



From King/Queen Pin to Mule: Are Different Roles in Drug Trafficking Considered in Portugal?

De capo/a a mula: ¿Se consideran los distintos roles en el tráfico de drogas en Portugal?

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Abstract

Drug trafficking encompasses different activities and roles in the production, importation, and distribution of drugs, and human couriers are important elements in the importation phase. However, this role is inconsistently monitored and labelled. We present a comprehensive review of the literature on drug couriers, focused both on its definitional issues and legal frameworks, and on their sociodemographic and biographic characteristics. We found that drug couriers are usually characterised as an inferior role, despite further distinctions based on the degree of their operational organisation and their commercial interest in the product. This paper discusses the importance of considering not only the type, quality, and quantity of the substances in the sentencing of such cases, but mainly the specific motivations, roles, and likely gains, as well as the level of agency in performing these roles to ensure proportionate sentences.

Keywords: Drug trafficking, drug couriers, mules, sentencing, Portugal.

Resumen

El tráfico de drogas abarca diversas actividades y roles en la producción, importación y distribución de estupefacientes, y los correos humanos son elementos clave en la fase de importación. Sin embargo, este rol es monitorizado y etiquetado de manera inconsistente. Presentamos una revisión exhaustiva de la literatura sobre los correos de droga, centrada tanto en los problemas de definición y los marcos legales, como en sus características sociodemográficas y biográficas. Encontramos que los correos de droga son caracterizados como un rol inferior, a pesar de que existen distinciones adicionales basadas en el grado de organización operativa y el interés comercial en el

producto. Este artículo analiza la importancia de considerar no solo el tipo, la calidad y la cantidad de las sustancias en la imposición de penas en estos casos, sino, principalmente, las motivaciones específicas, los roles desempeñados, los posibles beneficios y el nivel de agencia en el ejercicio de dichos roles, con el fin de garantizar sentencias proporcionales.

Palabras clave: Tráfico de drogas, correos de droga, mulas, condenas, Portugal.

1. Introduction

Drug trafficking – defined by the United Nations (UN, 1988) and the European Union (EU; Framework Decision 2004/757/JHA), as the production, manufacture, extraction, preparation, offer, offer for sale, distribution, sale, delivery in any terms, brokering, shipping, transit shipping, transportation, import, or export of drugs –, remains a significant challenge (e.g., [EMCDDA, 2017](#)). This phenomenon surfaced in the early 20th century, with the adoption of prohibitionist policies, accelerated in the mid-70's, and reached a significant level about a decade later (e.g., United Nations Office on Drugs and Crime [UNODC], [2020](#); [Wilson & Stevens, 2008](#)). Since then, it has remained one of the most profitable activities for criminal groups (e.g., [Santos, 2015](#); [Sistema de Segurança Interna \[SSI\], 2021, 2023](#)).

Portugal holds a strategic location for drug trafficking, with its Atlantic connection that provides a privileged gateway for importing drugs into Europe, and this phenomenon persists as the most attractive criminal activity for transnational organised groups (e.g., [SSI, 2021, 2023](#)). Portugal is both a destination for various drugs and a transit country, particularly for hashish from Morocco and cocaine from South America (e.g., [SSI, 2021, 2023](#)). Criminal groups resort to national infrastructures, with scheduled air connections between Portugal and Latin America facilitating the importation of cocaine into Europe through drug couriers (e.g., [SSI, 2023](#)).

Drug trafficking offences were rare in Portugal before the 80's, when the suspected traffickers increased to more than half a thousand per year. At the beginning of the 90's, this number increased steadily, and since the second half of the decade it rose to over 2000 a year. Drug couriers are almost inevitably included in these figures, although it is not possible to discern in what proportion. After a peak of around 4000 convicted drug traffickers at the turn of the millennium, this number decreased and has been less than 2000 since 2017. Again, the proportion of drug couriers is not available, although effective prison sentence is the expected conviction. At the end of 2023, of the 9538 convicted prisoners in Portuguese prisons, 1852 were sentenced for drug offences (19 %), including 1432 for drug trafficking. The proportion of drug law offences in the total of prisoners is much higher among foreign males (32 % - 341/1076), and especially among foreign females (69 % - 98/143), many of whom are drug couriers (although, again, the proportion is not available). The impact of the 2019's pandemic on international drug trafficking was evident in Portugal, primarily through the reinforcement of the tendency to explore international maritime transport infrastructures ([SSI, 2021](#)). Without the restrictions once imposed by the pandemic, data on 2022 suggest that organizations continue to improve their criminal activity, using new and sophisticated modus operandi ([SSI, 2023](#)).

Illicit drug markets are complex, multi-layered systems, covering extensive geographic networks and various interconnected phases, as its production, importation, and distribution

(e.g., UNODC, 2009). Furthermore, each of these stages involves the performance of specific roles (e.g., producer/cooker, drug courier) (e.g., EMCDDA, 2012; Hübschle, 2014).

Regarding importation and the role of the importer, there are multiple routes, means, methods, and techniques for the concealment and transportation of drugs, as well as distinct levels of agency (Caulkins et al., 2009; UNODC, 2018). EMCDDA (2012) differentiates among: organiser/manager (responsible for drug importation); assisting importer (supports the importation activities in the country of origin or destination); and drug courier (physical possession of substances when crossing borders, and also entails further subdivisions). There are several accounts of both king and queen-pins, such as Pablo Escobar and Griselda Blanco (e.g., Adler, 1993; Sumter et al., 2022), but also of women and men acting as drug couriers¹ (e.g., Campbell, 2008; Castillo-Algarra & Ruiz-García, 2022; Gillespie et al., 2024). In this article we focus on the latter, typically known as a low-level role within the trafficking chain (e.g., Fleetwood, 2011; Harris, 2010; Lerman, 2016), and widely recognised as a common feature in most markets, namely around Europe.

Differentiating drug trafficking offenders according to their role appears to play a major part in ensuring proportionality in sentencing. Despite being an internationally acknowledged legal principle (Fleetwood et al., 2015), there seems to remain some issues in its practice, namely in Portugal, since this variety of roles appears not to be fully reflected in drug legislation or in sentencing. Moreover, in Portugal, detailed data and official public statistics on sentencing remain limited available (e.g., PRI & IDPC, 2021), particularly concerning drug couriers and mules (e.g., Bjerk & Mason, 2014; Santos, 2015).

This article presents a comprehensive review of the literature on drug couriers, focusing on its definitional issues and legal frameworks, and analyzing their social, demographic and biographic characteristics, as well as their specific roles in drug trafficking. The relevance of this study is justified, above all, by: the evidence that Portugal is an important transit country for illicit drugs; the assumptions (based on international evidence) that much of this phenomenon is accomplished by drug couriers and that ensuring proportionality of sentencing is an imperative; and the recognition of the absence of a legal framework for this term in Portugal, as well as the paucity of information (academic research and official data) about its expression in the country. We aim to make an initial contribution for researchers and policy-makers in Portugal by systematising what is known about drug couriers, pointing ways on how to ensure proportionality in sentencing in these cases, as well as proposing more effective public policies, and identifying what knowledge is missing but relevant to Portugal. Accordingly, we aim to answer these research questions: What can be understood, from a legal and criminological perspective, and at a global scale, by human drug courier?; What is the available knowledge (from research and official data) on human drug couriers, in terms of their sociodemographic and biographic characteristics and the dynamics of their crimes?; How can proportionality in sentencing be ensured in drug trafficking offences?; What remains to know

¹ Aware of the terminological inconsistencies surrounding the terms *drug courier* and *mule* (e.g., Urquiza-Haas, 2015, 2017), in this article we resort to the first one to refer to any role involving the transportation of illicit drugs between markets, since we consider it to be a more encompassing and inclusive one for the various divisions and additional specifications. We explicitly mention the different designations that unfold within this term when it occurs in the cited work, as well as whenever it is relevant to a better understanding of the heterogeneity of the played roles.

in Portugal regarding the characteristics of drug couriers, the dynamics of their crimes, and the response of the criminal justice system and other public policies?

2. Review Methodology

Given our objectives, we conducted a comprehensive review of the literature focused on human drug couriers, which allowed us to gather a broad range of insights and perspectives and deepen our understanding of the phenomenon, as well as to extract important implications to the Portuguese context.

We began by searching academic databases, including the Social Sciences Citation Index and Sociological Abstracts, using a wide range of search terms related to drug trafficking, drug smuggling, drug couriers, mules and low-level drug trade. The search was not confined by date or language, ensuring a broad inclusion of both contemporary and historical studies.

Our review also incorporated both peer-reviewed journal articles and books, as well as 'grey' literature such as government reports, official statistics, organisational publications, and theses/dissertations. No strict criteria were applied regarding the type of drugs involved, allowing for a wide-ranging exploration of the phenomenon.

3. Drug Trafficking, Laws and Sentencing: Impact on the Role of Drug Couriers

Worldwide, a wide variation exists in the possible penalties for drug trafficking offences, despite the recommendation of the UN's conventions to treat it as criminal offences and to sanction it accordingly, including with imprisonment.

In Europe, Framework Decision 2004/757/JHA attempted to reduce this diversity, by defining minimum provisions on the fundamental elements of these criminal acts and their penalties. However, in the actual practice of prosecutions, convictions and sentencing in Member States, variation remains ([European Commission, 2013](#)). Different approaches to set maximum and minimum penalties, as well as aggravating and mitigating factors, can be found ([EMCDDA, 2017](#)). In most Member States, sentencing guidelines for drug supply offences do not exist (as happens in Portugal), but where they do exist, they are mainly provided to prosecutors (Denmark, the Netherlands) and judges (Finland, Sweden, the Netherlands), as is also the case in the United Kingdom (UK) ([EMCDDA, 2017](#)). Regarding sentencing guidelines for judges, in the Netherlands they are a non-binding starting point for determining sanctions. The actual penalty in a specific case depends on its individual circumstances, with the offender's category weighing more on the sentence than the quantity of drugs. These guidelines differentiate drugs supplier into mule or standard or organisation, and attribute distinct sentencing weights to each ([EMCDDA, 2017](#)).

In 2012, the Sentencing Council for England and Wales approved new sentencing guidelines for drug offences, mainly to ensure proportionality in the sentencing of drug couriers and mules,

reducing their punishments (e.g., UK Sentencing Council, 2012; [Urquiza-Haas, 2017](#)), which seems to have been achieved (cf. [Fleetwood et al., 2015](#)). Alike the Netherlands, the basis for determining a provisional sentence involves defining the offender's culpability (which requires identifying their specific role: leading - there are organisational and directional skills in the trade with a focus on financial profit; significant - there is involvement in operational and managerial tasks; and lesser - the supply is for social purposes or there is minimal influence on the higher-ups in the trafficking chain) and the harm caused. Then, the court has to resort to the corresponding starting point to reach a sentence within one of the defined categories, and, finally, consider further adjustments within the category range for mitigating (standard - e.g., remorse, caring responsibilities; and specific - e.g., involvement due to coercion or exploitation) or aggravating factors (cf. [EMCDDA, 2017](#); [Lai, 2012](#); UK Sentencing Council 2012). Mules are covered in the lesser role, and defined as those who "perform a limited function under direction; involved under pressure, coercion, intimidation; involvement due to naivety/exploitation; no influence over those in higher positions in a chain; very little, if any, awareness or understanding of the scale of the operation" (UK Sentencing Council, 2012, p. 4).

Regarding the United States of America (USA), where sentencing guidelines also exist, the US Sentencing Commission Working Group defines a *courier* as the transporter of illicit substances with a vehicle or other equipment, while a *mule* is deemed to be someone who carries them on or inside their body or among their luggage or clothing (e.g., [Urquiza-Haas, 2015](#)).

Despite these legal frameworks and sentencing guidelines, it seems that overall the heterogeneity of roles in drug trafficking is rarely reflected in drug laws or in sentencing (e.g., [Fleetwood et al., 2015](#)), namely in Portugal. However, it is widely recognised, including by the United Nations Office on Drugs and Crime (UNODC), that to ensure proportionality of sentencing, the severity of penalties must be deliberated according to the harms caused and considering various factors, such as the culpability and circumstances of the offender ([Penal Reform International \[PRI\], 2016](#)). It is emphasised that significantly lower sentences should be applied to drug couriers (compared to king or queen-pins) and to those that are coerced into drug trafficking (as opposed to someone who engages voluntarily) (cf. [PRI, 2016](#)).

Notwithstanding, and despite the specificities of each nation, it is still observed that mandatory minimum sentences apply tough punishments to all drug offenders regardless of their role, and that logics of punitive deterrence and of rationalised punishment according to metrics of drug value/weight persist (e.g., [Fleetwood 2011](#); [Harris 2010](#)), without consideration of other important features (e.g., [PRI, 2016](#)). Consequently, those who perform lower roles in drug trafficking, such as drug couriers and mules, have frequently received the harshest penalties (e.g., [Hübschle, 2014](#)).

In Portugal, the different drug trafficking offences and their penalties are set out in Decree-Law no. 15/93 of 22 January (DL 15/93). DL 15/93 categorises the substances in six tables², assigning different penalties based on the danger that is attributed to each. The basic drug trafficking offence is typified by Article 21 of DL 15/93 - Illicit trafficking and other unlawful activities -, which states that "anyone who, without being authorised to do so, cultivates, produces, manufactures,

² Tables I to IV comprise drugs and are further divided into classes A, B, and C, while tables V and VI include precursors - e.g., I-A: heroin; I-B: cocaine; I-C: cannabinoids; II-A: psilocybin; II-B: amphetamines; II-C: buprenorphine; III: preparations of acetyl dihydrocodeine, codeine, among others; IV: alprazolam; V: lysergic acid; VI: sulfuric acid.

extracts, prepares, offers, puts up for sale, sells, distributes, buys, transfers, conveys, imports, exports, causes to transit, or illicitly holds (...) prohibited substances” committed a drug trafficking crime. The basic drug trafficking offence entails four to 12 years of imprisonment when drugs listed in Tables I to III are involved, and one to five years when the drugs are listed in Table IV.

Nevertheless, DL 15/93 allows penalties to be aggravated in situations covered by Articles 24 – Aggravation, and 28 – Criminal associations (this involvement is punished harshly, with sanctions varying depending on the role played within the organisation, but potentially reaching the maximum of 25 years allowed in Portugal). Moreover, DL 15/93 includes allowances for mitigating penalties in situations covered by Article 25 – Less serious trafficking (when due to a reduced quantity and/or quality of the products involved or the *modus operandi*, a considerably diminished illegality is determined, with a penalty not exceeding five years), and Article 26 – Trafficker-consumer (which sets a maximum prison sentence of three years if the involvement in the drug trade was exclusively to finance the offender’s drug use and the quantity does not exceed five days of an average individual’s use, according to the merely indicative limits set out in Ordinance no. 94/96 of 26 March).

Although it is not stated in any legal Portuguese document, it seems that mules fall outside the scope of the latter provisions. Firstly, the quantities transported are by definition relatively high, and the exclusive purpose of personal use precludes punishing the agent as a trafficker-consumer, even if they are drug users. So, drug couriers and mules are likely punished under the basic drug trafficking offence. Under Portuguese criminal law, the category of low-level drug related offences does not exist due to the absence of a distinction between low or high-level in offences of this type (PRI & IDPC, 2021).

In Portugal, the aggravating and mitigating factors foreseen for drug trafficking are the same for almost all crimes (established in the Portuguese Criminal Code), although there are some specific factors listed in DL 15/93. Judges are required to consider all relevant circumstances of the crime, as well as offender’s attitude and background, and they cannot adjust decisions according to the offender’s gender, religious background, beliefs, ethnicity, or other factors not previously contemplated (PRI & IDPC, 2021).

Alongside the instructions of the Portuguese Criminal Code on aggravating circumstances (e.g., Articles 75 and 76 – recidivism), DL 15/93 includes various circumstances in which the above-mentioned penalties will be aggravated by one quarter in both their lower and upper limits (e.g., drugs were distributed to a large number of persons, or addressed to minors or mentally handicapped individuals; EMCDDA, 2017). Likewise, the general mitigating circumstances considered in the Criminal Code (e.g., Article 72 – low gravity of the act, low blameworthiness of the defendant) are supplemented by special attenuation rules listed in DL 15/93 (e.g., effective collaboration with authorities; reduced quantity or quality of the drugs; e.g., EMCDDA, 2017).

4. Drug Couriers: Visibility, Roles, and Modus Operandi

Evidence of drug couriers dates back to the 1970s, and since then many other reports have been known (Glass & Scott, 1995). Throughout the 80s the visibility of drug mules has increased (e.g., Castillo-Algarra & Ruiz-García, 2022), mainly due to media news on USA arrests of women from North

and South America and Africa (Fleetwood & Leban, 2023). Among the variety of transportation methods (e.g., Caulkins et al., 2009; Unlu & Ekici, 2012), criminals began using human couriers who hide the drugs on or in their bodies and/or among their belongings (e.g., Hübschle, 2014; Lerman, 2016; Pinto et al., 2014; Santos, 2015). This became one of the most popular means for drug importation (EMCDDA, 2012), particularly into the EU (Pinto et al., 2014; UNODC, 2018), namely given the growing popularity of international air travel (e.g., Harris, 2010), and the fact that couriers, in addition to facilitating fast and targeted transportation (e.g., Santos, 2015), are also highly expendable (e.g., Klein, 2009) and replaceable (e.g., González et al., 2016; Wilson & Stevens, 2008) for criminal groups. Some of these groups (e.g., Yakusa) use innovative modus operandi, including online advertisements and social networking sites to recruit drug couriers (UNODC, 2018). In the Portuguese study by Santos (2015), most detained male couriers identified known individuals, friends, and the internet as the main recruitment channels.

Over the last decades, many countries have experienced a significant number of drug courier arrests (e.g., Bjerk & Mason, 2014; International Narcotics Control Board [INCB], 2017; UNODC, 2018), as well as a disproportionate increase in the incarceration rates of women for drug trafficking offences, including low-level ones (e.g., Fleetwood, 2014, 2017; Giacomello, 2020). Worldwide, regarding drug-related offences, more men than women are imprisoned, but the proportion of women surpassed men (e.g., Giacomello, 2020). Higher rates of women incarcerated for these crimes are found in Oceania, Asia and Latin America, followed by Europe, with Africa presenting much lower numbers (UNODC, 2018). Most women imprisoned in Latin America face this situation for engaging in drug smuggling, being at the lowest levels in the chain of drug market and organised crime (González et al., 2016). These significant numbers of drug courier's arrests and of incarcerated women may be partly explained by the focus of local law enforcement agencies on low-level drug trafficking (to achieve more immediate and visible results; e.g., Giacomello, 2020).

There is a significant consensus regarding the definition of a drug courier or mule as someone who is paid, coerced or tricked into transporting (but also buying and storing) illicit drugs, internationally or locally, and typically for transnational drug networks, but who has no further commercial interest in drugs, playing a minor and subordinate role in the supply chain (e.g., EMCDDA 2012; Sikkens & van San, 2015; UNODC, 2018). Moreover, further distinctions have been suggested (e.g., Fleetwood et al., 2015). Caulkins et al. (2009) propose distinguishing drug couriers (according to the required skills in performing the role and the level occupied in the organisation) into: organiser, self-employed, or voluntary employee. The latter corresponds to a lower level in the organisation and in the specific functions and skills required, and it appears to comprise a higher number of offenders than the other two.

EMCDDA (2012) divides the role of a drug courier (according to the degree of organisation and management of their trafficking actions and personal commercial interest in the drugs being traded) into: self-employed (medium or high level of organisation and commercial interest; contacts with producers and/or distributors of illicit drugs); and mule (low level of organisation and limited commercial interest; follows orders; rarely knows or interacts with the trafficking network or has any control regarding the drugs). Compared to mules, self-employed couriers tend to transport smaller quantities, especially because they are the commercial investors and owners of the drugs, and they are more aware of the possible legal ramifications associated with drug weigh. Nevertheless, this does not mean less culpability, and, instead, proportionate sentencing requires distinguishing the

imputed guilt and the respective sanctions for different types of drug couriers (e.g., [Fleetwood, 2011, 2017](#)).

[Santos \(2015\)](#) characterised male drug couriers detained in Portugal, and emphasised that drug smugglers should be differentiated into: self-employed (have considerable commercial interest in transporting drugs and make frequent trips to maintain their criminal enterprise); mules without victimisation history (have little commercial interest in the drugs but are motivated by the desire to improve their lifestyle and have no experience of victimisation related to their involvement in trafficking); and mules with victimisation history (involvement in drug transportation due to economic difficulties, coercion and/or to protect their families, as well as sometimes to finance personal consumption; there may also be vulnerability due to victimisation resulting from their involvement in trafficking).

Regarding *modus operandi*, drug couriers can use a multitude of methods and techniques to hide and transport drugs, including hiding them in or on their bodies, in belongings, or in a vehicle (e.g., [Castillo-Algarra & Ruiz-García, 2022](#); [Green et al., 1994](#)). They may transport anything from a few grams up to 10 kilograms when concealing drugs attached to their bodies, and up to two kilograms when they swallow it ([Hübschle, 2014](#)). The intracorporeal hiding methods include (e.g., [Flach et al., 2010](#); [Pinto et al., 2014](#)): body packer (conceals drugs in their digestive system after orally ingesting small packages that are carefully prepared), body pusher (conceals substances in body cavities, typically the vagina or anus), and body stuffer (swallows small packages of drugs and transports them hidden in their digestive system like body packers, but typically without the packages being so carefully prepared, often due to accidental contact with authorities). The same courier may simultaneously use different methods of intracorporeal concealment ([Flach et al., 2010](#)), and there is a significant health risk associated with the oral ingestion of illicit drugs (e.g., [Glass & Scott, 1995](#); [Klein, 2009](#); [Pinto et al., 2014](#)). Although the intracorporeal hiding method is often considered the most prevalent, hiding drugs in baggage has been presented as the most common one ([Caulkins et al., 2009](#); [Fleetwood, 2017](#)). This last method was the most found in the Portuguese study of [Santos \(2015\)](#), with intracorporeal concealment only occurring when an airplane was used.

5. Drug Couriers: Main Motivations, Sociodemographic and Biographical Characteristics

The limited and often imprecise information provided by drug couriers (e.g., [Unlu & Ekici, 2012](#)) contributes to the lack of in-depth knowledge about them (e.g., [EMCDDA, 2012](#)) and the specific dynamics of performing this role. Notwithstanding, regarding motivations for acting as drug couriers, interestingly, there seems to be more available studies on women.

Overall, economic, social and cultural factors stand out as crucial motivations for engaging in drug smuggling (e.g., [Castillo-Algarra & Ruiz-García, 2022](#); [Mnguni & Thobane, 2022](#)). This involvement is typically motivated by socioeconomic precariousness (e.g., [Gillespie et al., 2024](#); [Sumter et al., 2022](#)), as a way of obtaining money (e.g., [Fleetwood, 2017](#); [Hübschle, 2014](#); [Sikkens & van San, 2015](#)) due to poverty (e.g., [Fleetwood & Leban, 2023](#)), unemployment (e.g., [Mnguni & Thobane, 2022](#)), debt repayment, or a demand to meet family needs (e.g., [Castillo-Algarra & Ruiz-García, 2022](#);

Caulkins et al., 2009). Likewise, a Portuguese study (Santos, 2015) showed that most male drug couriers arrested in Portugal had an unfavourable economic condition before incarceration, largely due to unemployment, with professional activities in the industrial sector prevailing among those who were previously employed.

Regarding women, some authors highlight that poverty, despite being a crucial motivation for involvement in drug smuggling, must be understood in the context of the background from which they come from (e.g., Campbell, 2008; Fleetwood & Leban, 2023). Women are commonly responsible for taking care of their families and homes, and may become drug couriers to support their dependents (e.g., Mnguni & Thobane, 2022; UNODC, 2018). Moreover, especially concerning women drug couriers, past life adversities and victimisation are common (e.g., Castillo-Algarra & Ruiz-García, 2022; Gillespie et al., 2024). It has been emphasised that women's involvement in drug trafficking is shaped by contextually embedded gendered experiences (e.g., Sumter et al., 2022). Some studies underline coercion, manipulation, exploitation or deceit, namely by a partner or relative, as motivations for women's engagement in drug smuggling (e.g., Fleetwood, 2014; Gillespie et al., 2024). Nonetheless, as highlighted by Fleetwood and Leban (2023), exploitation is not a gendered phenomenon, with both men and women drug smugglers showing little control over their activity. Financing personal drug use is also a common motivation for involvement in drug smuggling (e.g., Caulkins et al., 2009; UNODC, 2018).

Notwithstanding, a desire to improve one's lifestyle (e.g., Klein, 2009), status (e.g., Sumter et al., 2017), and sense of self (e.g., Fleetwood, 2014; Mnguni & Thobane, 2022), to make easy money or profit (e.g., Campbell, 2008; Caulkins et al., 2009), or to feel excitement and adventure (e.g., Fleetwood, 2011, 2014) also stand out as relevant motivations. Therefore, as described by Fleetwood and Leban (2023) regarding women, it seems possible to understand both men's and women's involvement in drug smuggling through a lens of powerlessness and vulnerability, but also through one of opportunity and emancipation, with some being victims and others acting according to their own decisions (Santos, 2015; UNODC, 2018). These two perspectives are evidenced in the Portuguese study of Santos (2015), in which obtaining money was the most common reason for engaging in this activity, mainly due to financial difficulties, although financing personal addiction or a desire to improve one's lifestyle were also found as relevant motivations.

Regarding sociodemographic characteristics, most drug couriers are male (e.g., Flach et al., 2010; Fleetwood & Leban, 2023; Urquiza-Haas, 2017), but an increase in female involvement has been observed (e.g., Green et al., 1994; Klein, 2009; Matos & Cunha, 2020). Recruiting women for drug smuggling has been described as a preference of criminal organisations (e.g., Castillo-Algarra & Ruiz-García, 2022; Hübschle, 2014). A Portuguese study (Matos & Cunha, 2020) addresses the increasing involvement of women in international trafficking and notes that, while in the 80's women were primarily arrested for being drug couriers, in the 90's they began to play a more active role in domestic trafficking.

The role of a drug courier is mainly fulfilled by adults (e.g., Flach et al., 2010; Unlu & Ekici, 2012), especially young adults (e.g., Castillo-Algarra & Ruiz-García, 2022), but the involvement of children, young people, and even the elderly, has been documented (e.g., EMCDDA, 2012; Hübschle, 2014). The strategic recruitment of women in vulnerable situations (e.g., disabled, with children) has also been reported (e.g., UNODC, 2018).

Multiple nationalities are represented among drug smugglers, which depends on the geographical context in which they are caught (Santos, 2015). Data for drug couriers detained in Europe point to a prevalence of American, African, and EU nationalities (Green et al., 1994; Unlu & Ekici, 2012). On the other hand, data from Australia has shown that drug couriers caught there tend to be Asian (Santos, 2015).

It has also been noted that the couriers identified in developed countries are mostly foreigners who have been recruited for the illicit transportation of drugs by transnational criminal organisations (Fleetwood & Leban, 2023; INCB, 2017). This trend also seems to prevail in Portugal, with a high number of foreign inmates being caught for drug trafficking (Santos, 2015), especially women (e.g., Matos & Cunha, 2020). Official data from the General Directorate of Rehabilitation and Prison Services (*Direção Geral de Reinserção e Serviços Prisionais*) in 2022 for the inmate population in Portugal shows that drug-related crimes are the offences where foreign women are most represented. Furthermore, regarding foreign national women arrested for drug trafficking in Portuguese prisons, studies distinguish between: women who did not live in Portugal but came from other countries, mainly from European or South American ones, and who are involved in international trafficking and ended up being detained in the drug trade network in Portugal (drug couriers); and women who already had a very close connection to Portugal (mainly as residents), such as women of African origin, and who were arrested for drug trafficking primarily within the country (Matos & Barbosa, 2015; Matos et al., 2019). Another Portuguese study (Santos, 2015), also shows that most male drug couriers arrested in Portugal are of foreign nationality, mostly from South America and Europe.

Considering biographic characteristics, drug couriers are usually described as coming from disadvantaged families and socioeconomic backgrounds (e.g., Harris, 2010; Mnguni & Thobane, 2022). Regarding women, many are responsible for the maintenance of their homes and families (e.g., Castillo-Algarra & Ruiz-García, 2022). Indeed, recruiting potential couriers, including women, from the poorer and more vulnerable fringes of society has been also acknowledged as a specific strategy used by criminal groups (UNODC, 2018).

Most drug couriers do not have criminal records or prior involvement in criminal activities (e.g., INCB, 2017; Mateos & Martínez, 2003; Oliveira & Linjardi, 2013), which also tends to be a specific requirement to avoid suspicion and subsequent arrests (e.g., Neto, 2011). In Portugal, Santos (2015) shows that most detained male couriers started engaging in the crime only in adulthood, having no prior criminal record.

Concerning personal drug use, some studies describe it as an unusual behaviour among drug couriers (e.g., Santos, 2015), while others report it as frequent (e.g., Gillespie et al., 2024; UNODC, 2018).

Likewise, in relation to educational level, some authors report a low level (e.g., Klein, 2009; Oliveira & Linjardi, 2013), while others point to higher degrees (e.g., Castillo-Algarra & Ruiz-García, 2022; Mateos & Martinez, 2003). In the Portuguese study of Santos (2015), the more common academic qualifications among detained male couriers were secondary and higher education.

There is more agreement in associating criminal activity with job instability and unemployment (e.g., Hübschle, 2014), with the recruitment of unemployed individuals being also characterised as a specific strategy for many recruiters (Unlu & Ekici, 2012). Notwithstanding, some studies reported that drug couriers were employed at the time of the crime, although typically in poorly paid and precarious jobs (e.g., Castillo-Algarra & Ruiz-García, 2022).

6. Conclusion

In this comprehensive review on drug couriers, we focused on its definitional issues and its legal frameworks, as well as on their social, demographic and biographic characteristics, and on the dynamics of their crimes.

Although much has been written on drug couriers and appropriate responses, overall, there are still some inconsistencies, as well as gaps in the available knowledge regarding their characteristics and the dynamics of their crimes (Gillespie et al., 2024). This is particularly disturbing in the case of Portugal, where drug laws and sentencing do not consider different roles and levels of culpability embodied by drug trafficking offenders, which jeopardises the recognised important principle of sentencing proportionality.

Therefore, answering our first research question, our review shows that there is a significant consensus nowadays about its definition as someone who is paid, coerced, or tricked into transporting (but also buying and storing) illicit drugs, internationally or locally, typically for transnational drug networks, but who has no further commercial interest in the drugs and plays a minor and subordinate role in the supply chain (e.g., Fleetwood & Leban, 2023; Hübschle, 2014; Sikkens & van San, 2015; UNODC, 2018). In that way, we propose that in Portugal, both in the legal and academic realms, this definition be adopted. Alongside, and as suggested by various works (e.g., Caulkins et al., 2009; EMCDDA, 2012; Fleetwood et al., 2015; Santos, 2015), we also recommend that additional distinctions be made among drug couriers, according to their roles and levels of agency and culpability.

Under Portuguese criminal law, the category of low-level drug-related offences does not exist, due to the absence of a differentiation between low- or high-level on this type of offences (PRI & IDPC, 2021). Despite the lack of official data, apparently, in the current Portuguese legal context, drug couriers and mules are punished under the basic drug trafficking offence. Although not stated in any legal Portuguese document, and while DL 15/93 allows for mitigating penalties – Articles 25 (Less serious trafficking) and 26 (Trafficker-consumer), it seems that mules fall outside the scope of these provisions, namely because the quantities transported are by definition relatively high and the exclusive purpose of personal use precludes punishing the agent as a trafficker-consumer, even if they use drugs.

Concerning our second research question, we strongly advise that, in sentencing drug trafficking offences, the offender's role, with its specific levels of agency, gains and culpability, take primacy over metrics of drug weight or value (e.g., Lai, 2012; PRI, 2016). Since the 2012 UK's sentencing guidelines represent an important international innovation in drug policy reform (Fleetwood et al., 2015), allowing for the achievement of the intended aim of ensuring proportionality in drug trafficking sentencing, particularly reducing penalties for those involved in low-level offences, we propose that Portuguese legislation incorporate some of its principles. While not recommending the introduction of mandatory minimal penalties (because previous studies indicate that they tend to promote harsh sentences for those involved in low-level offences; e.g., PRI, 2016), nor the use of weight or value metrics for drugs (since this appears to symbolise a rationalised form of punishment that undercuts the aims of the UK 2012's sentencing guidelines; e.g., Fleetwood et al., 2015), we consider it crucial to replicate UK's sentencing procedure. This implies considering the offender's role and culpability (differentiating among leading, significant and lesser), and only afterwards considering other factors, both related to the crime and to specific mitigating and aggravating features.

It is crucial to assign more lenient sentences for those playing subordinated roles (e.g., [EMCDDA, 2012, 2017 PRI, 2016](#); UK Sentencing Council, 2012). Otherwise, basing sentences solely on the quantity of drugs results in identical or even harsher sentences for mules, which is one of the lowest roles in trafficking (e.g., [Fleetwood, 2011](#); [Harris, 2010](#)), as they typically transport greater quantities than the king- or queen-pins who control the activity and benefit more financially (e.g., [Lerman, 2016](#); [Sevigny & Caulkins, 2004](#)).

Regarding our third research question, in relation to the sociodemographic and biographic characteristics of human drug couriers, our review reinforces that: both men and women engage in drug smuggling; they tend to be young adults that come from socioeconomic disadvantaged backgrounds, facing financial distress; many have low academic qualifications and are unemployed (with those employed working in typically poorly paid and insecure jobs); most do not have a criminal record; and some of them are drug users or addicts. Considering the motivations for engagement in drug smuggling, our review points to two main perspectives: one that understands drug couriers as victims, stressing their vulnerability and powerlessness; and other that, on the contrary, highlights their self-determination, empowerment and emancipation (e.g., [Fleetwood & Leban, 2023](#)). The former appears to be more documented, and it is reported that drug smugglers often come from disadvantaged families and socioeconomic backgrounds (e.g., [Flach et al., 2010](#); [Urquiza-Haas, 2017](#)), often find themselves in situations of unemployment (e.g., [Hübschle, 2014](#)) and financial difficulties (e.g., [Fleetwood & Leban, 2023](#)), thus making the need for money emerge as a primary motivation for engaging in trafficking (e.g., [Caulkins et al., 2009](#)).

Curiously, and as noted by [Fleetwood \(2014\)](#), most researches about drug trafficking tend to be focused and biased towards men, while the ones about drug smugglers tend to be biased towards women, despite their low representation (20 to 30%) in this role compared to men, which may happen due to gendered expectations of women being victims and men being offenders.

Despite the growing involvement of women, children/youngsters and the elderly as drug couriers, this role appears to be still mostly performed by adult men (e.g., [Flach et al., 2010](#); [Unlu & Ekici, 2012](#)). Similarly, drug couriers generally do not have criminal records (e.g., [Castillo-Algarra & Ruiz-García, 2022](#); [INCB, 2017](#); [Neto, 2011](#)). Many of these characteristics can be easily understood by recognising that they often stem from the specific strategies of recruiters and criminal groups, which aim both to avoid their own detection and punishment (e.g., recruiting individuals with no criminal records), and to facilitate individuals' involvement in this practice (e.g., exploiting individual's socioeconomic vulnerabilities).

Strategically, criminal groups can also employ various means, methods, and techniques to conceal drugs for transportation by human couriers. These individuals may hide and transport substances within their bodies, either internally (as body packers, body pushers, or body stuffers) or concealed in their possessions and/or vehicle (e.g., [Green et al., 1994](#)). Although intracorporeal concealment tends to predominate in the popular imagination, several studies indicate that hiding drugs in baggage is more common (e.g., [Caulkins et al., 2009](#); [Fleetwood, 2017](#)). A potential explanation for this trend may relate to the larger quantities that can be transported using this method, compared to intracorporeal concealment (e.g., [Hübschle, 2014](#)). Moreover, the intracorporeal method poses a real health risk to human couriers, including death when a package breaks (e.g., [Klein, 2009](#); [Pinto et al., 2014](#)).

Considering our last research question, unfortunately, the available data from academic research, legal frameworks and official data is very limited. As acknowledged by [PRI & IDPC \(2021\)](#), Portugal does not have official statistics publicly available, particularly concerning sentences imposed on women involved in low-level offences. Moreover, there is limited academic or judicial discourse surrounding the sentencing of these cases, and case law is not as easily accessible as in common law jurisdictions, since all case law publications are anonymised and only High Court decisions are available.

Considering the criminal files kept in Portugal, we stress the need to always report sufficient detailed information regarding sociodemographic and biographic characteristics of the offender and dynamics of the crime committed (e.g., gender; age; occupational, familiar and social insertion; antisocial lifestyle; criminal record; offender's role and levels of agency and culpability; modus operandi, mitigating and aggravating factors; see [Fleetwood et al., 2015](#)), to keep an updated knowledge of the phenomenon, and to monitor the sentencing process in order to ensure permanent proportionality. There is also still a lack of a clear and more comprehensive legal recognition and practice contemplation of the heterogeneity of roles (and associated levels of agency and culpability) in drug trafficking, particularly in drug smuggling.

Considering other drug policies, and as proposed in previous publications (e.g., [PRI, 2016](#)), we believe that incarceration for individuals involved in low-level drug trafficking should be a last resort. Indeed, there is plenty evidence that these drug smugglers rarely pose a real threat to society (e.g., interpersonal violent behaviour), and that their incarceration and harsh punishment has little impact on dismantling illegal drug markets, sinking the corruption frequently associated with drug trafficking, tackling violence, or improving public security and quality of life (e.g., [Fleetwood et al., 2015](#); [González et al., 2016](#)). Imprisonment can be criminogenic in itself, worsening the offender's situation (e.g., further constraining the opportunity to find legal employment and to engage with prosocial peers and activities), perpetuating poverty, marginalisation and recidivism (e.g., [Tomaz et al., 2023](#)). Regarding women, several studies underline that incarceration has a more negative effect on them than it does on men (e.g., [PRI & IDPC, 2021](#)), aggravating their economic vulnerability and social exclusion, as well as their family difficulties, especially when they are primary caregivers ([Giacomello, 2020](#); [UNODC, 2018](#)). When incarceration is indeed necessary, it is crucial to support post-release social reintegration, taking into account the various dimensions of an individual's life (e.g., family, community, education, employment, leisure) ([González et al., 2016](#); [PRI, 2016](#))

For minor and non-violent drug-related offences, alternatives to incarceration should be prioritised (e.g., community service, referral to social support or health services, voluntary treatment for addicted offenders), given the evidence that these represent a more effective response to drug-related offences ([PRI, 2016](#); [Tomaz et al., 2023](#)). We consider that prioritising alternatives to incarceration and applying imprisonment penalties only as a last resort could be easily implemented in Portugal, especially considering that the execution of any imprisonment sentence not exceeding five years can be suspended if certain conditions are met (e.g., [EMCDDA, 2017](#)).

Given that the number of women incarcerated for drug offences tends to surpass that of men, a gender-sensitive approach should also be adopted (e.g., [PRI, 2016](#)) when developing, implementing, and assessing drug laws and policies (e.g., [González et al., 2016](#)).

Likewise, since many incarcerated drug couriers are foreigners, legal assistance and support should be offered to those who do not speak the language of the country in which they are detained (PRI, 2016).

Moreover, since socioeconomic difficulties are identified as main motivations for engagement in drug smuggling, effective policies must address issues of poverty, social exclusion and inequality in our societies (e.g., Mnguni & Thobane, 2022).

This review, although not systematic, makes an initial contribution to researchers and policy-makers in Portugal (and internationally), by systematising what is known about drug couriers, suggesting ways to ensure proportionality in sentencing for these cases, as well as on more effective public policies, and identifying gaps in research and knowledge that are relevant for Portugal.

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