

Constructing ‘indigenous people’ reproducing coloniality’s epistemic violence: a content analysis of the U.S. Trafficking in Persons Report

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Abstract

This chapter interrogates the knowledge production process embedded in global anti-trafficking policy initiatives, as reflected in the annual U.S. Trafficking in Persons Report (TIPR). Using the conceptual framework of coloniality, we undertake content analysis of the TIPRs 2001-2020. We show that policy interventions are still central in imposing colonial frameworks of knowledge and interventions globally and locally. Three main findings emerge from the content analysis: *firstly*, the references to ‘indigenous communities’ and ‘indigenous victims’ have been amplified over time. Specifically, from 2003 onwards there is a gradual but clear trend towards more of these references appearing in each subsequent iteration of the Report. Thus, there is a shift from a state of silence towards both wider visibility and labelling Indigenous victims of trafficking as extremely vulnerable. *Secondly*, these references portray Indigenous communities and individuals in relation to human trafficking as either ‘at risk’, ‘at high risk’, ‘particularly vulnerable’ or ‘most vulnerable’. While Indigenous victimisation is becoming more visible, in most instances the problem is framed as human traffickers preying on individual victims or on certain communities, rather than recognising how the continuous impact of the colonial matrix of power (i.e. coloniality) permeates Indigenous lives including their victimisation. *Thirdly*, there is a clear geographical clustering around the regions of Central Africa, Central and South America, and also Southeast Asia, which reflects global imperial hierarchies of power. Based on our findings we argue that the reports are infused with colonial systems of thought, which inflict and reproduce epistemic violence and colonial relations of power locally and internationally.

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Introduction

The annual Trafficking in Persons Report (hereafter, the TIPR) of the United States Department of State (DOS) has been criticised to date for being a skewed and politically driven tool of disputed effectiveness (e.g., Merry, 2016). As we explain in our analysis, the TIPRs narrowly conceptualise the problem, by drawing on a definition of human trafficking that focuses predominantly on sex trafficking (see definition of Offence, TIP, 2001: 2; see also de Vries and Cockbain, this volume). This silences other forms of trafficking and provides a narrow anti-trafficking policy model. Due to its confined framings, both the ability to raise awareness of human trafficking and the capacity to promote and support anti-trafficking efforts across the globe have been areas of growing concern (e.g. Wooditch, 2011; U.S. Government Accountability Office, 2006, 2007). At its twentieth anniversary in 2021, however, it remains the most authoritative report on human trafficking globally. Its combined effect, we argue, as an exercise of imperial soft power and the sheer extent of its coverage shapes this field, in terms of policy development and priorities. Simultaneously, it defines the issue of human trafficking itself, including Indigenous victimisation.

The TIPR is a prime tool in global antitrafficking campaigns, whose shaping of the presentation of the issue and policy responses towards particular directions has been acutely contested both politically and theoretically. It is now fairly established that the process of compiling the TIPR, leading to the more formal responses towards the issue since the end of the 1990s, has been shaped by the particular focus on sex trafficking and the division of lobbying groups around the question of prostitution/sex work (Weitzer, 2007; Munro, 2005). Since the inception of the major international anti-trafficking instruments, such as the Palermo Protocol (UN, 2000), the seriousness of all forms of human trafficking as predatory exploitation has been amply recognised. However, in theoretical terms, debates around the question of agency and the nature of trafficking victimisation remain very much alive to date (see e.g., Mai *et al.*, 2021; Oude Breuil and Gerasimov, 2021; Andrijasevic, 2010). This dimension has clear implications; it shapes the forms and focus of interventions to address trafficking. Criticisms of the (anti-)trafficking rescue industry (Chapman-Schmidt, 2019; Agustín, 2007) very much capture the intimate connection between the conceptualisation of the

issue and anti-trafficking practices. For instance, whether in the form of law enforcement actions, victim support and humanitarian initiatives or public awareness of the issue, early anti-trafficking knowledge and interventions focused solely on the sex industry (Papanicolaou and Boukli, 2011).

Our arguments are situated within and contribute to the wider critique of the TIPRs (see Merry, 2016), by interrogating them both as an imperial knowledge construction apparatus and a colonial monitoring tool through the concept of coloniality (Quijano, 1992; Walter, 2016). In light of the controversies surrounding the issue of trafficking, often described as ‘modern-day slavery’ (e.g., TIP, 2001: 9; Quirk, Robinson, and Thibos, 2020), our analysis shows how the reports are infused with dominant norms, values, and racial hierarchies of colonial legacies (Walter, 2016). As such the TIPRs are central in imposing colonial frameworks of knowledge and interventions globally and locally (Clark, 2012). Through the deconstruction of the category ‘Indigenous’ (and ‘native’) victim of human trafficking, our analysis makes a twofold contribution.

Firstly, it shows that Indigenous people have been portrayed through pejorative stereotypes that serve to construct them as problematic populations in need of enhanced state management (Walter, 2016; Cunneen and Tauri, 2017). Secondly, we suggest that the broad brushstrokes of ‘modern slavery’ conceal colonial legacies. Particularly when focusing on constructions of the ‘Indigenous human trafficking/modern slavery victim’, we trace the unfolding contours of coloniality’s epistemic violence. We locate epistemic violence – ‘the complete overhaul of the episteme’ – in the redefinition of colonial subjects as modern slavery victims (Spivak, 1988). With colonial legacies spilling over into knowledge/data/definitions and ultimately policy, the systematic marginalisation, exploitation, and victimisation of Indigenous people remains unaddressed.

Our focus on the category ‘Indigenous’ stems from the observation that, unlike other categories that refer to trafficking vulnerabilities in descriptive terms (e.g., age, gender), it embodies a set of colonial constructions that are both being fed inwards and outwards. Inwards as they are returned to the social contexts and particular power relations from which information of the issue of trafficking is collected (local sources). Outwards as

they are fed within the global imperial system of power relations wherein the monitored populations and the monitoring bodies are positioned (see Patel, 2021). This two-way process arguably has the implication that constructions of vulnerability and risk, within the TIPRs, reflect and reproduce a double layer of epistemic and material dependencies animated by relations of domination and subordination. The latter stem from both historical and contemporary conditions of coloniality. The impact of these conditions not only is denied when it comes to Indigenous people's experiences of trafficking but is, in fact, reinforced by the role of TIPRs in defining the issue and setting global anti-trafficking protocols.

The chapter is organised as follows. The next section proceeds to flesh out how the concept of coloniality relates to our investigation of epistemic violence and informs our analysis. We then proceed to explain in more detail the data and methods of our analysis. Section three is concerned with the content analysis of the category 'Indigenous' appearing in the TIPRs and the construction of geographical clusters that reflect imperial politics. The concluding section brings the results of our analysis together. We argue that the TIPRs through their silences, concealment of coloniality, and exposition of pejorative stereotypes of Indigenous populations are part of a continuum of colonial data systems and imperial politics.

Coloniality and Epistemic Violence

The concept of coloniality was coined by Anibal Quijano in 1992. Coloniality depicts a complex matrix of power, which according to Quijano (1992), emerged since the 15th century Conquest of the Americas. Coloniality is essentially 'the underlying logic of the foundation and unfolding of Western civilization' and of modernity (Mignolo, 2011: 2). The first core axis of coloniality is grounded upon the invention of the idea of 'race' – 'a mental construction that expresses the basic experience of colonial domination' (Quijano, 2008: 181). Through the construction of 'race' the differences between 'conquerors' and 'conquered' are mobilised as part of a 'supposedly biological structure that placed some in a natural situation of inferiority to the others' (Quijano, 2008: 182). Hence, coloniality involves interpreting the colonised as 'non-human' in

need of ‘civilising’, and utilising ‘the civilizing mission’ to justify ‘enormous cruelty’ (Lugones, 2010: 744).

The second axis involves an idea of labour that revolves around capitalist production from ‘reciprocity, slavery, serfdom’ to ‘the independent production of commodities’ (Quijano, 2000: 218). All these forms of production are compatible, for Quijano, with the capitalist organisation of labour. In relation to slavery, Quijano (2000: 218) asserts that ‘slavery was deliberately established and organized as a commodity to produce commodities for the world market’ and to serve the purposes of capitalism while also maintaining control over those colonised through the weaponisation of ‘race’. Hence, through the idea of ‘race’ and the imposition of the capitalist organisation of labour, colonised non-White-Western-European populations were deemed ‘naturally inferior’ and in a position to be exploited – alongside their lands – for profit (Mignolo, 2018; Mignolo and Ennis, 2001). As such coloniality refers to a technology of power founded upon the epistemic violence of ‘the “knowledge of the other”’ (Castro-Gómez, 2002: 276) that essentially serves capitalist interests of production and demand, of exploiters and exploited (Spivak, 1988).

Starting from the idea that the White/Western/Cisgender/Heterosexual/Male/Christian body deemed itself as the supreme standard by which all bodies, spiritualities, sexualities, ways of being, and forms of social organisation are to be measured, coloniality of power manifests itself in several ways. It institutes social hierarchies and hierarchies of knowledge. It consolidates economic, racial, gender and sexual inequality, it produces economic and cultural dependency, and it is woven through and around every social institution (Moraña, Dussel, and Jáuregui, 2008: 8-9). In Quijano’s work the colonial matrix of power grasps four interrelated domains:

- i) control of economy (land appropriation, exploitation of labor, control of natural resources);
- ii) control of authority (institution, army);
- iii) control of gender and sexuality (family, education), and
- iv) control of subjectivity and knowledge (epistemology, education and formation of subjectivity) (Mignolo, 2007: 156).

For instance, in relation to transatlantic slavery, a wide-reaching system of control from the economy to the formation of subjectivities was instrumental in creating the need and demand (i.e. a market for the production and consumption of goods) and the ‘legitimation’ of the dehumanisation and exploitation of the colonial difference (imagined in the ‘savage’, the ‘underdeveloped’, and ‘uncivilised’). As Castro-Gómez (2019: 217) argues ‘the construction of the imaginary of “civilization” required the production of its counterpart: the imaginary of “barbarism”’.

Knowledge is perhaps the most crucial aspect of the matrix as it feeds into and sustains the rest (Castro-Gómez, 2002). Epistemological hegemony and the dominance of quantitative research became an imperative technology of colonial control as it constituted an ‘efficient tool for dividing, [ranking] and ruling territories, peoples, [bodies] and knowledges in the service’ of the modern/colonial nation-state (Brunner, 2021: 199). American Indigenous populations were defined and classified to occupy the lowest stage on the spectrum of human evolution. Whereas the most evolved stage was that of White-Western-Europeans (Castro-Gómez, 2002). This depredatory discourse co-constituted ‘the global colonial expansion and its attendant teleology of linear progress, enlightenment, and civilization’ (Brunner, 2021: 199).

The imperial politics and colonial heritage of episteme and the global/local entanglements of knowledge with violence have been well documented (Agozino, 2003; Deckert, 2016; Smith, 2021; Brunner, 2021). However, their manifestations have not been explicitly explored in the TIPRs. The deeply colonial and Western-centric underpinning of social sciences and their methodologies are imbued in the TIPRs in ways that maintain and perpetuate coloniality’s epistemic violence. In locating the workings of epistemic violence, we highlight the ways in which the TIPRs engage in ‘the remotely orchestrated, far-flung, and heterogeneous project to constitute the colonial subject as Other’ (Spivak, 1988: 280). We observe that the discursive process of othering also involves ‘the asymmetrical obliteration of the trace of that Other in its precarious Subjectivity’ (Spivak, 1988: 280). Thus, central aspects of coloniality’s epistemic violence are: the elimination of knowledge (1); the destruction of a ‘group’s ability to speak, being listened to and being heard’ (Brunner, 2021: 202) (2); the unequal distribution of knowledge (3); the unequal governance of knowledge (4); the

application of techniques rendering certain (modes of life and) cultures unintelligible (Deckert, 2016) (5); the application of data gathering processes that render certain knowledges unintelligible (6). It is this framework of coloniality of knowledge that permeates the TIPRs.

Coloniality and Human Trafficking

Recent accounts have highlighted the importance of coloniality in the construction of human trafficking and ‘modern slavery’ knowledge (see, Kempadoo and Shih, 2023). As noted by O’Connell Davidson (2015: 19 emphasis in the original) ‘transatlantic slavery *was* modern slavery’. It was with the dawn of the European Enlightenment and liberalism that actually ‘European colonialism and transatlantic slavery’ expanded and thrived (O’Connell Davidson, 2015: 19 emphasis omitted). The epistemic violence of colonial laws justified and normalised enormous exploitation and harm against colonised and enslaved populations in the name of modernity. Hence, the exploitation and silencing of enslaved populations are not incidental but constitutive of the modern/colonial world grounded upon capitalism.

Studies that engage with the enslavement of Indigenous communities, often trace historical accounts of slavery in the ‘New World’. For Valcárcel Rojas *et al.* (2020: 518) the enslavement of Indigenous peoples by Europeans began in the Caribbean, and it is estimated that between 1493 and 1552, it involved between 250,000 and 500,000 people. Across the years, between two and five million people were enslaved (Goetz, 2016: 59). In the Caribbean seven million people were killed (Las Casas, 1992), while a total of 50 million deaths of Indigenous people have been recorded in the Americas as well as a further 28 million deaths of Africans directly linked to enslavement for labour in ‘the new lands’ (Vazquez, 2017 :81). Despite its centrality to the creation of the colonial Caribbean and the Americas, the enslavement of Indigenous peoples in this region is still widely underexplored (Arena, 2017; Goetz, 2016).

Returning to Quijano’s definition of coloniality and particularly the expression of authority in the four interrelated domains in the previous section, colonial law has been instrumental in the control of authority. International legal instruments are not immune

to coloniality. Rather, they have been directly operationalised towards the subordination of non-European people and societies to European conquest and domination (Anghie, 2006). For instance, Italy's application of the *1921 International Convention for the Suppression of the Traffic in Women and Children* to its colonies introduced a reservation lowering the age of consent for Indigenous women and children to 16 (Limoncelli, 2010). Prabha Kotiswaran (2014) shows that many labour-related provisions in the Indian Penal Code were a product of colonial law: '[t]he exigencies of colonial rule in general did not permit the framing of a comprehensive policy to deal with forced labor in all its forms so that any policy or legislative changes were purely reactive' (Kotiswaran, 2014: 382).

This framework, designed to allow for forced labour, left a gap for the postcolonial state to 'address the social realities of bonded labour, forced migration, and the deplorable conditions of migrant labour' (Kotiswaran, 2014: 382). This had a direct impact on how certain groups have been affected by socioeconomic disadvantage and harm through the perpetuation of forced labour conditions. Moreover, the colonial legacy of slavery still animates the fortification of criminalisation anti-trafficking measures often at the expense of labour law provisions 'which have been rendered dormant with the onslaught of neoliberal economic reforms' (Kotiswaran, 2014: 405).

Earlier publications on colonial violence and the way anti-trafficking measures affect Indigenous people in Canada suggested that retuning the lens from international trafficking of 'young Eastern European women' to 'internally trafficked' Aboriginal women and girls would highlight the 'inability of the criminal justice system to acknowledge Aboriginal women and girls as victims of all forms of sexual exploitation, including particular types of trafficking in persons' (Sikka, 2010: 201-202). It would also address their subsequent exclusion 'from the programs, services, and campaigns designed to provide redress for these crimes' (Sikka, 2010: 202). This would reflect Cunneen and Tauri's (2017) argument on the workings of coloniality through the racialisation of policy making. Particularly in marginalising and silencing Indigenous experiences of victimisation, especially those of Indigenous women.

Similarly, in more recent contributions, the interconnected issues of the conditions and effects of visibility of trafficking victimhood are being explored. Kaye (2017) highlights how structures of domination that naturalise legacies of colonialism in Canada are being perpetuated through anti-trafficking law and policy. Particularly, constructions of Indigenous women, youth, and Two-Spirit people as ‘at risk’ of human trafficking by choosing to engage in drug and alcohol use and sex work, recreate Indigenous communities as sites of violence, vulnerability, and deviance in need of enhanced state control (Kaye, 2017: 24-28). In imposing these controls, Indigenous communities are being construed in official narratives in need of rescue by the colonial state, effectively strengthening the colonial system that created conditions of exploitation and harm in the first place, but which were simultaneously silenced, hidden and erased behind narratives of the ‘White saviour’ and ‘civilising missions’ (Roots, 2019; Hunt, 2015).

Premised upon the critique of harmful entanglements between quantification and trafficking, Sally Engle Merry (2016) highlights in her critique of the TIPRs the connections between thin data, overemphasis on prosecution, disproportionate influence of the U.S., a perennial tendency to construe trafficking as a sex trafficking moral panic as well as the failure to recognise and, hence, address structural causes. The combined effect of these issues is the construction of a dominant victim narrative comprised mostly of ‘faceless victims, alongside the quantitative data’ (Merry, 2016: 131). The context, instead of being culturally specific, takes the form of ‘a generic, poor country or a nameless, universalized victim rather than a specific political, economic, and cultural situation’ (Merry, 2016: 131). These sweeping omissions underpinning the colonial logic of the TIPRs is further demonstrated in that, in stark contrast to these representations, until 2010 the U.S. did not rank itself within the reports (Merry, 2016: 131-132).

This contrast between the over-representation of underprivileged versus the absence of the privileged nations – including the conditions that sustain and propel privilege in the first place – ensures the preservation of the imperial ideological directions of the TIPR discourse. By ways of ‘othering’ (Deckert, 2016: 47), TIPRs have fuelled the demand for commensurable categories. Specifically, the focus on statistics means that ‘local

systems of knowledge cannot be incorporated into the quantification system' (Merry, 2016: 215), while often blamed and responsabilised for their failed anti-trafficking efforts. Therefore, silencing methodologies and epistemic violence are imbued in the reports as those with local knowledge of the surveyed populations rarely influence key categories (Merry, 2016: 215). The coloniality of knowledge in the TIPRs and the epistemic violence that accompanies it will be further explored in the next sections.

Data and Methods

In what follows, we first make a case for revisiting the TIPRs through the lens of epistemic violence and imperialism, and we then sketch out the methodological foundations of our investigation.

Epistemic Violence and Imperialism

As early as 2001, the year the first TIPR was published, its methodology section set out the intricate mechanics mobilised for its composition:

‘Worldwide 186 U.S. embassies and consulates in consultation with host governments devoted substantial time and attention compiling and reporting information about the extent of trafficking in their host countries and efforts undertaken by host governments to address the problem.’ (TIP, 2001: 4)

The data gathering stages involve local and global NGOs, local civil society actors, victims, immigration officials, and the police (TIP, 2001:4). Subsequently, the DOS and Government agencies¹ review the reporting from U.S. embassies and consulates along with sources from media reports and global organisations such as UNICEF, UNHCR, IOM, Human Rights Watch and Amnesty International (TIP, 2001: 4). The expansion of the TIPRs coverage over time has involved an even wider and more vigorous mobilisation of the DOS apparatus and U.S. networks of ‘soft’ imperialist power globally.

¹ These include: The State Department’s Bureau for International Narcotics and Law Enforcement Affairs; the Bureau of Democracy, Human Rights, and Labor; the regional bureaus; and the Office of the Legal Adviser, with assistance from the intelligence community.

The imperialist logic of the TIPRs becomes further explicit when looking at the foundations of the Reports. The institutional foundations can be detected in the Trafficking Victims Protection Act 2000 (TVPA), a federal law that mandated the production of TIPRs. At first glance, responding to a process of anti-trafficking advocacy that unfolded in the U.S. during the 1990s, the TVPA can be read as the U.S. policy response to the issue. It laid out the institutional infrastructure for monitoring the extent of the problem and provided the institutional means towards such response, (i.e. minimum standards, criminal law and victim relief provisions). From a closer look, the TVPA had an international dimension by requiring the inclusion of the list of those (other) countries that do/don't/partly comply with the minimum standards laid down by the Act (Sec. 2, Div. A, s. 110). Importantly, the assessment of those other countries' commitment to anti-trafficking remained connected with U.S. economic and security assistance (as per the Foreign Assistance Act 1961) and stipulated the unambiguous policy intention for the U.S. 'not to provide nonhumanitarian, nontrade-related foreign assistance to any government' failing to comply with the standards of that assessment (TVPA s. 110(d)).

Therefore, the epistemic violence of the Tier classification system of the TIPRs, has not only symbolic but most crucially direct material implications for the assessed countries (and governments). As such a country's standing in the Tier classification, determines access to not only antitrafficking funds,² but also to other forms of U.S. financial aid. Hence, the malicious effects of epistemic violence underpinning the Act are explicit, as its scope was not merely global, but rather *imperial*, a genuine instance of colonial classification that repositioned the U.S. hegemony in the post-Cold War, globalised world (see Nye, 2004).

The significance of these developments in maintaining U.S. imperial power extend beyond funding. The capacity of U.S. agencies to exert influence and pressure on foreign institutional frameworks and practice to conform to U.S. standards and

² U.S. anti-trafficking aid involves substantive sums of funds—for example, from 2008 and 2013 the State Department budget for antitrafficking aid alone totalled in the region of \$250m (Siskin and Wyler, 2013), the purpose of these funds being capacity building to prevent human trafficking, protect victims and prosecute offenders.

expectations has been well documented (Nadelmann, 1990; 1993; Papanicolaou, 2011). The TVPA as a global criminal justice tool, packaged into U.S. foreign policy resources, should therefore more accurately be understood as the uninterrupted circulation of U.S. soft imperial power through transnational networks. Simultaneously, TIPRs' methodology makes clear that the data collection effort relies heavily on interactions and conversations with state agencies and civil society organisations in each context (Dottridge, 2014). Therefore, a decolonial exploration of the TIPRs reveals multi-layered effects of coloniality of knowledge such as: 1) the hegemonic capacity of the USA to act as a factor influencing how international regimes, both epistemic and institutional are shaped. 2) The role of the U.S. as an organiser of transnational policy networks steering an issue area towards a particular direction; and 3) it highlights who has the power to converse with U.S. diplomacy and transnational actors, particularly those connected to the U.S. through aid flows (Dottridge, 2014). Regarding the latter, the methodology of the Report shows that data collection relies heavily on established conduits of power in those contexts, which are eventually the ones that engage in knowledge construction and circulation.

Explicitly, during the so-called 'golden age' of anti-trafficking NGOs (1990s-2004), NGO sector representatives were seen as positive forces and 'benefited from the neoliberal agenda of "rolling back the state"' (Hoff, 2014: 111). This resulted in the outsourcing of many social services, including the provision of services to victims of human trafficking (Hoff, 2014). This process shored up power and legitimacy for those local actors and, simultaneously, integrated them in transnational policy networks that operate on a currency primarily defined by U.S. standards and expectations, both epistemic and institutional. This left very little space for established relations of power to be captured, let alone problematised by the TIPRs, and ultimately, the voices of the most vulnerable in those contexts were further suppressed. These spatialised and materialist manifestations of coloniality of knowledge show that epistemic violence is not an abstract problem at all. Its causes and effects 'are in many ways entangled with international relations and global/local hierarchies of power' (Brunner, 2021: 201), and have real life consequences for people and whole regions.

Methodology

Although evaluations of the TIPRs have interrogated their quantification elements as an influential composite indicator of human trafficking (Merry, 2016), and a policy mechanism heavily premised on the risk posed by traffickers to ‘victims of special interest’ (Boukli and Renz, 2019: 75), none of these studies have explicitly addressed the epistemic violence imbued in the wider production of geopolitical knowledge conveyed by the TIPRs. We investigate *how Indigenous communities are represented in the TIPRs 2001-2020*, focusing on policy recognition of Indigeneity as a form of social representation. We argue that the TIPRs oscillate between tolerance and exclusion in recognising the ‘Other’. The construction of the ‘Indigenous human trafficking victim’ shifting from complete invisibility, to an object of risk, to the subject of sympathy, before turning to be a matter of surveillance reproduces pejorative stereotypes entangled in narratives of the ‘White saviour’, ‘civilising missions’, and increased state controls over Indigenous populations.

We undertook a two-stage content analysis (Neuendorf, 2017) of the TIPRs 2001-2020, using a process of open, axial and selective coding. The first stage involved a manually coded analysis of the corpus of the ‘manifest content’ (Gray and Densten, 1998: 420 in Neuendorf, 2017: 57), i.e. the countable references embedded in TIPRs. We utilised deductive coding to analyse quantitatively the references to the search term ‘Indigenous’ victims as they progressed over time. Upon locating certain passages, we followed the linguistic substance of the references describing the type of trafficking victimisation experienced by Indigenous people, for instance, trafficking for the purposes of labour (e.g. mining, agriculture, domestic work, sex work). We then utilised inductive coding to follow the references to countries of origin and destination (see **Table 1**), to consider how Indigenous communities are represented in relation to the wider geopolitical dimensions of human trafficking (see Yea, 2020).

The set of 20 Reports provided a total of 307 passages. These were transferred to Excel and analysed. The analysis focused on ‘pattern content’ – how patterns emerge in the content itself (Potter and Levine-Donnerstein, 1999: 259); particularly on how combinations of types of trafficking victimisation and patterns of countries feature

across the years in relation to Indigenous communities in the TIPRs. The second stage utilised computer-aided text analysis (NVivo 12 Plus) to count key words and phrases, and it involved automated tabulation of variables for target content. Both stages are reproducible and based on publicly available TIPRs.

Coloniality of Knowledge in the TIPRs: constructing the 'Indigenous victim' of human trafficking

In our analysis of 20 years of TIPRs, we observed firstly that the references to Indigenous communities and Indigenous victims gradually increase over time. In 2001 and 2002 there are no relevant references to Indigenous communities, thus, the recognition of these communities and their experiences were entirely omitted and silenced. For 2001, references to certain groups as 'extremely vulnerable' can be found only in relation 'orphans and street children' (TIP, 2001: 1) and to women as 'mail-order brides' (TIP, 2001: 20). For 2002, references to 'most vulnerable to trafficking' and 'especially vulnerable' refer to children (TIP, 2002: 74, 100). This silencing is the first indication of the effect of racialisation of policies globally, in misrecognising, infantilising and obscuring Indigeneity (Anthony, 2013: 3) and reinforcing the 'outsider status' of these communities. As Cunneen and Tauri (2017) argue, the racialisation of policy making is central in understanding both the over-representation of Indigenous people within all stages of the penal system in settler colonial societies and the simultaneous marginalisation and silencing of experiences of victimisation.

The emergence of the Indigenous victim of human trafficking from 2003 onwards appears as an afterthought (see **Table 1**). From 2003 onwards there is a progressive trend towards the proliferation of these references in each subsequent iteration of the Report. Particularly from 2009 onwards there are consistently more than 10 references in each Report. Three peaks are also evident: in 2014 there are 40 references to Indigenous people (including stemmed words), in 2018 these references are up to 42, and in 2020 there are 44 references in total (out of 307 references to 'Indigenous' across the Reports). In what follows we explore the mechanisms contributing to the reproduction of epistemic and social colonial relations of power, both on a local and

global level. Secondly, we complement this analysis with an examination of the geographic clusters in which the term ‘Indigenous’ appears (see **Table 1**).

Equivocality of Indigeneity

The meaning of Indigeneity varies in the TIPRs. For some Reports ‘indigenous’ (sic) people or communities are directly linked to members of Native communities (e.g., TIP 2020: 522, references to ‘American Indians, Alaska Natives, Native Hawaiians’), while in other references the term ‘indigenous’ generally indicates native populations to differentiate between ‘native’ and ‘foreign’ (e.g. TIP 2005: 102 – in relation to Equatorial Guinea: ‘Equatoguinean officials recognize the government’s responsibility for caring for the victims of trafficking, whether *foreign* or *indigenous*’; TIP 2009: 229).

The same double meaning is replicated with the term ‘native’ (e.g., TIP 2004: 9 – ‘Deng, [...] was recruited in her native Thailand’; TIP 2005: 102 – ‘Russian-speaking natives from the country’s northeast’). For other references, ‘indigenous’ people or communities are linked to ‘tribes’ and ‘tribal agencies’ (see USA, TIP 2017, 2018, 2019, 2020). Lastly in successive Reports ‘Indigenous communities’ and ‘Aboriginal communities’ are terms used interchangeably (see Canada, TIP 2016, 2017, 2019, 2020). The lack of a stable pattern in how these terms are being used suggests that the Reports may not have followed a system of self-identification regarding the communities that are represented. Rather, this raises the possibility that the variance is an effect of the process through which the data and other information are collected and compiled. The way that the Reports use the ambiguous term ‘indigenous’, with the first letter not being capitalised and with an inconsistent meaning attached to it, suggests that the Reports do not attempt to resolve ‘profoundly asymmetrical forms of recognition’ (Hunt, 2014: 29) but engage in their perpetuation.

An attempt to define the category ‘Indigenous’ was only made in the 2014 Report, eleven years after the term was first used, in a section titled ‘Topics of Special Interest’ (TIP, 2014: 10-55), which included a wide variety of diverse topics in its sub-sections (see Boukli and Renz, 2019). These varied from the vulnerability and needs of LGBT victims of human trafficking (p. 10) to ‘Romani victims of trafficking’ (p. 19), and the

vulnerability of Indigenous persons to human trafficking (p. 36). In describing Indigenous communities, the Report did acknowledge definitional issues and also reflected on its own inconsistent use of the term ‘Indigenous’ and the occasional use of ‘aboriginal’ (TIP 2014: 36). Drawing on the UN Permanent Forum on Indigenous Issues, it identified several key factors to facilitate better international understanding of the term Indigenous, including self-identification, distinct language and culture (see TIP, 2014: 36; UNPFII, 2021). Yet it remains elusive whether these factors were applied in the inclusion of Indigenous communities.

According to the 2014 TIPR, Indigenous communities are ‘often economically and politically marginalized’, and this is linked to the ‘historical continuity with pre-colonial and/or pre-settler societies’. However, the solutions to these historical injustices appear to be resolved by seeking to address a single criminal offence, namely ‘trafficking of indigenous [sic] persons’ (TIP, 2014: 36). Hence, the systemic factors that contribute to vulnerability to human trafficking are barely raised beyond the point of a vague acknowledgement; further obliterating the historical context and reproducing coloniality.

Reproducing Stereotypes: Vulnerability

Across different countries and years, the Reports construe Indigenous communities as exceptionally ‘at risk’ and ‘particularly vulnerable’ (e.g., US TIP, 2008, 2009, 2012, 2014, 2015, 2017). Recommendations for enhanced state control through increased anti-trafficking measures, but without considering Indigenous worldviews, voices and structural remedies, feature regularly in the TIPRs. For instance, in relation to Bolivia the 2009 Report asserts that ‘[m]embers of indigenous communities are particularly at risk of forced labour within the country, especially on ranches, sugar cane, and Brazilian nut plantations’ (TIP, 2009: 82; see also O’Connell, this volume). Concerning vulnerability: ‘Groups considered *most vulnerable* to human trafficking in Mexico include women and children, indigenous persons, and undocumented migrants’ (TIP, 2009: 206, emphasis added). Regarding Peru: ‘Indigenous persons are *particularly vulnerable* to being subjected to debt bondage by Amazon landowners’ (TIP, 2009: 238, emphasis added). While, concerning Guatemala (TIP, 2011: 175, emphasis

added): ‘Indigenous Guatemalans are *particularly vulnerable* to labor exploitation’. The Reports, therefore, by presenting Indigenous communities through this prism of vulnerability and risk continue to reconstitute and redefine Indigenous identities and cultures ‘in order to reinforce their outsider status’ (Pollock 1988: 6 in Anthony, 2013: 3). It seems impossible to unlink these contemporary forms of human trafficking from their history of being, through which empires were established and economically maintained. Such colonial representations of Indigenous people highlight in turn, that the way in which the TIP Reports construct vulnerability is a form of enduring colonial structural violence against Indigenous people (Clark, 2012).

In describing different levels of vulnerability, the Reports essentially create a hierarchy of vulnerability, which seems to reverberate from country to country and across the years: ‘[r]efugees, particularly from Burma, were *especially vulnerable* to trafficking, and Malaysians from rural communities and indigenous groups were *also vulnerable*’ (TIP, 2011: 244, emphasis added). In a different context and a few years later the focus shifts to different ‘at risk’ groups. In relation to Colombia:

‘Groups *at high risk* for internal trafficking include internally displaced persons, Afro-Colombians, *indigenous* Colombians, Colombians with disabilities, and Colombians living in areas where armed criminal groups are active. Sex trafficking³ of Colombian women and children occurs within the country. Authorities reported high rates of child prostitution in areas with tourism and large extractive industries, and NGOs reported that sex trafficking in mining areas sometimes involves organized criminal groups. NGOs reported that transgender Colombians and Colombian men in prostitution are exploited in sex trafficking in Colombia’ (TIP, 2014: 134, emphasis added).

The contours of vulnerability are also subject to a variety of socially mediated conditions. For instance, in 2012 the Reports identify the following categories: ‘[g]roups considered most vulnerable to human trafficking in Mexico include women, children, indigenous persons, persons with mental and physical disabilities [*sic*], and undocumented migrants’ (TIP, 2012: 247). While throughout the years, the groups considered most vulnerable are expanded, both in relation to Mexico, e.g. ‘[g]roups most vulnerable to human trafficking in Mexico include women, children, indigenous

³ The Report utilises a definition of ‘sex trafficking’ as set out by the Trafficking Victims Protection Act (see TIP 2004: 24).

persons, persons with mental and physical disabilities, migrants, and LGBT Mexicans’ (TIP, 2014: 271), but also more widely. For instance, in Ecuador (TIP 2017: 158):

‘Indigenous and Afro-Ecuadorians, as well as Colombian refugees and migrants, are particularly vulnerable to human trafficking. Women, children, refugees, and migrants continued to be the most vulnerable to sex trafficking; however LGBTI individuals remain vulnerable to sex trafficking. ... Traffickers recruit children from impoverished indigenous families under false promises of employment and subject them to forced labor in begging, domestic servitude, in sweatshops, or as street and commercial vendors in Ecuador or in other South American countries.’

And in relation to Canada (TIP, 2018: 132):

‘Women, children from indigenous communities, migrants, LGBTI youth, at-risk youth, runaway youth, and youth in the child welfare system are especially vulnerable.’

In these vulnerability clusters, we argue, the imagery of the White/Western/Cisgender/Heterosexual/Male/Christian body features as the non-vulnerable norm. Through these representations, Indigenous peoples – along with other communities as portrayed in the above example – are relegated to an exceptional zone. Exceptionality functions to place individual victims and communities outside the legal order, and to construe Indigeneity as a risk and vulnerability factor in itself. This reconstruction of Indigeneity as a combined risk and vulnerability factor contributes to the demonisation of Indigenous families, guardians and, more widely, communities. Portraying communities as, at worst, complicit in trafficking offences and, at best, incapable of protecting members of the communities.

Echoing Anthony’s (2013) earlier observations, Walter (2016) argues that the nation-state’s portrayal of Indigenous populations presents a continuum of colonial pejorative stereotypes of racialised hierarchies. Under the term 5D data-‘disparity, deprivation, disadvantage, dysfunction and difference’, Walter (2016: 80, 82) suggests that the collection of data on Indigenous people ‘are the cloned descendants of the data imperatives of colonisation’. Unlike considering these groupings as either interchangeable or an ‘at random’ bricolage of different groups, we suggest that these vulnerability pyramids draw on the combined force of the stereotypes they represent.

Hence, these stereotype-enhancing 5D data are constitutive of pictures of communities as ‘deficits’ and ‘inadequacies’ (Walter, 2016: 84).

Moral Anxieties

The data-informed moral anxiety attached to certain aspects of labour and sexual exploitation are evident across multiple Reports (see also Lammasniemi, this volume). The 2009 Report on Australia: ‘[s]ome indigenous teenage girls are subjected to forced prostitution at rural truck stops’ (TIP, 2009: 67). These references are found across regions, while the Tier categorisations differ across these regions (see **Table 1**). For instance, in relation to Malaysia ‘[t]here were reports of Malaysians, specifically women and girls from indigenous groups and rural areas, trafficked within the country for labor and commercial sexual exploitation’ (TIP, 2009: 198). This ‘risk’ is often presented as endemic to the communities, for instance, in relation to Panama: ‘Government agencies indicate that indigenous girls may be trafficked by their parents into prostitution in Darien province’ (TIP, 2009: 234). While the references in relation to Canada and Australia suggest that sex trafficking of women and girls is the main source of exploitation:

‘Canadian women and girls are exploited in sex trafficking across the country, and women and girls from aboriginal communities are especially vulnerable’ (TIP, 2012: 110);

And,

‘Some indigenous teenage girls are subjected to forced prostitution [...]’ (TIP 2009: 67).

In these constructions, the lives of Indigenous people, particularly of women and girls, are being understood primarily as victims of sex trafficking (see also Hunt, 2014). Hence, the recommendations presented to ameliorate these vulnerabilities are limited to anti-trafficking criminalisation: ‘Intensify efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders using anti-trafficking laws’ (TIP, 2012: 110). Rather than addressing the perpetuation of colonial structural violence that creates unsafe environments in the first place. This does not merely conceal disadvantaged contexts and limited options available to certain

communities but, arguably, sends a deterrent message to Indigenous communities regarding their right to self-determination.

State Mechanisms

Any reference to colonial legacies or the interplay between Indigenous communities and the official state mechanisms rarely feature in the Reports. Concerning Gabon: ‘Reports also indicate that some indigenous Pygmies are subjected to slavery-like conditions, without effective recourse in the judicial system’ (TIP, 2009: 137). Equally in the TIPR 2010, the DOS asserts that ‘[w]ithout birth certificates, national identification cards, or other identity documents, stateless persons and some indigenous groups are vulnerable to being trafficked’ (TIP 2010: 31). In 2013, the Reports make explicit reference to ‘Risk Factors for Victimization and Challenges of Identification’, where reference is made to marginalisation suffered by some populations, while silencing the perpetuation of coloniality’s racialised violence in attitudes, discourses and practices embedded in state institutions and services contributing to that marginalisation:

‘They prey on excluded populations – many trafficking victims come from backgrounds that make them reluctant to seek help from authorities or are otherwise vulnerable – marginalized ethnic minorities, undocumented immigrants, the indigenous, the poor, persons with disabilities – whose experiences make them reluctant to seek help from authorities. Awareness materials dated as far back as the 1890s reveal that promises of greater opportunity, a better life, or a loving and supportive relationship have long lured victims into exploitation’ (TIP 2013: 8-9).

Even when reference is made to structural barriers, these are only used to recommend anti-trafficking measures as the main remedy:

‘In every region, governments that a decade ago insisted there was no trafficking in their jurisdiction are now aggressively identifying and assisting victims and convicting traffickers. These governments are adopting modern anti-trafficking structures and sustaining the political will to vigorously apply them’ (TIP, 2013: 9).

Arguably a parallel is emerging between hegemony and domination as used by colonial powers in a process of ‘civilising’ during the colonial period and later ‘modernising’

those no longer under colonial occupation, to the present-day processes of ‘rescuing’ Indigenous communities (Mignolo, 2007). Often the problem is framed as a matter of interpersonal violence, where human traffickers prey on individual victims or on certain communities. Even when structural conditions are being mentioned, such as ‘lack of citizenship and access to basic services, sometimes including education’ (TIP, 2014: 36) as well as economic marginalisation, these are to be pushed aside, effectively concealing the embedded colonial structures and practices in state policies.

Therefore, this ‘targeting of’ is completely disconnected from wider structural conditions of coloniality and instead portrayed as the ‘mere’ result of human trafficking *modus operandi*. Hence, the Reports treat human trafficking as an interpersonal issue, without considering the structural backdrop against which trafficking plays out. Consequently, the impact of perpetuating the colonial matrix of power, as the core source of ‘risk’ that continues to devalue the lives and living experiences of Indigenous peoples, is omitted from the Reports effectively recreating trauma, poverty, victimisation, criminalisation and exploitation (Clark, 2012; Cunneen and Tauri, 2017, 2019).

Socio-Economic Factors

Equally, even when a wide variety of structural socio-economic factors are mentioned, these are limited to establishing *vulnerability to trafficking* rather than an outcome of coloniality underpinning state (in-)actions in constructing insecure environments:

‘Worldwide, indigenous persons are often economically and politically marginalized and are disproportionately affected by environmental degradation and armed conflict. They may lack citizenship and access to basic services, sometimes including education. These factors make indigenous peoples particularly vulnerable to both sex trafficking and forced labor’ (TIP, 2014: 36).

Responding to these factors that ‘make indigenous peoples particularly vulnerable’ to human trafficking, the Reports suggest the 3Ps (prosecution, protection, prevention) anti-trafficking approach⁴: ‘Combating the trafficking of indigenous persons requires

⁴ The first iteration of the paradigm appears in the Preamble of the Palermo Protocol (UN, 2000). The 3Ps (prevention, prosecution, protection) anti-trafficking paradigm has been reflected in the TIP Report since 2010 and appears in all subsequent publications of the Report. In the Report the paradigm has been

prosecution, protection, and prevention efforts that are culturally-sensitive and collaborative’ (TIP, 2014: 36). Often the responsabilisation of Indigenous communities in these supposedly ‘culturally-sensitive and collaborative’ approaches takes the form of partnerships: ‘by incorporating community traditions and rituals into victim protection efforts, such as use of the medicine wheel – a diverse indigenous tradition with spiritual and healing purposes’ (TIP, 2014: 36). In doing so, however, the Reports engage in what has been termed as ‘the ideology of “building partnerships”’, which have been used in efforts antagonistic to the principle of self-determination (Anthony, 2010). Hence, not only do these approaches fail to scrutinise economic inequalities that have been exacerbated since the gradual annihilation of alternative economic models (see Mariátegui, 1928), but they also fail to promote self-determination. Vulnerability to trafficking becomes again an interpersonal issue that takes hold of Indigenous communities.

Following the imperialist logic of the TIPRs, we observe a clear division between norm-setters and norm-followers (see also Faulkner and Nyamutata, 2020), in wider anti-trafficking geopolitics. For a large proportion of countries where references to Indigenous communities appear in the TIP Reports, we often observe an unstable/erratic pattern of Tier ranking (see **Table 1**). For instance, during the covered period, Guatemala was placed three times in the ‘warning zone’ of the Tier 2 Watch List, subject to anti-trafficking efforts. We also observe that two clear geographic clusters are over-represented in the Reports (see **Table 1**, ‘Central America’ and ‘South America’). We further explore this point below.

Geographical Clusters

It is impossible not to recognise the objective ramifications of the TIPRs’ role as an imperial policy tool. This role, we argue, in so far as it legitimises established relations of power in those contexts, reproduces coloniality. Table 1 captures the appearance in all twenty TIPRs (2001-2020) of the term Indigenous, alongside the Tier classifications

further expanded with the addition of the ‘fourth P’, which stands for ‘partnership’ (see TIP, 2010 introductory note by Secretary of State Hillary Rodham Clinton).

of the respective countries (Tiers 1, 2, 2 Watchlist [2WL], and 3), and the characterisation of those countries as Sending, Transit, and Destination countries.

[TABLE 1 ABOUT HERE]

Table 1 shows a clear geographical clustering and a more systematic appearance of the term around the regions of Central Africa, Central and South America, and also Southeast Asia. We deduce from this finding that this is likely an effect of the methodology and data collection process of the TIPRs as local sources are brought into play. Therefore, it is likely the case that the TIPRs' local sources mobilise the category of Indigenous in their accounts, hence engaging in the two-way process described previously – reflecting and reproducing a double layer of epistemic and material dependencies animated by relations of domination and subordination. Effectively, the TIPRs do not allow for categories to emerge that would disrupt the dominant anti-trafficking paradigm. Their unquestioned default position embeds the experiences of Indigenous communities in already shaped imperialist world views.

As the Tier classifications directly link to the US minimum standards, the prioritisation of punitive approaches heavily emphasises prosecutions and convictions, in combination with the material implications of falling short of those standards. Falling short of these standards, we argue, further imposes the US preferred conceptualisations of human trafficking on those local state and civil society actors active in the issue area, while simultaneously support and legitimise the system of power relations in which these latter operate in those contexts. This echoes the criticism (see GAATW, 2007) that the global anti-trafficking regime (to which the TIPRs feed into) operates as a mechanism of exclusion and at the detriment of affected populations. It also operates as an imperial knowledge construction apparatus and as a colonial monitoring tool.

Conclusion

In 2001 the TIPRs included in their remit 82 countries while by 2013 the report considered 188 countries according to its three-tier system. In this chapter we deployed the concept of coloniality to understand this global expansion. Deep-seated colonial knowledge, discourses, and practices, we argued, are embedded in mainstream

supranational policies like the TIPR. The crux of the argument running through this chapter is that any social science knowledge production that does not take into consideration the role of colonial experience past and present cannot account, understand nor address human trafficking of Indigenous populations (Clark, 2012; Cunneen and Tauri, 2017). By failing to account for the impact of structural disadvantage and dispossession in the shaping of power relations globally and locally, such knowledge production is not only incomplete but also ideologically complicit in legitimising coloniality (Castro-Gómez, 2002; Anthony, 2013).

By utilising a two-stage content analysis of the Reports 2001-2020 and applying the analytical framework of coloniality, we showed that policy interventions are still central to imposing colonial frameworks of knowledge and interventions globally and locally. Our findings attest to the perpetuation of coloniality through constructions such as the ‘particularly’ or ‘most vulnerable’ Indigenous victim of human trafficking. While dominant technocratic forms of knowledge, such as the TIPRs, shape crime control policies globally and locally, and gradually make Indigenous victimisation more visible, they lack any consideration of the impact of colonialism and coloniality to Indigenous people’s lives and, hence, to human trafficking victimisation. Finally, the geographic clusters and methodology of the Reports pose certain methodological and ethical challenges that need to be prioritised before any further imposition of punitive frameworks.

We argued that epistemic violence has real life consequences for people and whole regions. The perpetuation of epistemic violence has real life consequences for people and whole regions. To undo the epistemic violence inflicted by anti-trafficking and anti-‘modern slavery’, data collection efforts should resist the imperialist drive to conflate slavery, modern slavery, and human trafficking. The vicious cycle of taking these terms as metaphors for a lack of freedom lack reflexivity about slavery in the past (Kempadoo, 2017). Unproblematically accepting colonial slavery as the standard against which any claims to forced or compulsory labour are measured in the 21st century, as in the case of the *European Convention on Human Rights* or the *Modern Slavery Act 2015* in England and Wales (see Bhandar, 2014), further obscure the legacies of persisting inequalities. To the contrary, often to see the workings of

coloniality is to reveal the continuous degradation of those colonised. Hence, it is to expose the ‘colonial wound’ of ‘the powerful reduction of human beings to ... inferiors by nature’ (Lugones, 2010: 752). This is not a process of merely delving into the past, but a ‘matter of the geopolitics of knowledge’ (Lugones, 2010: 752), of the historicity and meaning attached to knowledge produced about Indigenous communities in relation to human trafficking victimhood that still persists today.

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