

THE INTERSECTION OF CONFLICT-RELATED SEXUAL VIOLENCE AGAINST MEN, BOYS, AND LGBTQI+ PERSONS AND HUMAN TRAFFICKING

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Kanishkh Kanodia and Ferenc Nicolae Somogyi served as rapporteurs.

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Table of Contents

Acknowledgements.....i

Introduction 1

Workshop Overview2

**Theme I: The Nexus between THB and CRSV
against Men, Boys, and LGBTQI+ Persons4**

**Theme II: Protecting Vulnerable Populations
from THB and CRSV7**

Theme III: Gender Dimensions of THB and CRSV9

Way Forward 11

About the Authors..... 13

Terms of Use 14

INTRODUCTION

The genesis of the workshop was a desire to understand how conflict-related sexual violence (CRSV) intersects with the crime of trafficking and to examine the role that gender, sex, sexual orientation and gender identities/expression (SOGIE) and age play in creating vulnerabilities. The workshop included keynotes and presentations by experts from the fields of CRSV, trafficking human beings (THB), and issues relating to SOGIE.

The workshop explored the intersection of CRSV and THB against men, boys, and lesbian, gay, bisexual, transgender, transsexual, intersexual, and other individuals whose sexual and/or gender identity differs from the cis heterosexual. In 2016, United Nations (UN) Security Council Resolution 2331 addressed the nexus between trafficking in human beings and CRSV, as well as the gender-related nature of these crimes. In the 2018 report on CRSV, the UN Secretary-General reemphasized the importance of addressing the link with human trafficking for purposes of sexual exploitation in conflict. The armed conflict in Ukraine has again brought this problem to the foreground. Allegations of sexual violence, including against

men and boys, have been reported to national and international agencies.¹ But the complexity of the nexus between CRSV and human trafficking is still not well understood, particularly in the case of men, boys, and LGBTQI+ persons.²

The workshop brought together 36 international experts from each field of knowledge to identify and discuss possible lacunae in present research on the nexus between CRSV against men, boys, and LGBTQI+ persons and human trafficking; to assess potential legal, policy, and programmatic gaps in the responses to trafficked victims/survivors of CRSV; and to determine the need and direction for follow-up research on the topic.

1 Graham-Harrison, Emma. "Men and Boys among Alleged Rape Victims of Russian Soldiers in Ukraine." *The Guardian*, May 3, 2022. <https://www.theguardian.com/world/2022/may/03/men-and-boys-among-alleged-victims-by-russian-soldiers-in-ukraine>. And

Madrigal-Borloz, Victor. "Ukraine: Protection of LGBTI and Gender-Diverse Refugees Remains Critical – UN Expert." OHCHR, March 22, 2022. <https://www.ohchr.org/en/press-releases/2022/03/ukraine-protection-lgbti-and-gender-diverse-refugees-remains-critical-un>.

2 The issue of CRSV against LGBTQI+ persons was explored in the call for evidence for the report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity to the 77th General Assembly on peace, security, sexual orientation and gender identity, November 2022. <https://www.ohchr.org/en/calls-for-input/2022/report-independent-expert-protection-against-violence-and-discrimination-based>.

WORKSHOP OVERVIEW

Participants were welcomed by H.E. Hans-Joachim Almoslechner, Deputy Permanent Representative of Austria to the United Nations; Andrew Moravcsik, Professor of Politics and International Affairs and Director of the Liechtenstein Institute on Self-Determination at Princeton University; H.E. Ambassador Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations; and Charu Lata Hogg, Founder and Executive Director of All Survivors Project Foundation.

Daniel Thelesklaf, Project Director of the Finance Against Slavery and Trafficking (FAST) initiative at United Nations University-Center for Policy Research, introduced the two keynote speakers.

Professor Siobhán Mullally, UN Special Rapporteur on trafficking in persons, especially in women and children, highlighted the lack of research on the nexus between CRSV against men and boys and human trafficking in her keynote address. The current focus on victims of sexual violence, according to which women and girls are presumed to be in need of protection while men and boys are considered to be connected to power, was decried as deeply gendered and limited in scope. Likewise, sexual violence against LGBTQI+ persons is insufficiently recognized. Trafficking and forced labor are prevalent in conflict situations, and an estimated one-third of male refugees may be survivors of sexual violence. However, significant gaps in protection remain and many

perpetrators act with impunity. Professor Mullally noted the case study of Vietnam, where adolescent boys were not perceived to be credible in their testimonies about sexual violence. The importance of the Rome Statute of the International Criminal Court was highlighted as a tool for tackling CRSV and trafficking, and advocated for an inclusive, trauma-informed approach.

The keynote presentation of Victor Madrigal-Borloz, UN Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity, emphasized that the peace and security agenda has neglected the dimensions of sex and gender. Armed conflict has a disproportionate effect on persons with diverse sexual orientations and gender identities, many of whom are especially vulnerable to victimization and subjected to discrimination. Recent reports noted that transgender Ukrainian women were prevented from leaving the country since they had been misgendered as men and wrongly considered subject to the exit ban. In addition, data gathering efforts at times render persons with diverse sexual orientations and gender identities invisible. This happens when, for instance, transgender men are identified as women. Madrigal-Borloz emphasized that many individuals affected by sexual orientation and gender identity discrimination do not self-identify as LGBTQI+ and that the complexity of the issues facing such individuals make it difficult to issue wide-ranging policy recommendations.

The remainder of the workshop consisted of three sessions on (1) the nexus between human trafficking and CRSV against men, boys, and LGBTQI+ persons; (2) protecting vulnerable populations from human trafficking and CRSV; and (3) gender dimensions of human trafficking and CRSV. The panelists are listed in alphabetical order below, and subsequent sections of this report address the workshop's three themes in turn.

Tiphane Crittin, UN Office on Drugs and Crime, Human Trafficking and Migrant Smuggling Section

Charu Lata Hogg, All Survivors Project Foundation

Michael Lysander Fremuth, University of Vienna and Ludwig Boltzmann Institute of Fundamental and Human Rights

Annette Lyth, Senior Women's Protection Advisor, United Nations Assistance Mission for Iraq (UNAMI)

Victor Madrigal-Borloz, UN Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity

Noemi Magugliani, British Institute of International and Comparative Law

Konstantina Stavrou, Ludwig Boltzmann Institute of Fundamental and Human Rights

Kim Thuy Seelinger, Washington University, Special Advisor on Sexual Violence in Conflict to the International Criminal Court Prosecutor

Leona Vaughn, Finance Against Slavery & Trafficking (FAST), United Nations University-Center for Policy Research

THEME I: THE NEXUS BETWEEN THB AND CRSV AGAINST MEN, BOYS, AND LGBTQI+ PERSONS

THB and CRSV are conceptually broad and imprecise categories that include a multitude of crimes in a multitude of settings. In many instances, THB and CRSV may overlap or be (causally) related in a way that suggests their joint treatment may help victims/survivors get remedies and redress. In other instances, it is not obvious why victims/survivors would be best served by an approach that merges THB and CRSV. Given the absolute and relative numbers of reported victims/survivors who are men, boys, and LGBTQI+ persons, participants agreed that more research on the nexus is needed. But it is difficult to conduct such research in conflict and postconflict settings, and findings may not apply broadly to all types of THB and CRSV, nor travel well across (country/conflict) contexts. The research itself also risks traumatizing victims/survivors again. Primary data gathering must proceed with great care and in the meantime—given the paucity of data—participants noted that we must proceed with great caution when it comes to formulating recommendations. All Survivors Project’s work in Afghanistan illustrates the value of an approach that looks at the nexus between THB and CRSV.

Where and why additional research is needed

Conceptual work is needed to understand the

nuances of CRSV and THB beyond the official, legal definitions. In the discussions, questions arose as to whether conflict may include internal situations involving violence, such as within the context of terrorism and political repression, and whether sexual violence committed by UN Peacekeeping Operations personnel falls within the definition of CRSV. An expansive understanding of sexual violence may include inappropriate conduct as well as attention to structural factors that facilitate sexual violence. Last, trafficking could be for the purpose of sexual exploitation or could include sexual violence as part of the coercion, and it could be yet another crime perpetrated against victims of CRSV.

A victim-centered approach must first ask how this conceptual work benefits survivors. For example, is it helpful for policy and practice to hew closely to narrow legal definitions? (As a workshop participant noted, trafficking is not explicitly declared a crime under the Rome Statute.) Does a more expansive understanding that relies on existing moral standards (in various international legal frameworks, state constitutions, and bills of rights) shine light on additional categories of victims/survivors who might otherwise not receive attention? On the response side, the bifurcation between CRSV and THB means that there is little coordination, which may be confusing for

survivors of these crimes. Should practitioners push the envelope and help develop yet more expansive understandings?

More work must also be done to explore the conceptual connections between CRSV and THB, including possible causal mechanisms in various contexts. For instance, is the nexus similar irrespective of the type of CRSV and the type of THB? Under what circumstances do the commission of CRSV and THB facilitate one another? There is a consensus that armed conflict increases the vulnerability of marginalized groups, but more research is needed to fully understand causes and effects of both crimes. Last, does the nexus continue to exist beyond the end of the conflict? Answers to all of the above will help us understand whether it is helpful to consider THB and CRSV together.

The victims' perspective must be central at all times. An exclusive focus on sexual trafficking may omit the nonsexual trafficking that men and boys suffer, which also has harrowing effects. What matters are the victims/survivors, the opportunities to which they have access, and their capabilities.

Case Study: Afghanistan—the practice of *bacha bazi*

Bacha bazi, translated as *boy play*, is the sexual abuse (often involving sexual slavery and prostitution) of boys by older men who usually wield power and have social standing in the community. Conflict is an important contextual factor that facilitates *bacha bazi* in Afghanistan. A presumed advantage of an approach to *bacha bazi* that focuses on the link

between CRSV and THB is that it offers a more complete understanding of the practice and thereby, opportunities for enhanced, survivor-centered intervention.

Decades of conflict and the acute humanitarian crisis since the fall of Kabul in 2021 mean that CRSV against all populations, including men and boys, is widespread. The fact that existing gender norms make it easier for boys to be allowed in public spaces increases their susceptibility to trafficking and other crimes. Child recruitment is also common. In addition, criminalisation of same sex conduct, rigid gender norms, and widespread discrimination and hostility against those with diverse SOGIE lead to high levels of persecution of LGBTQI+ persons. Against this backdrop, the practice of *bacha bazi* provides protected-yet-violent spaces for victims. Cultural norms make it difficult for victims/survivors of sexual violence to come forward, and victims fear prosecution, rape, and other forms of abuse by police, and shame and blame by families. The criminalization of same sex conduct combined with the stigma attached to it results in enormous shame among men who are survivors of sexual violence. In addition, a lack of understanding that the illegal element in *bacha bazi* does not relate to a man having sex with a man but rather to the exploitation of a child, also results in blame being attached to victims rather than to perpetrators.

Insufficient legal protections exist for individuals with diverse sexual orientation and gender identities, who are currently incredibly vulnerable. However, legal provisions do exist in the Afghanistan Penal Code: keeping a boy or a trans child for sexual gratification is prohibited under Article 99. Although *bacha bazi*—as a form of THB—was previously proscribed under

anti-trafficking legislation and acts associated with it, such as abduction and rape, were already criminalised, a revised code brings together the various elements of the crime in a simpler form in one place. The revised code clarifies the acts that are prohibited and in theory facilitates greater accountability for them. In addition, the government of Afghanistan has shown the political will to tackle bacha bazi through a willingness to prosecute perpetrators. This commitment may not exist at other levels of government and may not endure over time.

ASP's March 2021 report on Enhancing Survivor-Centered Healthcare Response for Male Victims/Survivors of Sexual Violence in Afghanistan, identified the health sector as an underutilized entry point for male survivors of CRSV due to multiple barriers.³ The report recommends that the Gender-based Violence Treatment Protocol for Healthcare Providers in Afghanistan⁴ be revised to ensure proper and specific training for healthcare providers to respond to male victims. Adopting a social-ecological model of public health, the barriers are differentiated by five levels:

1. individual (e.g., internalized stigma and a lack of knowledge about available resources)
2. interpersonal (e.g., stigma from community members and threats from perpetrators)
3. community (e.g., unaffordability of access to healthcare services and a lack of services for men and boys)
4. organizational (e.g., stigmatization by healthcare workers), and
5. structural (legislative barriers and weak rule of law and impunity).

3 "Enhancing Survivor-Centred Healthcare Response for Male Victims/Survivors of Sexual Violence in Afghanistan." All Survivors Project, March 19, 2021. <https://allurvivorsproject.org/enhancing-survivor-centred-healthcare-response-for-male-victims-survivors-of-sexual-violence-in-afghanistan/>.

4 "Gender-based Violence Treatment Protocol for Healthcare Providers in Afghanistan." Ministry of Public Health of the Islamic Republic of Afghanistan, World Health Organization Afghanistan Country Office with the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), Afghanistan, January 1, 2014. <https://reliefweb.int/report/afghanistan/gender-based-violence-treatment-protocol-healthcare-providers-afghanistan>.

THEME II: PROTECTING VULNERABLE POPULATIONS FROM THB AND CRSV

Vulnerability in conflict is created through a range of factors, including a breakdown of the socioeconomic structures and the collapse of the rule of law. The latter creates a barrier to assistance and protection against persecution. Forced displacement arising due to conflict exacerbates preexisting vulnerabilities. These factors combine and lead to a fragmentation of social structures and family networks. Commonly noted forms of exploitation include trafficking for forced marriages, the recruitment of children, and sexual exploitation and abuse. The Global South has high vulnerabilities to modern slavery and human trafficking due to extreme poverty, armed conflict, and the disproportionate effect of the climate crisis and the COVID-19 pandemic.

Vulnerable populations include those individuals who have been trafficked and/or have suffered sexual violence in conflict, as well as those who are made more vulnerable to CRSV and human trafficking by structural factors, such as poverty and discrimination. While the distinct identities of individuals may mean they are targeted for trafficking, structural causes of their vulnerability cannot be ignored.

Preexisting inequality and discrimination are often exacerbated in times of conflict. The experience of LGBTQI+ populations is outlined as important and often forgotten in the gender analysis. Direct tools of state-sponsored

vulnerability can include a restrictive legal framework regarding immigration and securitized borders. Indirect tools of state-sponsored vulnerability exist, including legal loopholes or the absence of legal protection. These structural barriers constitute tools of exclusion, creating gendered, heteronormative, and stereotyped notions of victimhood.

A survivor-focused approach must consider what survivors need and want in light of the trauma they have experienced, as opposed to what they are assumed to need and want. In victim-centered justice, the victims often want to be healed—they wish to have order in their lives again. But what this means depends on the individual context. A victim who lost a small business may want to have the business reinstated. In Iraq, for instance, the focus is often on regaining economic and social rights.

Financial exclusion as a risk factor for and a consequence of vulnerability to slavery and trafficking

The financial exclusion of vulnerable populations who are un- or underbanked is both a risk factor for and a consequence of slavery and trafficking. This is demonstrated in research on modern slavery and human trafficking and through FAST's Survivor Inclusion Initiative. FAST's position is that improving

the financial health of vulnerable populations and survivors helps to offer some protection against trafficking or being trafficked again.

Since the outbreak of war in Ukraine, Ukrainian people on the move have become vulnerable to slavery and trafficking. The international community response to this risk includes ensuring these peoples' continued access to financial services. This demonstrates how safeguards can be offered against exploitation in conflicts and post-conflict situations. The FAST initiative is keen to explore other settings in which the finance sector can act to increase protection for vulnerable populations, including those most marginalized.

Vulnerabilities of persons with diverse SOGIE

Participants shared the view that vulnerabilities are increasing for LGBTQI+ people globally: this is demonstrated in social behaviors as well as in legislative developments. People should not be reduced to gender and sexual orientation identities, but people of diverse gender and sexual orientation are especially minoritized and vulnerable to violence in the context of armed conflict.

Participants noted that LGBTQI+ activism about discrimination and violence is very much victim-led: a person's testimony is not only a tool for prosecution but also key to how activists understand justice. In addition, it is important to disaggregate responses to victims within the LGBTQI+ communities because experiences differ, and LGBTQI+ communities have their own understanding and perceptions of power

and justice. Intersectional understandings of the divergent experiences of persons of diverse SOGIE are needed, for example, in relation to race, nationality, ethnicity, religion and geographical location. Experiences also vary depending on the type of armed conflict and domestic-legal protection in place. The design of negotiation processes and peace-building work needs to include gender-specific approaches and needs to engage and involve LGBTQI+ persons.

Case Study: Iraq

Attention to CRSV has been drawn yet again by the experiences of Yazidi survivors and ISIS. It is important to recognize that threats of CRSV occur in every part of society in Iraq and are particularly manifest for LGBTQI+ people or those assumed to have this identity. There is no safe space for LGBTQI+ people, including in employment. Among other issues, the lack of access to safe and sustainable jobs increases the vulnerability of these people. The absence of civil society and high sensitivities make it difficult to address CRSV in all forms, but the government and the international community have a role to play in helping vulnerable people financially so that they can live independent lives.

THEME III: GENDER DIMENSIONS OF THB AND CRSV

The word *gender* is often used in theory, policy, and practice as synonymous with women and girls. Trafficking against humans is a gendered phenomenon. In relation to the experience of women and girls, a reductionist approach in policy and practice is often applied, binding gender to biological sex and excluding those of diverse SOGIE. Gender plays an important role in driving who is trafficked and for what reasons. Women and girls are identified as the largest numbers of THB victims—even with underreporting due to multiple factors—but men and boys also face the risk of trafficking (for the most part, it is young migrant men forced into construction work).

Those trafficked for sexual exploitation and forced labor have limited access to education and limited access to support networks.

Identification of victims is extremely challenging because they fear arrest and repatriation. Those who abuse migrants maintain control over them and prevent them from reporting and escaping to authorities due to this fear.

The victims' immigration status plays an important role in trafficking. The absence of safe pathways for migration results in more dangerous journeys and worse outcomes. Participants noted a need for less restrictive migration policies across the world.

Armed conflict also poses age and gender-based risks. Child soldiering and forced recruitment into armed groups—especially in Eastern Democratic Republic of Congo, Liberia, and Sierra Leone, where young boys were recruited—are associated with a high risk of experiencing sexual violence. Sexual abuse against men and boys is often considered culturally taboo, and this prevents male victims from reporting and accessing victim services. The long-term effects on these individuals include negative coping mechanisms and poor mental health. People of diverse sexual orientation and gender identity can also experience higher levels of harassment, especially in conflict settings where same-sex relations are criminalized. These individuals are subjected to multiple forms of conflict and thereby rendered more vulnerable.

The implications of defining gender exclusively to mean women and girls

When gender is conflated with women and girls, THB that occurs because of gender poverty and gender-based violence is assumed to only victimize women and girls. Race, ethnicity, SOGIE, and other intersectional factors are then a secondary consideration. Trafficked men and boys are devictimized.

Some emerging literature examines gender inequality as a root cause of THB. But this lens fails to analyze the gender dynamics among men, a masculine State, and a masculine population that rests on nationalism, patriotism, and masculine display. Men's gender is associated with presumptions around hegemonic masculinity—a specific form contingent on a social setting—and ignores marginalized masculinities. As a result, men are harmed by the State and those in positions of privilege to impose their perceptions of masculinity. Victimized men are not seen as vulnerable and in need of protection, but rather as lesser or feminized men, leading to assumptions about gender identity and sexual orientation.

Boundaries are often blurred between sexual exploitation and sex work. Due to a gendered understanding of agency, there is a presumption that a woman cannot consent to sex work or that sex workers cannot be exploited, which can be detrimental to women and LGBTQI+ persons.

Sexualized torture against men and boys takes place along migration routes and in conflict, yet screening tools in transit countries do not consider the vulnerabilities of men. They may sometimes do so in the case of boys.

Case Study: Europe

When trafficked women and girls are perceived and recognized as belonging to a particular vulnerable group, on the basis of their sex it was argued that the Council of Europe presumes that the risk of return for men to a patriarchal society is low. Trafficked males are only deemed to be in need of protection

if they have posttraumatic stress disorder, are indigent, and have no family. The need for protection is thus identified differently. In the case of men, class, race, and ethnicity are also taken into consideration, because their gender itself is not perceived to be sufficient to make a determination of vulnerability.

WAY FORWARD

- THB and CRSV are conceptually broad and imprecise categories that include a multitude of crimes in a multitude of settings. In many instances, THB and CRSV may overlap or may be related causally in ways that suggests their joint treatment may help victims/survivors access remedies and redress. In other instances, it is not obvious why victims/survivors would be best served by an approach that merges THB and CRSV.
- Given the absolute and relative numbers of reported victims/survivors of both phenomena who are men, boys, and LGBTQI+ persons, participants agreed that more research on the nexus is needed. But it is difficult to conduct such research in conflict and post-conflict settings, and findings may not apply broadly to all types of THB and CRSV, nor be applicable to different countries and contexts.
- Risks of traumatizing victims/survivors again are inherent in any research into this nexus and therefore, primary data gathering must proceed with great care. Given the paucity of data, participants noted that recommendations for such work should be carefully formulated.
- Men, boys, and LGBTQI+ persons are especially vulnerable to THB and CRSV in multiple—and differing—ways. Participants highlighted the extent to which boys' presence in the public sphere made them targets, and how LGBTQI+ persons are often afforded limited or no safe spaces, whether public or private. Participants touched on notions of masculinity (e.g., how men can be invisible as victims/survivors), victimhood (e.g., how notions of credible victims intersect with gender norms), and vulnerability, including at the micro level, such as the different perception of young boys' and teenage boys' need for protection, and at the macro level, i.e., structural vulnerability, which includes the ways in which States sponsor and weaponize vulnerability.
- Participants stressed the need to differentiate and disaggregate the categories (e.g., LGBTQI+ versus gender identities and orientations, including those individuals who are perceived to belong), and think about them from a victim/survivor's perspective. The workshop explored what a survivor-centered approach to researching THB and CRSV against men, boys, and LGBTQI+ persons may look like, including taking seriously the possibility that the victims/survivors may not recognize themselves as victims; placing themselves in the LGBTQI+ category; and prioritizing attention to or redress for the crime of THB and CRSV in their needs.

- Participants noted that the various institutions and sectors, including the private sector, capable of addressing the needs of victims/survivors must be engaged in an integrated manner to improve prevention and responses. With this in mind, the LISD, FAST, and ASP will explore opportunities for further research to ensure that a multisectoral approach serves all those involved in a survivor-centered manner.

ABOUT THE AUTHORS

Barbara Buckinx is Associate Research Scholar with the Liechtenstein Institute on Self-Determination at the Princeton School of Public and International Affairs. A political theorist by training, her work aims to reconcile the divide between normative political philosophy and policy research and give guidance to scholars as well as policy makers on what to allow, what to prohibit, and how to target reform in global governance. Her work has appeared in *Critical Review of International Social and Political Philosophy*, *Migration Studies*, *PS: Political Science & Politics*, *Ethics & International Affairs*, and *Global Justice: Theory Practice Rhetoric*.

Charu Lata Hogg is the Founder and Executive Director of All Survivors Project. She was Policy and Advocacy Director and Asia Program Manager at Child Soldiers International, formerly the Coalition to Stop the Use of Child Soldiers. Charu has been Associate Fellow in the Asia Program at Chatham House since 2004, where she covers political and human rights developments in South and South East Asia. She is the Chair of the Board of Trustees of the Sri Lanka Campaign for Peace and Justice. She worked as the South Asia researcher for Human Rights Watch until 2009 and documented violations of international human rights and humanitarian law in Nepal and Sri Lanka.

Leona Vaughn is the Vulnerable Populations Lead with the Finance Against Slavery and Trafficking team at the United Nations University Centre for Policy Research. A sociologist with over 25 years of experience working as an equalities and social justice expert, she gained her PhD from University of Liverpool, UK where she holds an honorary fellowship for slavery and unfree labour research. Leona has led a number of interdisciplinary international projects with academic, civil society and community-based partners. Her research area is risk, prevention and vulnerability and the impacts of these concepts on minoritized populations.

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