

THE ROLE OF WOMEN IN THE INTERNATIONAL TRADE OF COCAINE – DRUG MULES

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ABSTRACT

Purpose: International trafficking in illegal drugs represents one from the most profitable and the most dangerous types of organized crime with women more and more often playing specific roles inside the criminal network. One of the most represented roles is that of the so-called *drug mules* – persons who carry drugs over state borders. Although these women are often presented as ordinary perpetrators of criminal offences or even as victims of circumstances, deeper analysis reveals a complex network of social, economic and gender factors which influence their participation in the transport of cocaine. This phenomenon is not new, but in the modern context of mass migration, social status, gender subordination, and economic insecurities it is getting a new dimension.

Coordinates and methods in which this work will be carried out: The goal of this paper is to analyse the role of women acting as '*mules*' in international trafficking in illegal drugs, with a special focus on reasons for their participation, their psychological profiles and the dilemma between their roles as perpetrators or victims of crime. The paper analyses the ways in which women participate in the transport and trade of cocaine within international criminal networks. Special attention has been given to methods of smuggling, including bodily transmission, hidden luggage and the role of a middleman in the chain of distribution. We tried to answer the following questions: Are the women in this context exclusively criminals or are they often the product of structural inequality, violence and economic necessities? What kind of role do criminal organizations have in recruitment and control of women as couriers? How much are these women really perpetrators of criminal offences and how many of them are victims of structural violence and social marginalization? Do effective programs of rehabilitation and resocialization for women convicted as '*drug mules*' exist? The methods used in the paper include: descriptive method, analysis method, historical method, comparative method, as well as a critical analysis of the penal policy towards women in the role of '*drug mules*'.

Value: It examines an under-researched aspect of organized crime – the role of women not as organizers, but as instrumentalized actors. It provides a basis for further research on women in criminal structures and their treatment in the justice system.

Result: The value of the paper indicates that women as drug carriers often operate in the gray zone between complicity and being a victim. Although, legally, these women are perpetrators of criminal offences, their involvement in the drug trade is most often not the result of free choice, but rather a product of poverty, gender inequality, domestic violence, migration status or pressure from criminal groups. In this context, it is necessary to review the approach of the justice system in order to ensure fairness, taking into account the specifics of gender, social background and personal circumstances of the women convicted as '*drug mules*'.

Keywords: women, drug trade, '*drug mules*', criminal groups, victim, violence.

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INTRODUCTION

Transnational cocaine trade represents one of the most profitable and dangerous branches of organized crime, with far-reaching consequences for security, public health, economic stability, and human rights and individual freedoms at the global level. Cocaine, as an illegal psychoactive substance, is produced almost exclusively in several Latin American countries – Colombia, Peru and Bolivia – while the key consumption markets are located in North America and Europe. Transporting drugs between production and distribution points requires a complex logistical infrastructure and support, involving so-called “mules” - persons who physically transport cocaine across international borders, most often through bodies, luggage or commercial shipments.

In recent decades, the number of women working in this capacity has increased at an alarming rate. Although female mules make up a relatively small part of the hierarchy of criminal networks, their importance in the operational chain of smuggling is undeniable. Their involvement is often the result of a combination of structural factors – poverty, unemployment, gender inequality, domestic violence, lack of education and gender-based exploitation. In many cases, women are not only economically forced to participate in criminal activities, but are also directly manipulated, blackmailed or emotionally bound by individuals from criminal structures.

Despite the complexity of their position, justice systems around the world often approach women mules through a strictly repressive and individualizing perspective, ignoring the contextual factors that led to their criminalization. Such approach leads to multiple victimizations: women are not treated as persons in a vulnerable position, but as equal criminal actors, which is why they are subject to long prison sentences, social stigmatization and marginalization after leaving the system.

The transfer of cocaine across international borders is a key stage in the global drug trafficking chain. This activity requires sophisticated logistics and the involvement of various participants, from individual couriers to complex networks that organize transport. To reduce the risk of detection, criminal groups use various methods, such as hidden compartments in luggage, in vehicles or even inserting drugs into the human body. It is precisely in this segment that organised crime shows its strength - coordinated flows of money, people and drugs connect several continents and enable a stable market supply. National borders become high-risk points where conflict is waged between repressive authorities and criminal structures. Despite the constant improvement of control mechanisms, smuggling networks are finding new ways to circumvent surveillance, confirming their adaptability and internationality.

THE TERM ‘MULE’ AND THE TRANSNATIONAL TRADE OF COCAINE

In modern security and criminological studies, the term ‘mule’ refers to a natural person, most often an individual who transports cocaine across international borders through the body (e.g. by swallowing drug packages), hidden in clothing, luggage, a vehicle or commercial goods. Mules represent low-profile operatives within complex criminal networks that organize the distribution of narcotics



around the world (Fleetwood, 2014: 22). In the context of the cocaine trade, geographic flows most often start from the Andean countries of Latin America (Colombia, Peru, Bolivia), pass through Central America and the Caribbean, and end up in high consumption markets - in the United States of America and Europe (United Nations Office on Drugs and Crime, UNODC, *Global Report on Cocaine*, 2023: 28). Mules facilitate the transition of drugs through the so-called “soft spots” - airports, ports and border crossings with a lower level of control.

Due to the need for discretion and to reduce the risk of detection, criminal networks are increasingly hiring women as mules. Women are perceived as “less suspect” due to their physical features, social stereotypes and family roles (e.g. mothers with children), which make them ideal candidates for this form of exploitation (Sudbury, 2005: 88). Stereotypes about women who serve as ‘mules’ in drug trafficking often depict them in a simplistic way. They are most often imagined as poor and gullible, women who are easily abused by criminal groups because of their vulnerable position or family obligations. Also, there is a common opinion that women attract less attention than men, so it is considered that they pass through controls more easily. However, such views ignore the fact that behind such situations there is a much more complex background - from coercion and manipulation to a personal decision conditioned by material problems. Precisely because of this, stereotypes not only simplify reality, but also contribute to stigmatization, instead of understanding the real causes and circumstances that lead women to such risks.

WHY WOMEN BECOME MULES AND THEIR ROLE IN TRANSNATIONAL TRADE

The phenomenon of the engagement of women as mules requires consideration from the perspective of gender inequality, social vulnerability and economic exclusion. Women who participate in the transnational cocaine trade often come from poor, migratory unstable environments, without access to education, employment or institutional protection. In this context, their participation in criminal activities does not necessarily arise from criminal intent, but from existential necessity (Dorn, Levi, & King, 2005: 56–58). Women are recruited because of gender-based stereotypes: seen as “harmless”, “invisible” and “emotionally vulnerable”, they are ideal mules which in most cases manage to pass border controls without detection (Maher & Daly, 1996: 470). In practice, however, they become the first profile to be processed when a smuggling attempt is detected.

In addition, a significant number of women are recruited in the context of intimate partner relationships. Many mules are emotionally attached to men in higher positions in criminal structures, and their loyalty, fear, or dependence lead to putting themselves in extremely risky situations. There are numerous examples in which women smuggled cocaine not for personal gain, but because of blackmail, threats or emotional manipulation (Campbell, 2018: 260). In the operational structure of criminal networks involved in the cocaine trade, mules - and women among them - occupy the riskiest and weakest positioned roles. Although they are functionally important because they carry out the physical transfer of cocaine, from the point of view of the network they are easily replaceable and completely expendable. Their loss, either by arrest or death (due to bursting of capsules), does not lead to major disruptions in criminal structures, precisely because of their availability and marginal status (Fleetwood, 2011: 375–393). The organizers of smuggling operations are rarely identified or prosecuted, while female mules, as the most visible actors at borders and airports, become the primary targets of criminal prosecution. According to UNODC statistics, in some Latin American countries, more than 60% of women in prisons were convicted of drug-related crimes, while most of them had the role of mules (UNODC, *Women and Drugs: Drug policy and incarceration*, 2018:17). The aforementioned



facts confirm the asymmetric character of justice, where the penal system targets the weakest actors, while the real power structures remain intact. Female mules are therefore at the centre of a paradox - they are both instruments of the cocaine trade system and objects of the state's repressive response.

METHODS OF TRANSPORTING COCAINE BY WOMEN MULES

Organized crime, especially related to the crimes of drug abuse, illegal arms and human trafficking, is on the rise. The number of the most serious crimes committed is growing, and the difficulties in discovering and proving the commission of those crimes and the perpetrators are very great due to the increasingly sophisticated organization of criminal associations (Vulević, 2023: 200). Female mules use different modalities to transport cocaine, which criminal networks adapt to the degree of control at borders and transport routes. The most common form of transport is the transfer of cocaine inside the body, known as *body packing*, where the cocaine is introduced into the gastrointestinal tract in the form of multiple wrapped packages made of latex, condoms or balloons. These packages contain from 3 to 10 grams of substance, while the total weight can exceed one kilogram (Beckley, Ansari, Khwaja & Mohsen, 2009: 164). In addition to ingestion, cases of rectal or vaginal insertion of packages have also been reported, which increases the risk of medical complications and reduced detection on scanners (Schaper, Hofmann, Ebbecke, Desel & Langer, 2003:630). The second modality includes physical hiding in the wardrobe or luggage — in bras, shoes, the double bottom of a suitcase or specially made partitions (Europol, *Drug trafficking in the European Union*, Luxembourg, Publications Office of the European Union, 2017). Transportation through false pregnancies, where women hide packages in artificial stomachs or attached to the body in order to arouse sympathy and reduce the likelihood of control, has been especially documented (United Nations Office on Drugs and Crime - UNODC, *World Drug Report 2019*, Vienna, UNODC, 92-94). Cases have been recorded at the airports in South America and Europe where women used as mules wear specially made wigs or hair extensions in which packages are sewn, as well as hidden in cosmetic and hygienic products (shampoos, creams, pads) filled with cocaine powder or its liquid form (International Narcotics Control Board – INCB, *Annual Report*, Vienna, United Nations, 2020: 68). All these forms of smuggling illustrate high degree of innovativeness of the criminal network, but at the same time, they point to the instrumentalization of the body and the everyday subjugation of women mules as a means of transporting cocaine.

COCAINE TRANSPORTATION INSIDE OR OUTSIDE THE BODY (BODY PACKING)

One of the most specific and riskiest ways of smuggling narcotics is the method known as *body packing*, which implies carrying packages of cocaine in the human gastrointestinal tract. This practice is particularly frequent among the so-called 'mules', a significant percentage of whom are women, because of their vulnerabilities and susceptibility to manipulative pressure by organized criminal network. Average number of package ranges from 50 to 100 pcs, and the total quantity of cocaine which one individual can transfer may exceed one kilogram (Schaper et al., 2003: 631). Packages are usually made from latex, condoms or balloons in multiple layers. They are wrapped in order to reduce the risk from rupture. Despite this, medical literature notes a large number of cases of fatal intoxication due to packet rupture, which is why there is a massive absorption of cocaine and fast mortal outcomes (Pramanik & Vidua, 2016:2). Most often complications include acute intoxication, perforation of intestines, ileus and cardiotoxic effects, while emergency surgical interventions are necessary in situations when conventional treatments are not enough (Beckley, Ansari, Khwaja & Mohsen, 2009:166). In view



of the high mortality rate and the serious health consequences, body packing is considered one of the most dangerous methods in cross-border drug trafficking, which also confirms the instrumentalization of drug couriers as “expendable” labour in global criminal networks.

Body packing, represents one of the most dangerous and the cruellest methods of smuggling, to which women are often exposed. In this type of smuggling, capsules of cocaine, usually coated in latex or plastic, are ‘packed’ into the body by swallowing or by rectal and vaginal insertion (Traub, Kohn, Hoffman & Nelson, 2003: 2522). The number of capsules varies, but in practice there are records of cases in which women carried over 100 capsules, with the total weight larger than one kilogram (Bulstrode, Banks & Shrotria, 2002: 35–38). This one-way transport implies exceptionally high health risk because even the smallest capsule damage can lead to a fatal outcome, poisoning and death within a few minutes. That is why *body packing* is indicated in the literature as a combination of criminal exploitation and extreme inhumanity to women’s bodies (Deitel & Syed, 1973: 211). Organized criminal groups force women into this practice, often using psychological and physical coercion, as well as promises of quick profits or loan pay off. Numerous cases of discovery of mules through X-rays and scanners have been recorded at airports throughout Europe and Latin America, leading to an increase in the number of arrests of women forced into this type of smuggling (Deitel & Syed, 1973: 212). At the same time, there are also cases where women accept this risk due to ignorance or pressure, without awareness of the mortal dangers and consequences that the *body packing* can cause. This phenomenon shows the complexity of gender perspectives in the transnational trade of narcotics because women in these cases are not only executors of criminal offenses, but also victims of brutal instrumentalization of their own bodies.

WOMAN MULE AS VICTIM AND PERPETRATOR: FEMINIST-CRIMINOLOGY APPROACH

Feminist criminology indicates that the traditional approach to criminality is gender-blind and insensitive to the specific social and economic conditions that induce women to become involved in criminal activities. A fundamental question posed by criminological debates: do women enter the cocaine trade because they are passive and helpless victims or bait, or do they make decisions of their own free will? (Fleetwood, 2014: 180). In the mentioned framework, the woman mule cannot be seen only as a bearer of criminal responsibility, but also as a subject of multiple victimization - economic, institutional, partner and legal (Campbell, 2008, 240). In the context of the transnational cocaine trade, feminist theories emphasize that many women are actually victims of patriarchal relations within criminal networks, as well as the wider social structure in which they live. Their actions as mules are often the result of a lack of autonomy, psychological pressure and dependence on male authority – be it partners, family members or local gang leaders (Crenshaw, 1991: 1250). Criminal justice systems must develop models that recognize the difference between high-ranking organizers and women who are vulnerable to manipulation or coercion, in order to facilitate fairer sentencing and provide opportunities for rehabilitation.

Criminological profile and patterns of vulnerability of women mules

The profiles of women mules most often includes persons who come from economically and socially marginalized backgrounds, with limited opportunities for legal employment and social mobility (Fleetwood, 2014: 46). The majority of them are encouraged by poor community of Latin America, Africa or eastern Europe, where organized criminal groups simply find vulnerable targets (UNODC,



The role of women in drug trafficking, United Nations Office on Drugs and Crime, 2012, 7–12). Typically, these are women between the ages of 20 and 40, although there are also cases of older women who were recruited due to economic dependence or family obligations (Campbell, 2008: 235). Many of them are single mothers or members of multiple discriminated social groups, which additionally makes them suitable targets for manipulation (Maher & Hudson, 2007: 548). The psychological profile often includes low self-esteem, a high degree of dependence on others, and a strong pressure to provide main sources of income for the family (Fleetwood, 2017: 532). In a large number of cases, female mules had minimal or no contact with the justice system prior to criminal activity, which indicates their instrumentalization by the organizers of the criminal group (Schloenhardt, 2019: 124). They are often faced with promises of quick and easy earnings, but also with threats or coercion, which is why they are consciously or unconsciously drawn into the network of drug trafficking (UNODC, *Handbook on Women and Imprisonment*, 2nd edition, 2019, 38–41). Unlike high-ranking perpetrators, women mules rarely have knowledge of the entire structure of a criminal organization, but instead play the role of one-time high-risk perpetrators (European Monitoring Center for Drugs and Drug Addiction (EMCDDA), *Drug trafficking and women: a European perspective*, 2020, 14–16). This profile indicates their vulnerability and the need for criminal policy to distinguish between them and the organizers, through the introduction of alternative sanctions, protective measures and reintegration programs (Baratta & Frosini, 2020: 190).

Numerous studies indicate the fact that the women engaged as “mules” have often previously been victims of sexual exploitation and human trafficking. Criminal networks are recruiting women from marginalized communities, using combination of deception, coercion and violence, which is why they are first introduced into chains of sexual exploitation, and then instrumentalized for drug trafficking (UNODC, *Global Report on Trafficking in Persons*, New York, United Nations, 2018, 34–39). In many cases, women from Africa and Latin America are brought to Europe under false pretences, lured by promises of employment or better life, only to end up in double exploitation – as forced sexual objects and as couriers for transporting cocaine (International Organization for Migration, IOM, *Caring for Trafficked Persons: Guidance for Health Providers*, Geneva, IOM, 2016, 47–52). This practice additionally complicates their legal position, because they appear simultaneously as perpetrators of criminal offenses and as victims of organized crime and human trafficking. This raises the question of the necessity of implementing gender-sensitive and victimologically oriented approaches in criminal proceedings, in accordance with international standards for the protection of victims and witnesses (Gallagher, 2010: 214–220).

Examples of women mules from Latin America and Europe

In Colombia and Peru, the number of women in prisons due to cocaine trade is continuously growing. A study of organization *Dejustice* from 2019 shows that as many as 75% of prisoners in Colombia are women convicted for their role in drug trafficking, that most of the mules are without a previous criminal record and with an addiction to partner violence? (Dejusticia, *Mujeres, delitos de drogas y políticas de encarcelamiento en Colombia*, Bogotá, Centro de Estudios de Derecho, Justicia y Sociedad, 2019, 12–18) In Spain and Italy, a large number of foreign nationals in prison are women who were found with cocaine at the airport. In most cases, they come from Nigeria, Brazil and Dominican Republic (European Monitoring Center for Drugs and Drug Addiction – EMCDDA, *Women in the criminal justice system and drug offenses in Europe*, Luxembourg, Publications Office of the EU, 2019, 33–36). Their engagement is often related to organized commercial and sexual exploitations, which complicates their legal position and additionally makes access to justice difficult.



The European Court of Human Rights (ECtHR) has warned in several cases about the states' obligation to assess the individual circumstances of women who are in prisons for cocaine trafficking, especially if they were previously victims of human trafficking or cocaine trafficking (European Court Human Rights (ECHR), case *Rantsev Against Cyprus and of Russia*, judgment of January 7, 2010, Case *LE against of Greece*, judgment of January 21, 2016).

Case from Italy: Palermo - Punta Cana, 2017, a twenty-five-year old Italian woman from Palermo was arrested at the airport in the Dominican Republic while trying to board the flight to Milan with almost 800 grams of cocaine sewn inside her clothes. She had no previous criminal record. She worked as a waitress at a seasonal bar and said she was recruited by her childhood friend, who had promised to help her "get" the family out of debt. The court in Milan, where she was extradited, sentenced her to four years in prison, but after two years she was transferred to house arrest due to her good cooperation with the judicial authorities. (Case study: Palermo–Punta Cana route, 2017, Court of Milan proceedings).

Case from Spain: On a flight from Peru to Madrid, 2016, Spanish customs authorities arrested a 32-year-old Peruvian woman at the Barajas airport who brought in 1.6 kg of cocaine in the form of a capsule that she swallowed. During the trip, she became ill, which led to the intervention of an emergency physician and the discovery of drugs. It turned out that she was part of a larger cocaine network that used poor women from Lima to transport the capsules to Europe. The woman was recruited through a relative, and she was supposed to receive 2,000 euros for the transfer. She was sentenced to five years and three months in prison, but the court concluded that she was a "victim of social exploitation", which was treated as a mitigating circumstance (Case study: Barajas Airport, Madrid, 2016, Spanish Customs and Criminal Court).

Case from Colombia: According to the National Institute of Prisons in Colombia (INPEC), more than 45% of women in prisons are serving sentences for cocaine trafficking, mostly as mules. Most of them are from poor groups and without education. These women often do not know the details of the final destination of the cocaine or the organization they belong to. Criminal groups use them knowingly because punishments for women are often lighter and women arouse less suspicion during checks (Instituto Nacional Penitenciario y Carcelario, *Statistical Report on Women Convicted of Drug Trafficking*, Bogotá, INPEC, 2020).

LEGAL TREATMENT AND CRIMINAL CONSEQUENCES FOR WOMEN MULES

The criminal justice systems of various countries criminalise possession and distribution of cocaine largely irrespective of the circumstances, ignoring a contextual analysis of the motivations and role of women mules. In most jurisdictions, women transporting cocaine are subject to the same or even harsher penalties than men, with mitigating circumstances relating to coercion, manipulation or economic vulnerability rarely invoked. National legislations generally rely on repressive models of cocaine control, based on international conventions (e.g. the Convention on Narcotic Drugs of 1961, the UN Convention of 1988). In that framework, the focus is on the prohibition of possession and transfer, without differentiation according to the degree of responsibility or coercion of participation (United Nations, *Single Convention on Narcotic Drugs*, 1961).² However, certain countries and organizations advocate a humane and gender-sensitive approach. So, for example, in Brazil and Colombia, a number of programs have been launched that enable the reduction of sentences for women who have been convicted for the first time, who are parents of young children or who have been forced to par-

2 https://www.unodc.org/pdf/convention_1961_en.pdf



ticipate in criminal activities (Penal Reform International, *Women in the criminal justice system and the impact of drug policies*, 2017).

WOMEN MULES AS ENDANGERED WITNESSES IN THE PROTECTION PROGRAM

There are cases in which women mules who have decided to cooperate with judicial authorities — either as protected witnesses in criminal proceedings or as witnesses in trials against members of criminal networks — are included in Witness Protection Programs. Witness protection has become increasingly important in recent years, as justice-breakers have become increasingly sophisticated in their methods of retribution (Vulević, 2023: 191). This situation is particularly common in countries with a pronounced problem of transnational cocaine trafficking, such as Colombia, Brazil, Italy and Spain (UNODC, *Handbook on the management of witness protection programs*, 2019). Female mules often possess key information about the structure of criminal groups, the logistics of smuggling, the identities of the organizers or methods of recruitment. Given the nature of criminal networks, their statements can threaten their safety and lives, which is why protection is necessary. Some cases include threats from members of the network or family circles who exert pressure or try to prevent them from cooperating with the state (European Union Agency for Fundamental Rights, *Protection of vulnerable witnesses in criminal proceedings*, 2014). Many women mules come from very vulnerable backgrounds, with weak legal literacy and trust in institutions, which makes it difficult for them to cooperate and be included in protection programs. Sometimes, due to social stigma and personal trauma, these women find it difficult to adapt to new living conditions within the Protection Program (International Association of Witness Protection Professionals (IAWPP) - case studies).

In Italy, in some cases, women mules who agreed to cooperate with the prosecution against Mafia clans entered Protection Programs with changed identities and special security measures. It is similar in Colombia, where women mules are often key witnesses in actions against drug cartels, while providing protection through state programs and international projects (Baratta & Frosini, 2020: 150). Specifically, as a result of intimidation, threats, coercion, various pressures on a witness who is not protected, there is a fear of testifying, the possibility of giving up the testimony, and even the possibility of giving a false testimony (Vulević c, 2023: 170).

INTERNATIONAL COOPERATION IN SUPPRESSING TRANSNATIONAL TRAFFIC IN COCAINE

International cooperation has a crucial role in the fight against transnational drug trafficking, since smuggling chains include countries of origin (Latin America), transit (West Africa, Balkans) and destination (Europe, North America). Women mules, in this context, appear as immediate perpetrators who enable the identification of broader criminal structures and are a key source of intelligence and procedural information.

The legal framework of cooperation is based on the following international documents:

1. United Nations Convention against Transnational Organized Crime - Palermo Convention (2000), which prescribes the obligation of states to develop joint investigations, facilitate extra-



dition and provide mutual legal assistance (UN Convention against Transnational Organized Crime, Palermo Convention, United Nations, 2000).³

2. The UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 1988), which emphasizes the criminalization of production, possession and distribution of narcotics, as well as the obligation of international cooperation in law enforcement (UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, United Nations, 1988).⁴
3. Regional instruments, such as the legal framework of the European Union and the activities of bodies such as Europol, Eurojust and Joint Investigation Teams (JITs), which enable parallel investigations in several countries.

Mutual recognition of court decisions and accelerated extradition procedures are particularly important, as drug cartel organisers often use the differences between legal systems to evade criminal responsibility. In this context, women mules who decide to cooperate with law enforcement authorities often participate in witness protection programmes and sometimes also in international programmes that allow them to be resettled in third countries and receive security there. In this way, international cooperation simultaneously increases the capacity of states to take repressive action against criminal organisations and strengthens mechanisms to protect the human rights of women mules, creating a balance between security priorities and a humane approach to criminal policy.

MEASURES FOR THE PREVENTION AND TREATMENT OF WOMEN MULES IN THE TRANSNATIONAL TRAFFIC OF COCAINE

The phenomenon of the involvement of women as mules in the transnational cocaine trade requires a complex approach that combines legal, social and security measures, with a clear understanding of gender specificities and vulnerabilities. Some of the necessary measures to be implemented are as follows:

1. **Gender-sensitive criminal policy** - Criminal justice systems should apply an approach that recognizes the complexity of the situation of women mules, especially those who have been exposed to coercion, manipulation or difficult socioeconomic conditions. Introducing relief in penal policy for women who are not key organizers of trafficking, but instrumentalized perpetrators, is the basis for a fairer system (United Nations Office on Drugs and Crime, UNODC, *Toolkit on Gender-Responsive Non-Custodial Measures*, 2020).
2. **Reintegration programs and alternative sanctions** - Prison sentences should be the last measure, while for women mules it is preferable to introduce alternative sanctions, such as community work, counselling programs, psychosocial support and educational activities. This approach has a positive effect on reducing recidivism and allows women to reintegrate into society with new knowledge and skills (Penal Reform International, *Global Prison Trends: Women in Prison*, 2017).
3. **Education and prevention in vulnerable communities** - Prevention should target poor and marginalized women through educational campaigns that highlight the risks of participating in cocaine smuggling and offer alternative sources of income. Inclusion of local leaders and non-governmental organizations contributions strengthen the resistance of the community (Human Rights Watch, *"No Way Out": Human Rights Abuses in the War on Drugs*, 2018).
4. **International cooperation and training police** - Specialized training for members of police and judiciary enables recognition of cases of human trafficking and coercion against women. Im-

³ <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

⁴ https://www.unodc.org/pdf/convention_1988_en.pdf



proved cooperation between countries of origin, transit and destination is key to effective fight against organized network, simultaneously protecting the rights of endangered women (United Nations Office on Drugs and Crime, UNODC, *Handbook on Gender and Drug Policy*, 2019).

5. **Concise distinction between organizer and mule** - The justice system must clearly distinguish between perpetrators of crimes and women who act under coercion or manipulation, which will prevent disproportionate punishment of the most vulnerable and enables targeted suppression of criminal rings. Certainly, national legislations need to find acceptable harmonization solutions for possible conflict interest between individual rights and legal interest of the society (Vulević b, 2023: 170).

RECOMMENDATIONS FOR A REFORM OF CRIMINAL POLITICS IN CONNECTION WITH WOMEN MULES IN TRANSNATIONAL COCAINE TRADE

On the basis of previously implemented analyses and identified challenges in processing and treatment of women mules in the criminal justice system, we can single out the following key recommendations:

1. **Differentiated criminal processing** - It is necessary to establish a clear normative and procedural difference between high-ranking members of the organized criminal structure and low-ranking perpetrators who act under coercion, deception, abuse of a vulnerable position or in conditions of economic and social marginalization. In this sense, it is recommended to change the provisions of material and procedural criminal rights so as to allow a more flexible approach to the qualifications of the offense, the imposition of sanctions and the eventual application of the institute of the possibility of criminal prosecution for those actors whose guilt is significantly reduced by the circumstances under which they acted (Schloenhardt, 2019: 210–214).
2. **Gender sensitive criminal law frame** - It is necessary to introduce special mitigating circumstances and protection mechanisms for women who have committed criminal acts for the first time and who were previously exposed to manipulation, coercion, violence or other forms of abuse. This includes the inclusion of the principle of gender equality in legal norms, as well as the harmonization of domestic legislation with international documents, such as UN *Convention Against Transnational Organized Crime* and *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) (Fleetwood, 2017: 528).
3. **Alternative sanctions and programs of social reintegration** - Instead of the routine application of prison sentences, it is necessary to develop a system of alternative criminal sanctions (suspended sentence, conviction, community service, house arrest with supervision) and ensure access to rehabilitation and reintegration programs. Such programs should include educational and vocational courses, health and psychological support, addiction recovery programs, and social inclusion measures that reduce the risk of relapse (UNODC, *Handbook on Women and Imprisonment*, 2nd edition, 2019, 68–72).
4. **Specialized training for judicial and police authorities** - The prosecution, courts and police services should conduct continuous education on gender-based aspects of organized crime, psychological and social determinants of criminal behaviour and apply international human rights standards. Training should include topics related to recognizing indicators of coercion and human trafficking, to ensure a differentiated and fair response and justice (European Union Agency for Fundamental Rights, *Protection of vulnerable witnesses in criminal proceedings*, 2014, 34–37).
5. **Improved international judicial and police cooperation** - It is necessary to intensify the exchange of operational, intelligence and forensic information between countries of origin, transit



and destination of cocaine. The focus of international cooperation at sea should be on identifying, locating and prosecuting the organizers and financiers of smuggling operations, and not exclusively on apprehending and convicting couriers. Expanding bilateral and multilateral extradition agreements, legal assistance and joint investigation teams are also recommended (Joint Investigation Teams - JIT) (UNODC, *United Nations Convention against Transnational Organized Crime and the Protocols Thereto (Palermo Convention)*, 2004, 23-25).

CONCLUSION

The phenomenon of the female mule in the transnational cocaine trade represents a complex criminological, legal and socio-economic problem that goes beyond the boundaries of individual countries and requires a coordinated international response. The analysis shows that women mules most of the time do not occupy central positions in criminal hierarchies, but rather work as the most vulnerable segment of the criminal network, exposed to the largest operational risks and the strictest criminal sanctions. Their involvement in smuggling activities is often a consequence of economic deprivation, gender conditional violence, manipulation or abuse of a vulnerable position. The phenomenon of the female mule in the transnational cocaine trade represents a complex criminological, legal and socio-economic problem that goes beyond the boundaries of individual countries and requires a coordinated international response. This approach can lead to disproportionate punishment of women mules and missed opportunities to prosecute key actors in organized crime. Considering the above, it is necessary to develop gender-sensitive criminal prosecution mechanisms that will take into account the specific circumstances and minimize the guilt of these criminal perpetrators. Implementation of alternative sanctions and social reintegration programs can contribute to the reduction of recidivism and provide the possibility of exiting criminal structures. In addition, specialized training of prosecutors, judges and police officers on the gender aspects of organized crime and indicators of coercion can improve the quality of investigations and criminal proceedings. International cooperation remains a key element in the effective suppression of transnational cocaine trafficking, particularly in terms of information sharing and joint operations aimed at breaking up criminal networks. The experience of countries that have developed comprehensive witness protection programmes shows that female mules, as potentially valuable cooperating witnesses, can be an important source of evidence against the organisers of cross-border smuggling operations. An effective policy to combat this phenomenon must be based on a combination of repressive and preventive measures, with a focus on human rights and gender equality. Ignoring the gender dimensions of this problem can perpetuate injustice and weaken the overall results of the fight against organised crime. Only a comprehensive, integrated and gender-sensitive approach can bring about sustainable results in reducing the role of female mules in cross-border cocaine trafficking.

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