trafficking cycle.

2.2 Push and pull theory of migration

2.2.1 *Flaws in the theory*

The push and pull theory is the leading theoretical model of migration. Introduced in 1885 and 1889 by Ravenstein, it explains migration as the consequence of factors that drive a person to leave their place of residence (push) and attract them to the new destination (pull) (Ravenstein, 1885; 1889). Based on this theory, Lee (1966) explains that migration is the result of the evaluation of the positive factors in destination countries and negative factors in the countries of origin. This model also assumes that obstacles to migration weigh heavily in this decision (Lee, 1966).

The push and pull theory is frequently used by researchers, international organisations, and policymakers to explain the migration phenomenon, and to indicate how to curb it. For instance, in response to the EU's new anti-human trafficking strategy, the European Parliament Research Service wrote a report stating that:

Factors contributing to human trafficking can be categorised as 'push' and 'pull' factors. [...] The victims were recruited at a moment in life when they were experiencing either persistent or deteriorating economic hardship and were thus ready to take a high level of risk. (Bakowski & Voronova, 2021, p. 6)

In relation to the EU's flagship fund for addressing irregular migration, the EU Emergency Trust Fund for Africa, the European Commission notes:

[It] helps [in] addressing the root causes of destabilization, forced displacement and irregular migration by promoting economic and employment opportunities, as well as combating smuggling of migrants and trafficking in human beings. (European Commission, n.d.)

Here, the European Commission refers to the promotion of economic and employment opportunities in countries of origin. In this qualification the push factors, or root causes, of migration are classified as largely economic. This approach to the issue implies that the smuggling and trafficking of migrants and refugees are an additional consequence of ‘irregular’ migration. These are just two examples of how embedded the push and pull theory is in the framing of the ‘migration problem’ in EU policy.

However, various researchers have questioned the adequacy of the push and pull theory as a general explanation of migration behaviour and trajectories. Haug (2008), for instance, questions the often economic-centred analyses that underlie the ‘rational choices’ made by migrants, commenting that “in migration decision research there is no consensus about a list of necessary and adequate push or pull factors” (Haug, 2008, p. 599). Zimmerman, Hossain and Watts (2011) found that simplistic push and pull models do not explain the health implications involved in human trafficking and lead to a criminal focus in policy that ignores the context. Cheng (2017) found that the push and pull model is not only limited in scope when it comes to understanding trafficking, but also deflects attention from the responsibility of States to address it.

The limitations of push and pull theory is saliently expressed in a study that concerns the grave situation that people face when fleeing or migrating to Libya. Kuschminder and Triandafyllidou (2019) found that Eritrean refugees were generally aware of the difficulties they would face in Libya but that this did not prevent them from travelling there. When people engage on migratory paths towards Libya, they know that there is a high risk of them falling into the hands of human traffickers. Still, they undertake the voyage willingly, fully aware of the risks (Kuschminder & Triandafyllidou, 2019). Migrants and refugees on migratory paths towards Libya use the expression “fifty-fifty” to refer to their chance of living or dying in the Mediterranean Sea (Wirtz, Smits & Van Reisen, 2023). In 2022, 105,131 people arrived in Italy after having illegally crossed the Mediterranean Sea (UNHCR, 2023a), 1,368 went missing during the crossing, and 24,684 people were arrested by the Libyan Coast Guard and returned to Libya (UNHCR, 2023a; The Libya Update, 2023). In most cases, they are then sent to detention centres where human rights violations are commonplace (Wirtz & Van Reisen, 2023). The number of people who still take this route, despite the ‘negative factors’ represented by the number of fatalities and the

violence they expose themselves to, shows that the push and pull theory fails to adequately explain the migration phenomenon in the Central Mediterranean area (Van Reisen, Mawere, Smits & Wirtz, 2023). The next section looks at the consequences of this flawed problem framing.

2.2.2 The framing of the migration ‘crisis’ and its consequences

Kingdon (1984) explains that how a problem is understood, matters for what the public policy agenda is concerned about. He distinguishes between the problem stream, the political stream and the policy stream. The problem stream identifies what the problem is that the domain is concerned with. The political stream relates to the saliency of it and whether it matters to the public and political establishment. The policy stream relates to the observation whether something can be done to solve the problem. Hence, investigating the problem stream is important to understand in what way a problem is understood and framed in a policy domain (Van Reisen, Mawere, Smits & Wirtz, 2023).

Since the 2010s, the migration issue in the EU has been presented as a ‘migration crisis’. In 2013, a ship with more than 600 refugees on board sank off the coast of Lampedusa. More than 300 people, mostly Eritreans, drowned that day. The event received widespread political attention and featured prominently in the media (BBC, 2013; Davies, 2013; Horsti, 2017).

Analysing the documentary *It will be Chaos* (Luciano & Piscopo, 2018), Vdovychenko (2019) claims that the Lampedusa tragedy can be seen as a focusing event, which opened a policy window. She points out that the framing of the problem, the wording chosen to address it, and the policy directions made available to address the problem were hotly contested and negotiated. In particular, the use of the term ‘illegal migrants’ as opposed to ‘refugees’ determined whether or not the survivors of the tragedy were considered to be deserving of help, which governed the policy response. Smits and Karagianni (2019) state that, unfortunately, rather than framing this disaster in terms of the human right to life and, hence, the failure to protect refugees, it was subsequently framed as a crisis caused by the movement of ‘illegal’ migrants.

In addition, migration and human trafficking have been increasingly linked to security threats (Kicinger, 2004). In recent years, this has included the perceived threat of terrorism. Abdou (2020) describes

how polarised sides of the political ideological spectrum see migration as something out of the ordinary and something to be prevented or that is connected to misery and tragedy, which feeds into fear and alienation.

European States have mainly chosen to react to the ‘migration crisis’ by closing the door to maritime arrivals – apart from some parentheses, such as Italy’s Operation Mare Nostrum between 2013 and 2014 (Schmoll, 2020). A fight against human traffickers and smugglers, depicted as the source of the problem, has started and obstacles on the road to Europe have been erected. Hotspots have been set up, externalisation agreements have been adopted with authoritarian countries and countries in the midst of civil war, such as Libya, assisted returns have been intensified, and preventive and punitive detentions increased (Schmoll, 2020). The aim of these measures is to reduce ‘pull’ factors and make the Mediterranean Sea crossing unattractive. Ironically, as de Haas (2017) found, migration restrictions can have the unintended side-effect of diverting migratory flows to other land and sea routes, thereby increasing the market for smugglers (de Haas, 2017).

But what exactly is the migration crisis? Schmoll states that, except for in 2015 when more than 800,000 people arrived on Greek shores, this is not a quantitative crisis. The majority of refugees live in developing countries (de Haas, 2017). It is the countries of the Near and Middle East that are most affected by Syrian migration and it is African countries that are most affected by African migration (Schmoll, 2020). Nor is it a historical crisis, as current levels of migration are rather small compared to those seen in other periods. Most notable, in the history of relations between the two shores of the Mediterranean, is the labour migration during the post-war period, which brought hundreds of thousands of people from North Africa to Western Europe and then to southern Europe (Schmoll, 2020). de Haas adds that the main change in global migration trends has been the dominant direction of population movements. “Whereas in past centuries, it was mainly Europeans who migrated to foreign territories (or conquered them), this pattern has been reversed since World War II”, he writes (de Haas, 2017).

For Schmoll, if there is a crisis, it is a crisis of hospitality and solidarity. Entering Europe ‘illegally’ has become the only way to enter for many people. Similarly, being granted asylum has become

one of the few ways to regularise such entry (Schmoll, 2020). The sorting between ‘illegal migrants’ and ‘refugees’ has become crucial to determine who has the right to have their rights protected and who does not.

The framing of the problem has a direct impact on the policies (solutions) formulated to address it. When the theories used to understand a problem are flawed, the resulting policies are likely to be ineffective. There is an urgent need to reflect on the basis for policies that follow the push and pull model, which have not stopped people from moving and migrating, or from becoming victims of human trafficking (Horsley & Gerken, 2022). It is remarkable that the policies in place to deal with this situation focus on stopping the smugglers and traffickers to prevent refugees and migrants from entering Europe, rather than the urgent need to protect the victims (Schäfer, Schlindwein, & Jakob, 2018; Shatz & Branco, 2019; Hayden, 2022). This is even more surprising given that the crimes committed are considered among the most heinous and egregious rights violations committed today. With a view to suggest an alternate framing of migration as a human rights issue, the following section looks at the right to have rights and the human rights culture.

2.3 Accessing human rights

2.3.1 The right to have rights

Natural rights refer to rights that are generally accepted as available to all humans – they are what makes human beings human. Natural rights refer to, for instance, the right to not be killed, to not be tortured, and to not live in slavery (YourDictionary, n.d). Whether or not States have endorsed the legal instruments related to these rights, they are generally regarded as rights that cannot be compromised under any conditions and which are of a higher nature than the sovereign right of States to adapt rights frameworks to the situation in their particular country. Henrard and Temperman conclude that “While human rights are in general not absolute, the prohibition of torture, cruel, inhuman and degrading treatment is absolute: No limitation is acceptable” (Henrard & Temperman, 2011). Natural rights refer to universally accepted principles emanating from moral values, in which all religions and cultures find convergence.

In addition to natural rights, the international framework for human rights defines obligations and responsibilities to ensure their protection. It is interesting here to recall that the right to migration is considered a fundamental right, as stated in Article 13 of the Universal Declaration of Human Rights: “Everyone has the right to leave any country, including his own, and to return to his country” (United Nations, 1948). Instruments such as the Refugee Convention (1951) (UNHCR, 2011), the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (UN General Assembly, 2000) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) are amongst the instruments designed to protect the rights of people on the move. Libya has only acceded to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (in 2004), but not to the Refugee Convention. In addition, Libya lacks a domestic legal framework for the protection of migrants and refugees. Moreover, the situation on the ground might be very different from what the legal framework suggests (see Chapter 5: *Slavery, War and Criminalisation: A context of Human Trafficking*).

In reality, the right to have rights may not be as clear-cut as these ideas on natural rights suggest. This is particularly the case in the context of atrocities committed against populations that are stripped of their humanity. The work of Arendt sheds light on how atrocities are committed, which may help a discussion on the atrocities committed in trafficking camps in Libya. In *The Origins of Totalitarianism*, she states that ‘the right to have rights’ is not reserved for all people, but only for citizens (Arendt, 1951). For her, the application of human rights depends on the willingness of nations to uphold these rights. She argues that a political belonging is required to enjoy the right to have rights. The attribute of citizenship gives to a person the context, the audience, and the community in which to claim their rights (Dinsmore, 2010). Migrants and refugees are often in an irregular situation; they are fleeing their country of origin and are not recognised as citizens in transit countries. So, from whom can they claim their rights? To whom can they complain about abuses? If they go to the authorities, they risk being arrested and may face the same kind of abuse they were about to complain of. Neither the smugglers, human traffickers, Libyan officials, European Union or African Union feel

responsible for protecting and upholding the rights of migrants in Libya, as they have entered the country illegally and are, therefore, considered responsible for their own fate.

Taking a look at the map of Libya gives another dimension to what can be considered as 'illegal migration'. The borders of Libya were mainly delimited in a series of treaties between 1910 and 1935 and have been drawn in broad lines across the desert. In a country where 95% of the surface is desert, and the inhabitants move around this desert to earn a livelihood, what do these borders represent? Where are these borders located in the actuality of the desert? Pliez, expert on the Sahara, says that any representation of a partitioned Sahara must be questioned and the new migratory flows that are taking place there bring to light a networked Sahara (Pliez, 2006).

As part of the history of roaming across the desert, human trafficking in Libya is not a new phenomenon (see Chapter 5: *Slavery, War and Criminalisation: A context of Human Trafficking*). It has its roots in a long history of Arab-Muslim trafficking on the African continent. For N'Diaye, the origins of this trafficking go back to 652 when the Emir and Arabic general Abdallah ben Saïd imposed on the Sudanese an agreement that obliged them to deliver hundreds of slaves. According to this Franco-Senegalese anthropologist, economist and writer, the trans-Saharan slave trade has continued unabated ever since (N'Diaye, 2008). For Sadai, the legacy of this trafficking gave birth to systemic anti-black racism in the Maghreb (Sadai, 2021).

2.3.2 Human rights culture

The existence of a human rights framework does not automatically mean that everyone can access these rights. Rorty argues that human rights are a cultural concept. If certain groups or people are excluded from society, they may, in practice, not be able to access rights in the same way as others. Rorty (1998) points out that perceiving a situation as a human rights problem requires *sympathy* and *security*. Sympathy requires knowledge of the situation of other people and the possibility of emotionally relating to them. Security relates to the need to feel safe, in order to have the space to consider any concerns that relate to the situation of other people. In Libya, between 2016 and 2021 there was no *sympathy* towards sub-Saharan people, often facing racism and even slavery (Wirtz, Ferdi de Vries

& Van Reisen, 2023). Nor was there *security*, as the country was in the grip of a civil war. To better understand the culture in which human trafficking for ransom takes place in Libya, this thesis will look at the historical, political and economical context in which it takes place (Chapter 5: *Slavery, War and Criminalisation: A context of Human Trafficking*).

Rorty's argument is also relevant to understanding how the infliction of severe human rights violations often has the effect of dehumanising the victim, undermining emotional engagement with, and sympathy for, the victim. Once humans are dehumanised, the question of respect for their human rights is no longer raised. Ethnic cleansing is considered by its actors as "in the interest of true humanity by purifying the world of pseudohumanity" (Rorty, 1998).

The framing of mobility as a generic problem – with connotations of migrants and refugees being undesirable, outside-the law, dangerous and instilling insecurity and fear – may situate people on the move as being less worthy of the enjoyment of human rights. This impacts on whether issues like human trafficking are seen as a human rights problem. This is similar to what Arendt found, in that people who have fled their country may not be able to access the rights available to other citizens (Arendt, 1951) and that the denial of access to rights was not considered a 'rights issue'. The fact that migrants and refugees in Libya are 'irregular'; illegally on the territory and that it prevents them from accessing their human rights is one of the components of the human trafficking cycle. This concept is developed in the following section as a lens for understanding the persistence of human trafficking for ransom in Libya.

2.4 The human trafficking cycle

In human trafficking, migrants and refugees are trapped in a cycle. This cycle was first described by Van Reisen, Estefanos and Rijken in relation to Sinai trafficking in the book *The Human Trafficking Cycle: Sinai and Beyond* (2014). These authors go beyond previous description to explain how "victims become locked in a cycle of trafficking, extortion and violence without an exit" (Van Reisen, Estefanos & Rijken, 2014, p. 27).

The authors refer to 'Human trafficking cycle' as a way of analysing the circular and closed system in which migrants and refugees are trapped. They explain how once in the trafficking cycle, there is

(practically) no way out. Noting that most of the victims of human trafficking for ransom in the Sinai were Eritrean refugees, the authors trace the human trafficking cycle back to Eritrea. Persecuted and enslaved in their own country due to the compulsory and indefinite national service, the refugees and migrants described by these authors flee to refugee camps in Sudan or Ethiopia where they risked being recruited or abducted to be trafficked and tortured in the Sinai. If they survived the Sinai, they faced detention or refoulement to the country from which they had tried to escape, or were forced to take even greater risks to try to reach safety. These refugees had little chance of being granted asylum – if this option was even available. They also had few options for regularising their irregular status in the host country, where they ended up living on the fringes of society, again leaving them vulnerable to exploitation and trafficking. In addition, victims would often have to go through the process again, but now on the other end of the line – having a family member who had fallen victim to such trafficking and who would call them to beg for ransom. Paying ransom would lead to debt and even greater vulnerability (Van Reisen, Estefanos & Rijken, 2014). Even if the refugees eventually arrived in a situation where they received protection, the process of family reunification exposes family members to risky paths, including human trafficking for ransom (Van Reisen, Berends, *et al.*, 2019). The violence and lack of protection of the rights of the survivors creates further vulnerability at each stage.

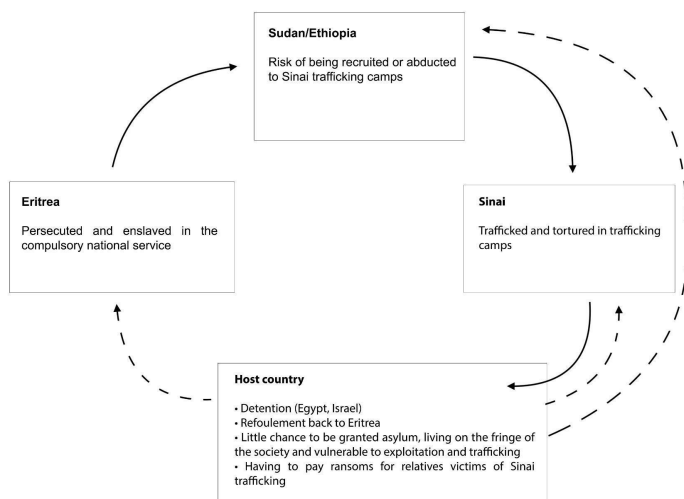


Figure 2.2. The human trafficking cycle in Sinai and beyond (according to Van Reisen, Estefanos & Rijken, 2014)

Hence, Van Reisen, Estefanos and Rijken argue that the process of human trafficking cannot be analysed in isolation, but should rather be seen as a process of violence in which the victims are trapped before, during and after the trafficking event(s). This includes the human rights abuses that cause the victims to flee in the first place, and detention in transit, host or third countries (Van Reisen, Estefanos & Rijken, 2014, p. 147).

All of these compounding events in the human trafficking cycle have led to the normalisation of violence. For example, Van Reisen, Smits and Wirtz (2019) report that Eritrean refugees view it as normal to be put in prison, often for minor offences. Rozen (2019) describes how refugees who are the victim of human trafficking for ransom do not always realise that they have been ‘trafficked’ and, hence, fail to disclose this in interviews with authorities or researchers. In addition, the payment of ransom has also become normalised. In rational decision-making processes, as presumed by the push and pull model, the normalisation of violence is not taken into account. If where you come from is as dangerous as where you are, and where you are going to is also dangerous, how do you weigh one danger against another?

One of the stories investigated in the publication of Van Reisen, Estefanos and Rijken (2014), is that of Berhan, an Eritrean refugee whose picture is on the cover of the book. His relatives paid USD 40,000 for his release from the trafficking camps in the Sinai. Subsequently, he ended up in one of the official detention centres in Egypt, from where he was deported to Ethiopia. He was then moved to Hitsats refugee camp in Tigray, in northern Ethiopia. With no prospects in the camp, Berhan decided to travel to Sudan and onwards to Libya. He was on the boat that sank near Lampedusa, Italy, in 2013. He survived. The few survivors of the tragedy found themselves embroiled in a situation in which the Eritrean embassy in Italy worked to intimidate and threaten the refugees. This story highlights the extensiveness of the human trafficking cycle across borders, including in Europe. It also shows that the victims of human trafficking find it difficult, if not impossible, to escape, even after paying large ransoms.

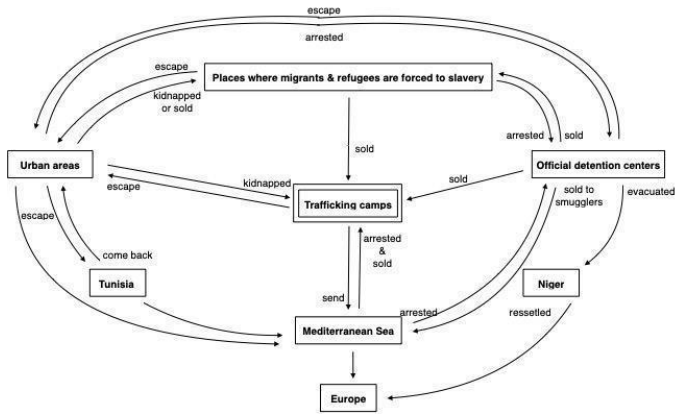
Smits (2023b) studied how the situation of Eritrean refugees who managed to escape trafficking camps in Libya fuels the human trafficking cycle. He found that the refugees who manage to escape trafficking camps in Libya, face great difficulties when travelling in the country as they run the risk of being captured, kidnapped or arrested and then sent back to detention, either in trafficking camps, or in official detention centres.¹³ Pointing to the fact that the majority of migrants and refugees in Libya, live in urban areas, Smits (2023b) found that there, also, they are in constant danger of being robbed, sold into slavery, kidnapped for ransom or arrested and sent to official detention centres. “Being sold into slavery can lead to human trafficking for ransom, forced labour/domestic servitude and/or forced prostitution”, he adds (Smits, 2023b, p.660).

Many of the migrants and refugees interviewed in the research of Smits who had managed to embark on a boat to flee Libya, had been intercepted by the Libyan Coast Guard in the Mediterranean Sea. After interception, they had been returned to Libya and detained in an official detention centre. Smits also studied the situation of migrants and refugees who had decided to escape Libya by land borders, to Tunisia. He found that they felt guilty, as they had not achieved their goal of crossing to Europe and were unable to repay the money they owed to relatives who helped them to fund

¹³ See Glossary.

their migration. This is why some of them were considering returning to Libya, at the risk of again falling into the hands of traffickers for ransom, to try and complete the crossing of the Mediterranean Sea.

Smits also looked at the situation of migrants and refugees who had been evacuated from Libya to Niger, as part of the Emergency Transit Mechanism (ETM) set up by the United Nations High Commissioner for Refugees (UNHCR). They were waiting to be resettled to a third country. Despite having been evacuated by plane to a country considered as ‘safe’ and where they were hosted and fed by UNHCR, the interviewees in Niger said they felt abandoned and expressed frustration that what was explained as a ‘short transit’ in Niger has turned into a long-term stay.



**Figure 2.3. The human trafficking cycle in Libya
(according to Smits, 2023b)**

Smits (2023b) raises the fact that the irregularity of migrants and refugees in Libya contributes to their entrapment in this cycle of violence, as they are unable to enforce their rights and, instead, are suspicious of the police, who can sell them to traffickers or arrest them and send them to official detention centres from where the vicious circle continues.

Smits’ research shows that, as in the case of Sinai trafficking, it is very difficult to escape from the human trafficking cycle: “Once caught in the human trafficking cycle, people find themselves trapped in a cycle of abuse and vulnerability, and are often re-trafficked” (Smits, 2023b, p. 663). The lack of protection of

victims can lead to them again falling victim to human trafficking and other crimes. Being cut off keeps the victims remote from information exchange, from accountability mechanisms and unable to access justice and support, even when they are released, which can lead to the re-victimisation of victims of human trafficking. According to the United Nations Office on Drugs and Crime (UNODC), this is “a significant problem” (UNODC, 2006, p. 140). The protection of victims is, therefore, key to breaking the cycle of trafficking, but is often pushed aside in favour of a purely criminal approach to tackling human trafficking (Adams, 2011).

2.5 Black holes in the digital landscape

Van Reisen, Mawere, Stokmans, Nakazibwe, Van Stam and Ong’ayo (2019) observed that human trafficking is fueled by ‘black holes’ in the digital landscape.¹⁴ Developments in information and communication technologies (ICTs), particularly the rise of the Internet and mobile phones, have led to a world in which people are more connected than ever before, which has led to the perception of a ubiquitous connected (and informed) world (Castells, 2011). However, as ICTs are the product of human invention, it is inevitable that the digital architecture of these inventions reflects social characteristics. While ICTs have enabled coordination at a high level and across borders, at the same time they are creating an increasing divide between those who are connected to the Internet and those who are not (Fuchs & Horak, 2008; Van Reisen, Smits & Wirtz, 2019).

Castells (2011) argues that this creates a new social structure in which the elite profit more and others get stuck in ‘black holes’ of informational capitalism. Such black holes are not just caused by lack of access to devices or connectivity, although this can play a role, but access can also be deliberately limited or denied. Within a black hole, people are not, or are barely, connected and depend on others for access (Van Reisen, Mawere, Stokmans, Nakazibwe, Van Stam & Ong’ayo, 2019). Such actors are referred to as gatekeepers of information (Barzilai-Nahon, 2008). Van Reisen *et al.* (2019) describe how particularly youth living in a black hole may seek to leave their home in search of better opportunities and ‘connectivity’. However, being in a black hole, they have very limited information

¹⁴ ‘Black holes’ in the digital landscape are places where access to connectivity is limited, either because of lack of ICT infrastructure and Internet connectivity or control over information technology (see Glossary).

about where to go and what routes are safe to take (Van Reisen *et al.*, 2019). Unequal access to ICTs is associated with vulnerability, which can lead to exploitation, as is the case for refugees in Libya in the context of human trafficking for ransom (Van Reisen, Smits & Wirtz, 2019). When they are detained in trafficking camps, migrants and refugees lose their access to connectivity, as they no longer have their phones (their phones are either stolen by the traffickers or left behind to avoid being stolen). This places the victims of human traffickers in a black hole. Human traffickers play the role of gatekeeper and determine when and how their victims have contact with the outside, for example, with their families to beg ransom (Van Reisen, Smits & Wirtz, 2019).

2.6 Categorising acts of sexual violence

Violence is at the heart of human trafficking for ransom. Serious human rights violations are reported by survivors (Van Reisen, Mawere, Smits, & Wirtz, 2023). Sexual violence is one of them. Chapter 9 of this thesis focuses on this type of violence perpetrated against men and women on the migratory routes to and in Libya. Numerous theoretical and conceptual frameworks have been developed to explain sexual violence, whether in wartime or not. Looking at this literature, two frameworks seemed to me to be particularly interesting for understanding the occurrence of sexual violence in wartime: feminist theory and the concept of strategic rape.

Brownmiller (1975), a pioneer of feminist theory, considers sexual violence to be a violent action unrelated to sexualisation or desire. She understands it as a misogynist act by which a man exercises control and domination over a woman (Bitar, 2015). War would provide the perfect context for men to express their contempt for women but also circumstances where violence is not sanctioned by governments and soldiers know they are unlikely to be prosecuted for rape (Brownmiller, 1975).

Feminist theory also recognises that there may be a military cause for wartime sexual violence. Historically, the rape of women can be seen as a gain reserved for conquerors (Brownmiller, 1975; Benard, 1994). The result of sexual violence is to instill fear and discouragement in the women who have been victims, but also to instill a sense of humiliation in the men whose wives have been raped. Symbolically, this implies that the men whose wives were raped were unable to protect their wives (Brownmiller, 1975; Bitar,

2015). Brownmiller (1975) also looks at a war tactic of sexual violence, which consists of raping a woman in front of her male family members, forcing them to watch. Similar extreme sadism in sexual violence as a violent act to dehumanise and subjugate was reported in human trafficking for ransom in Sinai (Van Reisen, Kidane & Reim, 2017). This *modus operandi* is one of those reported in Libya (see Chapter 4: *The Situation of Human Trafficking for Ransom in the Literature*).

The concept of strategic rape is the most influential framework for understanding rape as a weapon of war. Psychiatrist Seifert (1993) explains in these terms the function of rape during war:

Rape is not an aggressive expression of sexuality, but a sexual expression of aggression. In the perpetrator's psyche, it does not fulfil sexual functions, but is a manifestation of anger, violence and domination of a woman. The purpose is to degrade, humiliate and subjugate her. (Seifert, 1993, p. 1)

Theorists who subscribe to the concept of strategic rape understand sexual violence in war as part of a tactic employed by military forces, sometimes ordered by higher ranks, to achieve broader strategic objectives (Bitar, 2015). In this case, sexual violence can be used to humiliate, traumatise, incite to flee, break family ties or annihilate an ethnic group, particularly through the unwanted pregnancies that result from these rapes (Gottschall, 2004; Barstow, 2000; Bitar, 2015).

These two frameworks; feminist theory and the concept of strategic rape, are valuable keys to understanding the sexual violence perpetrated against migrants and refugees in Libya. But they are not enough. Firstly, because they analyse sexual violence as being perpetrated solely against women. However, in the case of Libya, it is not uncommon for men to be targeted by sexual violence (see Chapter 4: *The Situation of Human Trafficking for Ransom in the Literature*). Secondly, because in this research we focus on sexual violence perpetrated against migrants and refugees who, in the majority of cases, were not stakeholder in the conflict, but were simply in a country at war - Libya. Rape has been used as a weapon of war by various armed groups in Libya, but that is not what we will be looking at here.

In the light of the theories developed above, a literature review on sexual violence in Libya (see Chapter 4: *The Situation of Human Trafficking for Ransom in the Literature*), and the results of interviews

we conducted with migrants and refugees who survived or witnessed sexual violence in Libya, I proposed a categorisation of sexual violence against migrants and refugees on migratory path in Libya. This categorisation was published in the book *Enslaved. Trapped and Trafficked in Digital Black Holes: Human Trafficking Trajectories to Libya* (Chapter 15: “We had no Choice; it’s Part of the Journey”: A Culture of Sexual Violence in Libya, Wirtz, M. 2023). It is important for an understanding of how sexual violence are part of the human trafficking cycle and that is why I am repeating it here. The following categories were distinguished, (i) sexual violence as a tool of subjugation (ii) sexual exploitation and (iii) sexual violence as an opportunistic crime. These three categories are not comprehensive and overlap in some cases.

2.6.1. Sexual violence as a tool for subjugation

The first category is ‘sexual violence as a tool of subjugation’. This category is based on the strategic rape theory. It explains sexual violence against migrants and refugees on migratory path in Libya as a way to degrade, humiliate and subjugate them. This form of sexual violence implicates not only the victims but also the ones that are forced to witness them or even to perpetrate them (see Chapter 9: *Sexual Violence on Migratory Paths in and Towards Libya*). It is one of the reasons why human traffickers and prison guards rape their detainees, to dehumanise them which facilitates their commodification. This is also valid for the rape of men. Looking at the dehumanisation and sexual violence perpetrated during the Bosnian war, Rorty states that “being a nonmale is [one of the] way[s] of being nonhuman”, and that being penetrated by a penis is among the several ways of becoming nonmale (Rorty, 1998).

2.6.2 Sexual exploitation

The second category of sexual violence committed against people on the move in Libya is ‘sexual exploitation’. Sexual exploitation is defined as: “Any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another” (European Institute for Gender Equality, n.d.). In many cases, the vulnerability of migrants and refugees is exploited for sexual purposes and for monetary profit by others. The testimonies labelled as ‘sexual exploitation’ in this research are the ones that relate to a financial

transaction for sexual services. In most cases, this was done without the consent of the migrant/refugee and they were often not the ones who received the money for the transaction.

2.6.3 *Sexual violence as an opportunistic crime*

The third category of sexual violence committed against people on the move in Libya is ‘sexual violence as an opportunistic crime’.¹⁵ This crime can be committed because the migrant/refugee is considered to be the ‘property’ of the traffickers or people holding them, who have often bought them, or simply because they are under the control of, or easy to target by, the drivers, smugglers, guards, employers or Libyan citizens. In this research, sexual violence was categorised as an ‘opportunistic crime’ when it seemed to occur because the perpetrator saw a chance to commit the act and seized it, because the victim ‘was there’ and easy to abuse. This category of abuse was not systematic and was often committed in private.

2.7 Conclusion on key concepts for the research

This chapter sets out the conceptual framework for understanding the persistence of human trafficking for ransom in Libya despite the conditions of cruelty, particularly sexual violence, that the practice entails.

It starts by looking at the push and pull theory which is the leading theoretical model of migration. This theory assumes that refugees and migrants make rational decisions based on an overview of all available information. It assumes that a person’s decision to migrate is driven by factors that *push* them to leave their place of residence and *pull* them to the new destination. However, this theory falls short, as the assumptions on which it is based are overly simplistic and it is not able to explain realities on the ground. In particular, it does not explain the phenomenon of human trafficking for ransom, particularly why refugees and migrants continue to willingly engage

¹⁵ This type of crime is usually referred to as a ‘crime of opportunity’, which is generally understood as a crime that is committed without premeditation or planning, when the perpetrator sees that they have the chance to commit the act (Warr, 1988). In this thesis we have avoided the use of the word ‘opportunity’, as it has positive connotations. In addition, we wanted to distinguish it from crime of opportunity as we do not know the mind of the perpetrator to determine whether or not there was planning and premeditation before seizing the moment.

in dangerous migration journeys, even when they are aware of the risks.

The application of this flawed theory has led to policy options that fail to address the situation. Since the 2010s, the migration issue in the EU has been presented as a 'migration crisis'. In order to deduce the 'pull' factors, European States have mainly chosen to react to this 'migration crisis' by closing the door to maritime arrivals and by erecting obstacles on the road to Europe. Policies focus on stopping the smugglers and traffickers to prevent refugees and migrants from entering Europe, rather than the urgent need to protect the victims.

In this research, migration is framed as a human rights issue. This chapter explores the application of human rights, including the 'right to have rights' and the importance of a human rights culture. Being held in areas that are inaccessible to others contributes to vulnerability and shields areas from control by governments or international organisations. In such places human trafficking for ransom can expand. Without the protection of their own government, and lacking status in their host country, refugees and migrants find themselves unable to access human rights. Despite the international frameworks available for their protection, the enjoyment of these rights depends on the existence of a culture that recognises migrants and refugees as worthy of the enjoyment of such rights. Failing this condition, the practices experienced on the ground may be the opposite of what the international conventions stipulate, and the migrants and refugees who suffer from violations of rights, find that they do not have any way to access these rights. Rorty (1998) refers to this as a culture of human rights, explaining that if a culture that recognises rights as rights in relation to particular groups is failing, then these groups will experience an inability to access protection in relation to these rights. The rights become a theoretical idea, with no bearing on the situation in which they find themselves. This is a situation that Arendt (1951) describes as one of statelessness, a situation in which people find that the framework of human rights does not apply to them in a world where the responsibility and obligation for the realisation of these rights depends largely on governments. In this research the migrants and refugees included as participants are living in conditions that are similar to those fleeing war and crimes against humanity in the work of Arendt. They are at best uncertain of their ability to enter into a situation where they may appeal to the framework of rights upheld by the international community.

The vulnerability of migrants and refugees, their irregular status and lack of legal protection in host countries, and the policies designed to stop them from moving at all, keep migrants and refugees in what Van Reisen, Estefanos and Rijken (2014) point to the relevance of the human trafficking cycle. This cycle goes beyond borders and once victims are trapped in, they have hardly any option of breaking free of the situation. The obstacles set on the migratory road, such as official detention centres for people arrested because they are illegally on Libyan territory or attempting to cross illegally the Mediterranean Sea, entraps victims of human trafficking for ransom in Libya, where they are always at risk of being kidnapped or sold to trafficking camps. This cycle also goes beyond borders as victims of human trafficking for ransom carry with them trauma, financial debts towards their relatives and remain always at risk of being contacted by relatives or family members to pay their ransom to traffickers. The heart of the human trafficking cycle is in the trafficking camp where migrants and refugees face violence (including sexual violence) and torture. Deprived of their phones (which have been stolen or left behind to avoid being stolen), migrants and refugees are in a black hole. They have lost their access to connectivity. Human traffickers, as gatekeepers, are the ones who decide how they will communicate with the outside world. They force migrants and refugees to call their families to demand ransom for their release. ICTs are used to broadcast the torture to relatives or friends to encourage them to pay the ransom (Van Reisen, Smits & Wirtz, 2019).

This research looks at sexual violence as part of the *modus operandi* of human trafficking for ransom. Three different forms of sexual violence have been drawn in this chapter as a framework for analysis: sexual violence as a tool for subjugation, sexual exploitation and sexual violence as an opportunistic crime. These are distinguished by their central purpose: to dehumanise and control; to exploit; and simply because the victims are easy to abuse.

What constitutes and drives the human trafficking cycle needs to be explored in an in-depth manner to inform policies that seek to address the problem. This research attempts to understand how the human rights culture, or lack thereof, and the culture of violence (and sexual violence) that accompanies smuggling and trafficking, contribute to the human trafficking cycle and keep the vicious cycle of violence in place.