

Editorial

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Chief Editors Journal of Human Trafficking, Enslavement and Conflict-Related Sexual Violence (JHEC)

We are very pleased and proud to present to you the very first issue of the Journal of Human Trafficking, Enslavement and Conflict-Related Sexual Violence (JHEC), a multi- and interdisciplinary journal on the nexus between human trafficking (THB – Trafficking in Human Beings), enslavement and conflict-related sexual violence (CRSV). Twice a year we bring to you a general issue with contributions on the nexus between these three crimes and/or on one or two crimes individually (in August) as well as a special issue addressing a specific theme (in December), such as this year's theme 'sexual terrorism'. JHEC uses a double-blind peer review process and contains high quality articles, book reviews, case notes and/or discussion statements of interest to academics and practitioners alike.

Surely, we could not have started this adventure without Paris Legal Publishers as they believed in this journal right from the start. And of course, we are thankful to our highly esteemed editorial board members to take on this journey with us. The editorial board members represent different disciplines in the field of addressing human trafficking, enslavement and conflict-related sexual violence, and include both practitioners and academics. We are honored to work closely with them. For this first issue of the journal we asked them to respond to the statement '*The Nexus between Human Trafficking, Enslavement and Conflict-Related Sexual Violence is Obvious*' as a way to kick-off the debate on the nexus between the crimes. As will also become apparent from the views of our editorial board, the nexus may be clear to some, but it certainly is not for others. It is probably safe to say that generally speaking, human trafficking, enslavement and conflict-related sexual violence have an obvious close connection. However, in reality, and in light of the differing legal regimes, the nexus is less evident. This requires more clarification and implementation. It is for this reason that we felt this journal is direly needed.

Background to the Nexus between Human Trafficking, Enslavement and Conflict-Related Sexual Violence

Indeed, in the past years, the UN Secretary-General has continuously stressed the urgency of addressing the nexus between human trafficking and conflict-related sexual violence.¹ Although most of the time both crimes are looked upon separately, there are many similarities between them.

¹ UNSC, 'Report of the Secretary-General on Conflict-Related Sexual Violence (Violence' (2017) UN Doc S/2017/249), 15 April 2017; b; UNSC, 'Report of the Secretary-General on Conflict-Related Sexual Violence, UN Doc. S/2017/249, 15 April 2017, § 2. See also *Report of the Secretary General on Conflict Related Sexual Violence*' (2018) UN Doc. S/2018/250, 16 April 2018, § 2; Report

One can think of the sexual nature that can be found in both crimes, the taboos and stigmas surrounding both crimes, the difficulty in defining the crimes, the focus on law enforcement (prosecution) rather than on protection and prevention, prosecutorial challenges (e.g. victim/witness protection, secondary victimization, reliance on victims' testimonies), lack of comprehensibly understanding victims' rights and needs, misconceptions about perpetrators and victims, the fluidity of victim and perpetrator's roles, the consequences of both crimes (e.g. trauma, children born as a result), the causes and purposes of the crimes, to name a few. Human trafficking and conflict-related sexual violence 'meet' in the crime of enslavement, but to what extent? Again, there are significant overlaps, although the crimes do not seem to fully coincide.

Human trafficking, enslavement and conflict-related sexual violence take place in times of peace, conflict and post-conflict; the crimes can take place at the same time or follow each other consecutively. In the context of mass migration, men, women and children affected by conflict, displacement or violent extremism are particularly at risk of falling prey to traffickers or other perpetrators of these crimes owing to the collapse of protective political, legal, economic and social systems.

In its report on conflict-related sexual violence of 15 April 2017 the UN Secretary General reported for the first time about the link between conflict-related sexual violence and trafficking in persons.² It was held that the term conflict-related sexual violence also encompasses trafficking in persons when committed in situations of conflict for the purpose of sexual violence/exploitation. Developments during the year 2016, including the rise in violent extremism and mass migration, drew attention to the attendant risk of trafficking in persons for the purpose of sexual violence/exploitation. Moreover, in UN Security Council Resolution 2331 (2016) of 20 December 2016, the nexus between human trafficking, sexual violence, terrorism and transnational organized crime was for the first time addressed.³ With this resolution, sexual violence as a tactic of terrorism was officially acknowledged. Ever since these developments, the three crimes and the nexus between them has been on the agenda of the UN.

While its importance is time and again stressed, the nexus between human trafficking, enslavement and conflict-related sexual violence is up until now still largely underexplored. JHEC aims to fill this gap by researching both the nexus between these crimes and studying the crimes individually.

of the Secretary General on Conflict Related Sexual Violence, UN Doc. S/2019/280, 29 March 2019/S/2019/280, 29 March 2019; Report of the Secretary-General on Conflict Related Sexual Violence, UN Doc S/2020/487/UN Doc 17 July 2020.

² UN Security Council, *Report of the Secretary-General on Conflict-Related Sexual Violence* (S/2017/249), 15 April 2017.

³ UNSC Res 2331 (20 December 2016) S/RES/2331.

The first issue

Apart from discussing the statement on the nexus between human trafficking, enslavement and conflict-related sexual violence by the editorial board members, this first issue also contains four thought-provoking articles, each dealing with one of the three crimes.

The first article in this journal is from Hannah Baumeister. She analyzes in her contribution how the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia and the International Criminal Court construct and reconstruct the concepts of a 'real' and 'simple forced marriage'. She argues that the difference lies in the elements of consent, coercion, duration and purpose. The article highlights the gendered everyday realities in which myths surrounding conflict-related forced marriage are embedded and taken for granted and accepted as normal, contributing to the denial, downplay or justification of acts of violence against women. It argues that by reinforcing these concepts, the courts miss an opportunity to educate the legal community and the public about women's experiences in peace and wartime and to develop a definition of the crime of forced marriage that reflects women's realities.

Amy Weatherburn looks into the increasing number of identified victims of human trafficking for labor exploitation and the low number of associated prosecutions which calls into question the effective implementation of anti-trafficking measures in European countries. She focuses on two European jurisdictions (England and Wales and Belgium). According to her, the low prosecution rates for human trafficking for labor exploitation has to do with the complexity of the human trafficking phenomenon which creates challenges for the investigatory and judicial process. In particular the following: the operationalization of the principle of irrelevance of consent, where the victim demonstrates apparent consent to exploitative working conditions, the participation of victims in criminal proceedings, and the complexity of the factual circumstances. She provides insight into what is needed to secure more effective access to justice for victims of human trafficking.

Kimberley Anderson, Ivan Komproe, Amra Deliċ, Esmina Avdibegović, Elisa van Ee and Heide Glaesmer discuss in their article how posttraumatic stress disorder (PTSD) and posttraumatic growth (PTG) – psychological outcomes that can co-occur in the aftermath of a traumatic event – interact for female survivors of conflict-related sexual violence from Bosnia and Herzegovina. Their results show that through multiple indirect relationships, CRSV survivors respond to their trauma with both PTSD and PTG, suggesting a dual PTSD-PTG mechanism. As for coping strategies, positive reinterpretation predicted greater PTG, and behavioral disengagement predicted greater PTSD. They concluded that positive reinterpretation as a coping strategy appears to be a stable characteristic that independently predicts PTG, irrespective of trauma type. According to them, mental health professionals should take into account this mechanism when addressing the needs of CRSV survivors, but also war

survivors more generally. Reframing traumatic events and post-trauma sequelae during treatment could lead to PTG and enhance recovery.

The final contribution in the first issue is written by Tamara Frunse on the topic of sexual violence against men and boys. She argues that during armed conflict, men and boys are frequently attacked either by coercion to witness sexual violence committed against their family and community members, or to rape and sexually assault others. The shared feature of both forms of victimization is that they rarely constitute an attack on the individual alone. Instead, they are utilized by perpetrators as a war tactic to debase entire communities. Protection for male victims of these forms of sexual violence is limited due to a disconnect between formal statutory provisions under International Criminal Law criminalizing sexual violence and the jurisprudential interpretation thereof. The jurisprudence of the international criminal courts and tribunals has been widely criticized in academic literature for misclassifying sexual harm against men and accommodating it incoherently under various provisions other than the explicit sexual violence norms. The prosecutorial and jurisprudential dichotomy partly originates in the lack of clarity surrounding these selected forms of sexual violence. Frunse prompts us to rethink current international criminal jurisprudence to coherently address and condemn such forms of sexual violence.

While we are at the start of clarifying the nexus between human trafficking, enslavement and conflict-related sexual violence, as the above articles show, we can say that the first steps have been taken, and we will continue to contribute to this endeavor with this new and thought-provoking journal.