**Howard Journal special issue, Editor’s introduction.**

Drug mules are a relatively recent phenomenon. Although they appear in fictional works such as drug trafficker Robert Sabbag’s autobiography *Snowblind* (1976) and in reports of the International Narcotics Control Board at the United nations in 1988 (Fleetwood and Haas 2011) academic research came a little later. In 1986, Venezuelan criminologist Rosa del Olmo was the first to note the involvement of women in the drug trade (sometimes they were merely present during a drug seizure but were punished nonetheless). In the UK, Penny Green pioneered research on the topic. *Drug couriers,* published as a short volume by the Howard League in 1991, pioneered UK research on the subject. In it, she documented the fourfold rise in sentences for drug importation between 1979 and 1989 (p. 17), and offers a careful examination of motivations for involvement in trafficking, as well as their treatment and experiences in the English and Welsh criminal justice system (1991, see also Green 1998). Given the Howard League’s early recognition and support for research on the subject of drug mules, it is a pleasure to be introducing a special issue on the subject, albeit some 26 years later.

As the diverse contributions in this special issue show, the topic of drug mules opens up wider questions about gender, crime and punishment on a global scale. As a trans-national, globalised form of crime it demands engagement with scholarship beyond researchers’ own culture, academic canon or discipline. This is not to say that the contributions to this special issue have entirely avoided the problems of ‘northern’ social theory (Connell 2007; Aas 2012). Readers may correctly note the absence of voices from important pockets of the global south, especially South East Asia. Latin America is especially well represented here because of its central role in cocaine production. I am pleased to introduce several emerging authors most of whom have seldom published in English.

Our scholarship approaches drug mules in diverse ways. Some articles take a national focus; for example Constant offers an historical review of women’s incarceration in Peru up to the present day, and Seal and myself examine the media framing of Lindsay Sandiford in the UK Press. Some take a transnational focus: Van San and Sikkens compare women’s participation in the transnational cocaine trade between Curacao (as an ex Dutch Colony), Peru and the Netherlands. Likewise, Urquiza Haas examines punishment for drug mules in Indonesia, Costa Rica and England and Wales. Lastly, Fleetwood and Seal undertake a global analysis of the death penalty for women drug offenders. Common to all the papers is an attempt to understand the significance of drug mules for our understandings of contemporary crime and punishment in a globalised age. Echoing notions of feminist research, several papers seek to include research participants’ voices and experiences to inform our academic debates.

*Drug mules: definitions and discourses*

A drug mule (or drug courier) is someone who carries drugs across an international border for someone else. Drug mules are subject to intensive control and exploitation by traffickers, whereas those carrying their own drugs have far greater control and make far greater profit. Contrary to stereotypes, drugs are more likely to be concealed in luggage than swallowed. Although the person carrying the drugs may be from the global south, they could just as likely be an employed person from the global north. Mirroring the illegal economy, most drug mules are in fact men (Fleetwood 2014).

The term ‘drug mule’ is arguably derogative and critics would rightly argue that the term is potentially dehumanising. A variety of terms have been used reflecting methodology, notions of punishment and gender ideologies. In their review of arrest data, Green, Mills and Read (1994) accurately use the term ‘drug importers’ reflecting the categories used in sentencing data. This clarity has rarely been replicated; drug importers/exporters are conflated with mules, trafficking remains ambiguously defined and may include drug production, use, selling as well as importation/exportation. In 2009, following concern regarding apparently rising numbers of women and girls imprisoned for drug offences, the United Nations published a global review of available evidence concluding that 20% of those arrested for drug trafficking were women (UNODC 2011). Although they caveated their conclusions, the data referred to all drug seizures above a certain quantity threshold (100g for cocaine and heroin, for example) and thus represented women’s presence (not participation) where commercial quantities of drugs were seized, and not as couriers or mules which was the subject of the resolution (Fleetwood and Haas 2011 p.197).

The search for an alternative terminology is not straightforward. Qualitative researchers have used a variety of terms, including ‘swallowers’ (Zaitch 2002), but this category includes both ‘self employed couriers’ and ‘courier-employees’, to use Caulkins, Burnett and Leslie’s terminology (2009). The word ‘couriers’ may appear neutral, but is no less metaphorical, carrying with it notions of employment and choice; echoing rather than challenging neoliberal modes of punishment fundamental to the war on drugs (Fleetwood 2011). Indeed, women in prison in Ecuador used the term ‘mula’ (mule) as part of political protest to distinguish themselves from drug traffickers as social pariahs (Fleetwood 2014). Whilst the term ‘mule’ might be dehumanising, they used the term to achieve the exact opposite: to argue against their abjection as drug traffickers and to claim their right to participate in civil society. In England and Wales, since the introduction of Sentencing Guidelines for Drug Offences in 2012, debate has arisen about the differences between couriers and mules: rather than a politer term, the notion of the courier is now mobilised to describe someone knowingly involved, motivated by profit rather than poverty (Loveless 2012).

Thus, the definition of what (or who) can properly constitute a drug mule is not merely technical and remains subject to revision and debate. As **Urquiza Haas** shows, the notion of a mule proper in the English and Welsh courts is bound up with notions of vulnerability, and as such it is a category that troubles the law. Provocatively, she questions the use of the notion of ‘vulnerability’ in legal discourses about drug mules.

Deconstructing discursive constructions of drug mules and traffickers challenges harmful misconceptions. According to Olmo ‘discourses corresponding to specific economic and political interests have masked the true nature and dynamic of the drug issue by casting it in semi-mythical terms’ (1993: 1). These misconceptions play out at the border, when they are deployed by customs agents (Schemenauer 2012), in film and popular media (Boyd 2007) and, as **Giacomello** points out in this volume, in policy. The notion that women are exploited by traffickers, or driven into trafficking by poverty has been powerful in policy circles including the United Nations. Yet, this discourse arguably reproduces gendered binaries and renders women’s agency invisible. As Giacomello argues, gender mainstream in drug policy reform is positive, but it must go beyond gender stereotypes. Also in this volume, **Fleetwood and Seal** examine the media framing of Lindsay Sandiford in a UK newspaper. Sandiford was the first British woman to be subject to the death penalty for drug offences,. Her case generates considerable discussion about nation, gender and punishment. As a drug mule, her capital sentence elicited discourses about unfairness connected to her class. However as an older woman, she does not readily fit standard drug mules discourses about youth, naivety and exploitation.

*Harsh punishments*

Drug laws rarely recognise drug mules as a distinct category of low-level offender (Singapore and England and Wales being the exception), resulting in harsh punishments: long, custodial sentences and even the death penalty. Women and foreign nationals have been disproportionately criminalised for drug trafficking, as well as for possession and drug sales. Their number, and the fact they are serving long sentences means that drug offenders represent one in four women in prison in Europe and Central Asia (Iakobishvili 2012). Drug offenders also comprise more than half of the female prison population in Nicaragua, Honduras, Brazil, Costa Rica, Venezuela, Panama, Ecuador and federal prisons in Argentina and Mexico (Giacomello 2013a). As a result, drug offenders now represent a significant portion of those in prison worldwide (Penal Reform International 2015) especially in Latin America where the criminalisation of drugs has directly driven the expansion of the prison estate across the continent over the past 20 years (Metaal and Youngers 2011). Most are low-level offenders, including drug users and drug mules, whose make easy targets for law enforcement in comparison to organisers who pay drug mules to take the risks. Due to the transnational nature of drug trafficking, the so-called ‘war on drugs’ correlates with the rise of foreign nationals in prison. In his review of the global incarceration of drug offenders, Bewley-Taylor notes:

The countries with the largest proportion of drug offenders also have the largest proportion of foreign national prisoners. With the exception of Iceland and Azerbaijan, all of the countries whose prison population comprised 20% or more drug offenders comprise 20% or more foreign national prisoners. (2009 p. 7).

The disproportionate punishment of drug mules (and women in particular) is well documented. The interested reader can find analysis of women’s punishment for drug offences in the UK (Joseph 2006), North America (Huling 1996; Lawrence and Williams 2006) and Latin America (Giacomello 2013a, Boiteux 2015), including Ecuador (Edwards 2003) Bolivia (Diaz-Cotto 2005) and Mexico (Giacomello 2013b).

Global analysis also clearly demonstrates the gendered and raced dynamics of harsh punishment in the globalised war on drugs (Sudbury 2002; Reynolds 2008; Malinowska-Sempruch and Rychkova 2015). **Constant’s** paper traces the history of women’s imprisonment in Peru. Rather than solely examining the present era in light of globalisation, her detailed historical analysis draws out continuities in the punishment of poor women in Peru. Of special importance is her close attention to the ways that localised gender norms in Peru have shaped women’s invisibility, criminalisation as well as scholarship that recuperates this hidden history.

There is some cause for optimism. Drug mules are increasingly recognised as a distinct category of minor offender, deserving of a lesser punishment than those who play organisational roles in the trade. In 2012, a new guideline for drug offences was introduced in England and Wales which, perhaps uniquely, recognised drug mules as a specific category of offender (Sentencing Council 2012). The immediate impact of the guideline was positive (Fleetwood, Radcliffe and Stevens 2015). Nonetheless, analysis of this guideline, and another in Costa Rica by Urquiza Haas in this special issue, queries the effectiveness of reforms based on notions of vulnerability. Whilst drug mules are undoubtedly vulnerable, within the logic of neoliberal sentencing notions of vulnerability may result in equally harsh punishment rather than less.

Also in 2012, Singapore changed their drug law to recognise drug couriers as a special group, which is now exempt from the mandatory death penalty. Couriers are required to meet strict conditions, including aiding police and prosecutors (Ministry of Home Affairs Singapore 2012). In 2014 Ecuador introduced a new penal code that distinguished between small, medium and high scale of drug offender (Álvarez Velasco 2014). Echoing sentencing models in the UK and the USA, drug weight is employed as a proxy for seriousness. Prior to 2014, all drugs were subject to the same punishments, regardless of drug or quantity and this included very long sentences of 8-12 years for drug mules (Edwards 2012). In most instances, drug mules will likely receive a more proportionate sentence, but, as I have argued elsewhere, drug weights are not an accurate proxy for seriousness of offending, at least with regards to international drug trafficking (Fleetwood 2011).

At the same time, a parallel trend has emerged: the use of the death penalty against drug mules. Hundreds of drug traffickers (most of whom will be low level offenders, including drug mules) are executed annually, especially in China and Iran (Gallahue and Lines 2015). **Fleetwood and Seal** demonstrate that this number includes women drug mules, and foreign nationals in particular.

*Drug mules’ motives and networks*

It has long been established that poverty is the main driver behind individuals’ participation in the drug trade, especially as mules. Drawing on interviews with Nigerian couriers (who at that time were emerging as a new ‘problem’ population in prisons in England and Wales), Green contextualises individual poverty within the wider history of the Biafran Civil War and subsequent vulnerability of Ibo people to racism, underemployment and financial crisis (1991). Against this backdrop, these ‘educated but destitute’ men found employment in the drug trade as international drug mules. Green’s subsequent research *Drugs, trafficking and criminal policy: the scapegoat strategy* (1998) drew on demographic data of around 900 drug importers and interviews with 70 individuals imprisoned in England to offer ‘a study of lives behind the stereotype’ of traffickers as ‘evil, greedy or depraved’ (Green 1996: 79).

Research on drug mules motives has been overwhelming focussed on women. This is due, in part, to the fact that drug offences have come to be so characteristic of women’s punishment internationally, but also due to a widespread but mistaken belief that traffickers are men and drug mules are women. This is not the case; drug importation, like crime more widely, remains male dominated. The orthodox consensus (questioned by **Van San’s** article, here) is that women are motivated to participate in trafficking due to a combination of feminised poverty and/or coercion (Huling 1995; Dorado 2005; Sudbury 2005; Torres 2008; Marshall and Moreton 2011; Bailey 2013). Her research joins a growing body of research exploring the intertwinement of social structural marginalisation and agency in women’s involvement in trafficking (See Le and Gilding 2014). In part, this change in research focus reflects historical changes in the drug trade. Drawing on ethnographic research of Colombian drug traffickers in the Netherlands, Zaitch concluded that: ‘Increasing global drug enforcement efforts pushed cocaine exporters to use less vulnerable couriers, more men, younger or older people, better off individuals with steady jobs, frequent flyers and more Colombians living abroad’ (Zaitch 2002: 146). Although Green interviewed ‘first world’ drug mules, they have been mostly absent from research (but see Fleetwood 2014). A much smaller volume of research examines the work actually undertaken by drug mules (Zaitch 2002; Caulkins, Burnett and Leslie 2009; Fleetwood 2014). **Van San and Sikkens** examine how social networks shape women’s involvement in the drug trade, comparing women from Curacao (with colonial connections to the Netherlands) and Peru (which does not). Their paper draws out the ways in which colonial histories shape women’s participation in drug trafficking, not only by creating opportunities through familial networks but through normalising drug trade participation. As such, their paper makes an important contribution to the under-researched area of women’s participation in transnational crime.

*Future directions*

Thirty years in, there exists an established body of research on drug mules. The need to document criminalisation of drug mules, and the perverse effects of drug laws/policy remains prescient. Empirical research offers an effective challenge to misconceptions about trafficking, as does discursive analysis of policy documents and popular media. Nonetheless, important gaps remain. Although we have research on mules in/from North and South America, Europe and Australia, south-south trafficking routes are under explored. Research on drug mules from Africa and South East Asia is missing and would help build a truly global picture of the drug trade.

At the time of writing, there is a pressing need to better understand the use of the death penalty against drug traffickers in South East Asia. The mass execution of alleged drug sellers in the Philippines (at least 7,000 have been killed since President Duterte’s became President in June 2016) is a grim reminder that humanising drug traffickers, sellers and users is a vital step in drug policy reform. Perhaps, by focussing on women drug mules, researchers have been silent on the men involved in drug trafficking as mules who remain under-researched (although see Green 1991, 1996 and to a letter extent Fleetwood 2014). Research on men who act as mules could fruitfully examine their exploitation and victimisation, as well as their motives. Although a small body of research has examined the workings behind drug trafficking via drug mules (see Caulkins, Burnett and Leslie 2009; Fleetwood 2014), further research is needed to understand how coercion and duress function. In *Drug mules* (2014) I examined the how drug mules were managed and found that gender appeared to be much less important in that men and women both appeared to be victimised and exploited. Further international research into the labour done by mules, and their control by others, could develop evidence for legal reform. As **Urquiza Haas** notes, Mary Jane Veloso was recognised as a victim of human trafficking in Indonesia. Similarly, in England and Wales, young men and women exploited in cannabis farms have been recognised as significantly less culpable for their offending, due to the fact they have been trafficked. In 2016, the court of appeal considered whether a drug mule should in fact have been prosecuted, given evidence that she had been forced to traffic drugs as a victim of human trafficking. Unfortunately the appeal failed; the judgement cited a lack of evidence to claims of coercion.[[1]](#endnote-1) Research on the workings of coercion exploring possible overlaps in techniques employed by those who traffic drugs and human beings, could potentially have a significant impact on legal reform.

As an international form of crime, scholarship on drug mules demands a transnational, and even global, imagination. The contributions to this special issue take the reader to Peru, Curaçao, Indonesia, England and Wales and Costa Rica. Although the focus of this special issue is drug mules, it is hoped that the reader will also enjoy reading about the ways that gender, crime and punishment function in diverse nations and contexts.

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**Bibliography**

Aas, K. F. (2012) “The Earth is one but the world is not”: Criminological theory and its geopolitical divisions. Theoretical Criminology, 16(1), 5–20.

Álvarez Velasco, C. (2014). Reforms and Contradictions in Ecuador ’s Drug Policy. Washington: Washington Office on Latin America.

Bailey, C. (2013) Exploring Female Motivations for Drug Smuggling on the Island of Barbados: Evidence From Her Majesty’s Prison, Barbados. Feminist Criminology, 8(2), 117–141.

Boyd, S. C. (2007). Drug Films, Justice, and Nationhood 1. Contemporary Justice Review, 10(3), 263–282.

Boiteux, L. (2015) The Incarceration of Women for Drug Offences, Collectivo de Estudios Drogas y Derecho (The Research Consortium on Drugs and the Law). <http://www.drogasyderecho.org/publicaciones/pub-priv/luciana_i.pdf>

Caulkins, J. P., Burnett, H., & Leslie, E. (2009). How illegal drugs enter an island country: insights from interviews with interviews with incarcerated traffickers. Global Crime, 10(102), 66–96.

Connell, R. (2007) Southern theory: The global dynamics of knowledge in social science. Cambridge: Polity.

Del Olmo, R. (1986) Female criminality and drug trafficking in Latin America: preliminary findings. In E. Morales (Ed.), *Drugs in Latin America*, Williamsburg, VA.: Dept. of Anthropology, College of William and Mary.

Diaz-Cotto, J. (2005). Latinas and the War on Drugs. In J. Sudbury (Ed.), *Global lockdown: race, gender, and the prison-industrial complex*, London: Routledge.

Edwards, S. G. (2003) *Illicit drug control policies and prisons: the human cost.* Washington: Washington Office on Latin America.

Fleetwood, J. (2011). Five kilos: penalties and practice in the international cocaine trade. British Journal of Criminology, 51, 375–393.

Fleetwood, J. (2014) *Drug Mules: Women in the International Cocaine Trade*, Basingstoke: Palgrave MacMillan.

Fleetwood, J., Radcliffe, P., and Stevens, A. 2015 Shorter sentences for drug mules: The early impact of the sentencing guidelines in England and Wales, Drugs: Education, Prevention and Policy, 22(5):428-436.

Giacomello, C. (2013a) Women, drug offenses and penitentiary systems in Latin America. London: International Drug Policy Consortium.

Giacomello, C. (2013b) *Género, drogas y prisión. Mujeres privadas de su libertad en México,* Tirant lo Blanch.

Green, P. (1991). *Drug Couriers*. London: Howard League.

Green, P. (1998). *Drugs, trafficking and criminal policy: the scapegoat strategy*. Winchester: Waterside Press.

Green, P. (ed.) (1996). *Drug couriers: a new perspective*, London: Quartet.

Green, P., Mills, C., & Read, T. (1994). The characteristics and sentencing of illegal drug importers. British Journal of Criminology, 34(4), 479–486.

Huling, T. (1995) Women drug couriers: Sentencing reform needed for prisoners of war. Criminal Justice, 9(15).

Huling, T. (1995). Women drug couriers: Sentencing reform needed for prisoners of war. Criminal Justice, 9(15).

Iakobishvili, E. (2012) Cause for Alarm: The incarceration of women for drug offences in Europe, Central Asia and the need for legislative and sentencing reform. London: International Harm Reduction Association.

Joseph, J. (2006). Drug Offenses, Gender, Ethnicity, and Nationality: Women in Prison in England and Wales. The Prison Journal, 86(1), 140–157.

Lawrence, S. N., & Williams, T. (2006) Swallowed up: Drug couriers at the borders of Canadian Sentencing. University of Toronto Law Journal, 56, 285–332.

Le, R., & Gilding, M. (2014). Gambling and drugs: The role of gambling among Vietnamese women incarcerated for drug crimes in Australia. Australian & New Zealand Journal of Criminology, 49(1), 134–151.

Loveless, J. (2012). Court of Appeal: When Is a Courier Not a ’ Mule ’? Journal. Of Criminal Law, 76(444), 1–10.

Malinowska-Sempruch, K., & Rychkova, O. (2015). The impact of drug policy on women. New York.

Marshall, E., & Moreton, K. (2011). Drug “mules”: twelve case studies. London: Sentencing Council.

Metaal, P., & Youngers, C. (2011) Systems overload: drug laws and prisons in Latin America. Transnational Institute/Washington Office on Latin America.

Ministry of Home Affairs, Singapore, 2012. ‘Amendments to the Misuse of Drugs Act’, <http://www.mha.gov.sg/news_details.aspx?nid=MjY4NA%3D%3D-9UYtY1flAog%3D>

Penal Reform International (2015). Global Prison Trends 2015. Penal Reform International: London.

Reynolds, M. (2008). The War on Drugs, Prison Building, and Globalization: Catalysts for the Global Incarceration of Women. NWSA Journal, 20(2), 72–95.

Sabbag, R. (1999) *Snow Blind*, Edinburgh: Rebel Inc.

Sentencing Council (2012) *Drug Offences: Definitive Guideline* London: Sentencing Council.

Schemenauer, E. (2012). Victims and Vamps, Madonnas and Whores: the construction of female drug couriers and the practices of the US Security State. International Feminist Journal of Politics, 14(1), 83–102.

Sudbury, J. (2002). Celling Black Bodies: Black Women in the Global Prison Industrial Complex. Feminist Review, (70), 57–74.

Sudbury, J. (2005). “Mules,” “Yardies” and other folk devils: Mapping cross border imprisonment in Britain. In J. Sudbury (Ed.), *Global lockdown: race, gender, and the prison-industrial complex*, London: Routledge.

Torres, A. (2008). Drogas, cárcel y género en Ecuador: la experiencia de mujeres mulas. Quito, Ecuador: FLACSO.

UN Commission on Narcotic Drugs (2011) ‘Promoting international cooperation in addressing the involvement of women and girls in drug trafficking, especially as couriers: report of the executive director, UN doc.E/CN7/2011/7’, Vienna: United Nations.

1. [2017] EWCA Crim 36 [↑](#endnote-ref-1)