

PART III

Unrest, Displacement, and Who Is in Charge

The displaced person's experience is often littered with the death and murder of loved ones, rape, physical abuse, and the pillage of land and property. Uprooted, displaced persons have lost their support system, and with the ghosts of their experiences in tow, they are forced to migrate to a different town or nation. Continued uncertainty, financial strain, and lack of legal and/or societal inclusion go hand-in-hand with displacement, which results in acute vulnerability to human trafficking.

In Colombia, civil unrest has resulted in between 3.6 and 5.2 million internally displaced persons. The Constitutional Court in Colombia has ruled that the disparity between the rights guaranteed to internally displaced persons by domestic law and the inadequate resources and institutional capacity of the government to protect these rights has resulted in an "unconstitutional state of affairs." Forced to work and live outside the periphery of society, displaced persons have minimal access to education, health care, and housing. Countless paramilitary groups exist in Colombia and are notorious for the violence and havoc they wreak on communities, particularly those of Afro-Colombians and indigenous people. They seize land and cause displacement throughout the countryside, and they use children to further their objectives. Children are forced to be soldiers, sexual partners, and workers in the illegal drug trade.

As a result of the U.S. invasion of Iraq, an estimated 4.8 million Iraqis were displaced between 2003 and 2009. Children, who make up 38–40 percent of those internally displaced in Iraq, face abduction and violence, and are used by Iraqi insurgent groups as spies or scouts, to plant improvised explosive

devices, and as suicide bombers. Externally displaced Iraqis don't have it any easier. In Syria, host to the largest number of externally displaced Iraqis, the economic and social situation of Iraqi refugees has made them immensely vulnerable to human trafficking. Fifty Iraqi females are imprisoned on prostitution charges each week in Syria; many are trafficking victims.

Syria, since March 2011, is experiencing its own civil unrest. Despite the government's agreement with the Arab League, Syrian security forces have continued violence against civilians. As a result of army defections, the Syrian government claims that the opposition has become more militarized. The human rights violations by President Bashar al-Assad and his regime were the impetus for the uprising, yet a November 2011 opinion poll revealed that 55 percent of polled Syrians do not want him to resign. For many, the desire for Assad to stay in power is based on a fear for the future of the country. As the death toll and potential for civil war increase, there is the real threat of a deterioration of society, lawlessness, continued violence, displacement, economic hardship, and the absence of a just law-enforcement and judicial system (which is already in question). This situation sets the stage for a continuing increase in numerous human rights violations, including exploitation and human trafficking.

In Colombia and Iraq there remains the question of who is in charge. On the surface, the rebel groups in Colombia are disconnected from the government; but former paramilitary commanders and experts say the guerrillas are merely the armed wing of a multiheaded monster. Those in charge of the economic and political arms of the paramilitary groups, they say, are high-level officials, politicians, members of the public security forces, business leaders, contractors, and foreign investors. The degree of collusion between members of the government and the paramilitaries is not yet known, but it is suspected that the real leaders of the paramilitaries are those who currently exercise political power.

Just over a year after the United States invaded Iraq, the U.S. was an occupying power that claimed to have no responsibility as the occupying authority. By that point, the U.S. government had handed sovereignty back to Iraq multiple times, yet it still remained the occupying power and in ultimate control of the nation. As an occupying power, the United States handled appointments and dismissals and even granted itself, its contractors, and the Iraqi military immunity from the Iraqi legal system. Under a U.S. order (CPA Order 17), the Coalition Provisional Authority (CPA) and the Multi-National Force, along with foreign liaison missions, their personnel, property, funds, and

assets, and all international consultants, including contractors and subcontractors, were immune from the Iraqi legal process. In June 2004 the U.S. government also imposed a formal policy to ignore human rights abuses committed by the Iraqi military. Under the policy, coalition troops were barred from investigating any violations committed by Iraqi troops against other Iraqis. Thus those assigned to protect civilians were also, as enforcement personnel, in a unique position to exploit them with immunity.

For internally displaced persons in Colombia, without significant changes and protections of indigenous and Afro-Colombian communities, it doesn't much matter who legally rules the country when paramilitaries continue to rule their lives. In Iraq, the Iraqi government passed legislation to rescind CPA Order 17 in 2008, but the legislation does not specifically address how past incidents will be addressed. In the United States there is at least one large lawsuit against a U.S. contractor under the Trafficking Victims Protection Reauthorization Act. A suit was brought against Kellogg Brown & Root and its Jordanian subcontractor Daoud & Partners for allegedly trafficking Nepali workers in Iraq; twelve of whom were kidnapped and executed by insurgents. The case is ongoing, and a trial date has been set for April 29, 2013.

CHAPTER 6

Colombia

Whether it was the police, the army, or the paramilitaries: when they said “go to the front,” you had to go, and it was hard because we had to walk for days without sleep and hardly eating anything. I was saddest when I saw friends die.

—ESTELLE, A CHILD SOLDIER

Understanding Colombia's trafficking scenario depends upon understanding the displacement that has resulted from decades of civil unrest. As recently as December 2009 there were between 3.6 and 5.2 million internally displaced persons (IDPs) in Colombia. This number places the nation on par with Sudan, the country with the largest displacement situation in the world (4.9 million) (IDMC, 2009; IOM, 2011). The Observatory on Human Rights and Displacement reported that 89,000 people were displaced in the first half of 2011. The government reported lower numbers and stated that 44,000 people were registered during that time (IDMC, 2011). The nonprofit and nonpartisan U.S. Office on Colombia reported in 2004 that women in particular have been disproportionately displaced by the armed conflict. The report stated that over 50 percent of Colombian IDPs were women, and over 70 percent were either women or children (USOC, 2004). Displaced Colombians have little access to education, health care services, and housing (UNCRC, 2000). Consequently, they are more vulnerable to exploitation, including human trafficking and domestic violence. The report stated that 52 percent of Colombian displaced women faced domestic abuse compared to 20 percent of nondisplaced women (USOC, 2004).

Despite the assurance of equal rights and protections for all Colombian citizens under the constitution, Colombia has had a longstanding division between the wealthy and poor, with little to no social or