

Call for input by the Special Rapporteur on “Trafficking in persons and protection of refugees, stateless persons and internally displaced persons (IDPs)”

Contribution from the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict

Topic of the Report: Trafficking in persons and gender peace and security.

1. The Office of the Special Representative of the Secretary-General on Sexual Violence (hereinafter “the Office” or “OSRSG SVC”) is grateful for the opportunity to contribute to the report to be presented to the 3rd Committee of the UN General Assembly in October 2024. In response to the guiding questions and the specific request for practical examples, this submission presents an overview of the Office’s contributions to advance the response to conflict-driven trafficking for the purpose of sexual violence and exploitation. The submission addresses:
 - a. the growing recognition of the intersection between conflict-related sexual violence and trafficking in persons by the Security Council and its linkage with the Women, Peace and Security architecture; and
 - b. advocacy and policy work by the Office addressing the intersection between conflict-related sexual violence and trafficking in persons.
2. In line with the work developed by the Office, the submission underscores the critical need for comprehensive international efforts to combat conflict-driven trafficking for sexual violence and exploitation. It emphasizes the importance of a comprehensive and complementary use of all relevant normative frameworks, to ensure a survivor-centered and human rights-based approach in the prevention and response to this crime, in line, inter alia, with Security Council resolution 2467.

The growing recognition of the intersection between conflict-related sexual violence and trafficking in persons by the Security Council and its linkage with the Women, Peace and Security architecture.

3. Throughout the years, the Secretary-General's annual reports on Conflict-related Sexual Violence have acknowledged and detailed the prevalence of conflict driven trafficking, as

a form of conflict-related sexual violence, in various conflict and post-conflict settings, identifying both State and non-State actors.

4. The annual reports of the Secretary-General on Conflict-Related Sexual Violence have consistently highlighted the vulnerabilities of displaced persons and refugees who are easily lured into exploitative situations, with alarming patterns of predation (Cox's Bazar, Bangladesh;¹ northern Ethiopia;² and Ukraine³). Trafficking for the purposes of sexual violence and exploitation as both a tactic of war (e.g. Colombia;⁴ Democratic Republic of Congo;⁵ Libya;⁶ Myanmar;⁷ and Sudan⁸) and as a tactic of terrorism (e.g. Daesh/ISIL, in Iraq and Syria;⁹ Boko Haram, in Nigeria;¹⁰ Al-Shabaab, in Somalia and Kenya¹¹) has also been extensively documented. For civilians in conflict and post-conflict societies, where poverty, trauma and the absence of rule of law prevail, the rise in trafficking for sexual violence and exploitation (e.g. the Balkans;¹² Myanmar;¹³ and Haiti¹⁴) has also been documented.
5. In 2016 and 2017, specifically, in response to the growing use of trafficking by terrorist groups, the UN Security Council adopted resolutions that emphasized the connection between trafficking, sexual violence, terrorism and other transnational organized criminal activities. Security Council resolutions 2331 (2016) and 2388 (2017) specifically

¹ Report of the United Nations Secretary-General, 2019, S/2019/280, para 70; Report of the United Nations Secretary-General, 2021, S/2021/312, para 41; Report of the United Nations Secretary-General, 2022, S/2022/272, para 44; Report of the United Nations Secretary-General, 2023, S/2023/413, paras 49 and 51; Report of the United Nations Secretary-General, 2024, S/2024/292, paras 52–53.

² Report of the United Nations Secretary-General, 2023, S/2023/413, para 79.

³ Report of the United Nations Secretary-General, 2023, S/2023/413, paras 15 and 68–69; Report of the United Nations Secretary-General, 2024, S/2024/292, para 11.

⁴ Report of the United Nations Secretary-General, 2020, S/2020/487, para 25; Report of the United Nations Secretary-General, 2021, S/2021/312, para 24; Report of the United Nations Secretary-General, 2023, S/2023/413, para 28; and Report of the United Nations Secretary-General, 2024, S/2024/292, paras 12 and 27.

⁵ Report of the United Nations Secretary-General, 2015, S/2015/203, para 7.

⁶ Report of the United Nations Secretary-General, 2020, S/2020/487, paras 34–36; Report of the United Nations Secretary-General, 2021, S/2021/312, paras 35–36; Report of the United Nations Secretary-General, 2024, S/2024/292, para 46.

⁷ Report of the United Nations Secretary-General, 2024, S/2024/292, paras 52–53.

⁸ [Joint Statement by the Special Representative of the Secretary-General on Sexual Violence in Conflict, Pramila Patten, and Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, Joyce Msuya](#), April 25, 2024,.

⁹ Report of the United Nations Secretary-General, 2016, S/2016/361, para 17; Report of the United Nations Secretary-General, 2017, S/2017/249, para 69; Report of the United Nations Secretary-General, 2018, S/2018/250, paras 43 and 76–77; Report of the United Nations Secretary-General, 2021, S/2021/312, para 13.

¹⁰ Report of the United Nations Secretary-General, 2016, S/2016/361, para 17, Report of the United Nations Secretary-General, 2020, S/2020/487, para 15.

¹¹ Report of the United Nations Secretary-General, 2018, S/2018/250, para 62.

¹² Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, 2012, S/2012/33, para 67.

¹³ Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, 2015, S/2015/203, para 41; Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, 2017, S/2017/249, para 52; Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, 2019, S/2019/280, para 70; Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, 2020, S/2020/487, para 40; Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, 2021, S/2021/312, para 41; Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, 2022, S/2022/272, para 44; Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, 2023, S/2023/413, paras 49 and 51; Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, 2024, S/2024/292, paras 52–53.

¹⁴ Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, 2023, S/2023/413, para 15.

acknowledged that “trafficking in persons in areas affected by armed conflict and post-conflict situations can be for the purpose of various forms of exploitation, including exploitation of the prostitution of others or other forms of sexual exploitation”. Most importantly, the Security Council recognized that “trafficking in persons in armed conflict and post-conflict situations can also be associated with sexual violence in conflict” and that children and persons displaced by armed conflicts, including refugees, can be especially vulnerable.¹⁵

6. While not part of the Women Peace and Security normative framework, both resolutions make important contributions to strengthen the normative response to conflict-driven trafficking for the purpose of sexual violence, including by echoing and reinforcing existing international legal obligations under international human rights law, international humanitarian law, international criminal law and international refugee law. Importantly, through these resolutions, the Security Council also calls upon the Women, Peace and Security tools and institutional architecture to ensure their implementation and enforcement.
7. The resolutions specifically call upon Member States to enhance prevention and protection mechanisms (e.g. by strengthening information sharing, including through adequate training of all relevant officials, such as law enforcement, border guards and judicial personnel);¹⁶ to strengthen and tailor services to victims of trafficking and sexual violence (e.g. ensuring adequate psychosocial and avenues to access to justice that take into account the specific trauma and situation of trafficking);¹⁷ and to seek criminal accountability for these crimes.¹⁸ Accordingly, in advocacy efforts, engagement with Member States and programmatic work, the OSRSG SVC has actively reiterated and integrated the actions proposed by the resolutions, and applicable relevant human rights obligations.¹⁹
8. The Security Council also called upon the Women, Peace and Security tools and institutional architecture to ensure the implementation and enforcement of the resolutions. The Security Council expressed its intention, when adopting or renewing targeted sanctions, to also consider non-State actors, including terrorist groups engaged in violations of international humanitarian and human rights law, such as trafficking, and conflict-related sexual violence. For that purpose, the Security Council encouraged the sharing of relevant information by Member States with the sanctions committee and relevant entities, other Members States and the OSRSG SVC.²⁰ As a result of the initial resolutions, in December 2016, the OSRSG SVC submitted a confidential special report to the 1267 Committee

¹⁵ SCR 2331 (2016), Preamble (PP 5); SCR 2388 (PP6).

¹⁶ SCR 2331 (2016), OP 1.d, 3.a

¹⁷ SC 2331 (2016), OP 3.b, 9, 10.

¹⁸ SC 2331 (2016) OP 2 b.c, 11; SC 2388 (2017) OP 3, 4, 5 10.

¹⁹ See, inter alia: CEDAW/G/GC/30(2013) para. 41 a.b.c; (2020)CEDAW/G/GC/38 (2020) paras. 17, 76-108.

²⁰ SC 2331 (2016) OP 12, 13, 14; SC 2388 (2017) OP 9, 11, 27, 28; SC 2467 (2019) 29; SC 2734 (2024) paras 3, 16, 17, 18.

focused specifically on crimes of sexual violence by Da'esh committed in Syria and Iraq, illustrating the link with trafficking and sexual slavery.

9. The Security Council has also acknowledged the importance of data collection capturing the intersection between trafficking in persons and sexual violence in conflict. It specifically acknowledged the efforts of the OSRSG SVC and Team of Experts on the Rule of Law and Sexual Violence in Conflict “to strengthen monitoring and analysis of sexual violence in conflict, including where associated with trafficking in persons in armed conflict and post conflict situations” and urged the Secretary-General to ensure the collection of relevant data and information under the existing Monitoring and Reporting Arrangements (i.e. MARA).²¹ Accordingly, the information gathered through MARA should now include conflict-driven trafficking for the purpose of sexual violence and exploitation.
10. Finally, the Security Council specifically acknowledged and encouraged the “time bound commitments and implementation plans by all parties to the conflict to address and prevent such crimes in line with resolutions 1960 and 2106”, requesting information about their implementation. Accordingly, the OSRSG SVC has continued to engage with the relevant parties, through the signature of joint communiqués and frameworks of cooperation, which have increasingly reflected the actions and obligations enshrined in resolutions 2331 and 2388 to address and respond to trafficking and conflict-related sexual violence (see below, paragraphs 14-16).

Advocacy and policy work by the Office of the Special Representative addressing the intersection between conflict-related sexual violence and trafficking in persons.

11. The OSRSG SVC has actively engaged in advocacy actions, raising awareness and mobilizing action to address conflict-driven trafficking for the purpose of sexual violence. The OSRSG SVC has released a series statements, including with other UN entities, warning of the elevated risk of trafficking in persons for the purposes of sexual violence (Myanmar/Bangladesh; Ukraine; and Sudan). The OSRSG SVC engaged with Member States to secure their commitment to prevent and respond to conflict driven trafficking for the purpose of sexual violence, in alignment with existing national frameworks on trafficking and sexual and gender-based violence (Bangladesh and Ukraine). Finally, the OSRSG SVC, through the Team of Experts on the Rule of Law and Sexual Violence in Conflict, has promoted efforts to strengthen accountability for conflict-driven trafficking, prompting a reflection about the comprehensive and complementary use of the normative

²¹ SC 2331 (2016) OP 18; SC 2388 (2017) OP 28.

frameworks available and seeking a greater engagement and dialogue with judicial practitioners.

12. In 2018, following a visit to Cox’s Bazar, Bangladesh, the Special Representative the OSRSG SVC, issued a joint statement underscoring the escalating risks of child marriage, trafficking and gender-based violence faced by Rohingya refugees.²² A similar alert was made in 2020, when the Special Representative urged refugee-receiving countries to ensure that services, protection, and redress are provided for trafficking survivors, and called on Member States to provide adequate assistance.²³
13. On 16 March 2022, the Special Representative released a statement with the Special Rapporteur on trafficking in persons and the Special Rapporteur on violence against women that called attention to the increased vulnerability of women and girls resulting from the "chaos and trauma" of the war.²⁴ Together, in line with existing international legal obligations, they urged Member States to apply international protection measures, including ensuring safe migration routes for displaced persons. A year later, Special Representative Patten released a statement jointly with the Organization for Security and Co-operation in Europe (OSCE) Special Representative for Trafficking urging the adoption by State Parties of gender-sensitive and survivor-centered assistance programs for survivors, as well as preventative measures, such as training law enforcement and border guards, and information campaigns to raise awareness.²⁵
14. In Sudan, Special Representative Patten and Assistant Secretary-General for Humanitarian Affairs, Joyce Msuya, appealed for more international attention and engagement to combat sexual violence in the country. Their statement shared allegations of sexual violence including trafficking of women and girls particularly in the Khartoum, Darfur, and Kordofan regions, as millions of civilians flee to neighboring countries to avoid the violent conflict within Sudan.²⁶
15. Political statements drawing attention to the issue of conflict-driven trafficking for the purpose of sexual violence resulted in heightened international awareness and political will to address these issues in certain countries. In line with resolution 2331 (2016), recent

²² [Joint Statement by Pramila Patten and Natalia Kanem on the urgent need for more support for Rohingya refugees](#), 18 June 2018.

²³ SRSR [Pramila Patten Remarks on “Rohingya Crisis in its Fourth Year: Challenges in Securing a Sustainable Solution”](#) 16 September 2020.

²⁴ [Press Statement, Ukraine: Armed conflict and displacement heightens risks of all forms of sexual violence including trafficking in persons, say UN experts Press Statement, 16 March 2022.](#)

²⁵ Press Statement, [Joint Statement by OSCE Special Representative Richey and UN Special Representative Patten on preventing and responding to trafficking for the purpose of sexual exploitation and sexual violence in the context of the Russian invasion of Ukraine](#)

²⁶ [20240425-Joint-Sudan-Statement-OCHA-OSRSG-SVC.pdf \(stoprapenow.org\)](#)

frameworks of cooperation have also reflected with greater clarity specific actions to address this issue.

16. As noted, on 28 September 2018, the Framework of Cooperation on addressing Conflict-Related Sexual Violence against the displaced Rohingya population from Myanmar hosted in Bangladesh between the United Nations and the Government of Bangladesh was signed to enhance efforts to address conflict-related sexual violence against the displaced Rohingya population, following a visit by Special Representative Patten to Cox's Bazar. Under the Framework of Cooperation the parties specifically committed to, inter alia: capacity-building support for the justice and security sectors on the prevention of trafficking in persons, including the prompt identification of victims; the return and reintegration of trafficked women and children, and the referral of victims to service providers; and strengthening the capacity of national human rights institutions to collect and document information on conflict-related sexual violence perpetrated in Myanmar to enable justice and accountability.
17. On 3 May 2022, the UN and the Government of Ukraine signed a Framework of Cooperation on the Prevention and Response to Conflict-Related Sexual Violence under which both parties sought to strengthen their partnership through joint actions and programmes to prevent and respond to conflict-related sexual violence, and strengthen survivor-centered responses by supporting and reinforcing national mechanisms and institutions, including by:
 - a. putting in place risk mitigation measures against conflict-related trafficking in persons for the purpose of sexual exploitation/prostitution, as well as other forms of trafficking; and
 - b. raising global awareness of the plight and needs of all conflict-related sexual violence victims in Ukraine, as well as victims of trafficking across borders.
18. Following the signing of the Framework of Cooperation, an Inter-Agency Working Group composed of all relevant ministries, national agencies, civil society organizations and United Nations entities was established to ensure its implementation. Through this mechanism, the OSRSG SVC and the Government of Ukraine prepared an Implementation Plan for the Framework of Cooperation, which includes specific outcomes and a sub-working group focused on trafficking in persons for the purposes for sexual violence/exploitation. The Implementation Plan was adopted by the Cabinet of Ministers of the Government of Ukraine in December 2022. The sub-working group has ensured that all activities are aligned with the 1325 National Action Plan and national response to trafficking. In line with Resolutions 2331, 2388 and 2467, activities have included the drafting of amendments to national laws on combatting human trafficking to reflect the specific needs associated with conflict-related sexual violence; the establishment of a special legal status for survivors of trafficking in persons to allow them to access targeted

support from the Government; and the creation of online courses to equip service providers and others to respond to risks of trafficking in persons and support its victims.²⁷

19. In addition to the existing cooperation frameworks, the OSRSG SVC is committed to developing frameworks and policies that specifically deal with trafficking for conflict-related sexual violence. To this end, the UN Action Network, which serves as a knowledge hub on conflict-related sexual violence, continuously maps resources developed on trafficking in persons as it relates to conflict-related sexual violence, and updates a resource page bringing together the knowledge and tools developed by its member entities and partners on the subject of conflict-driven trafficking for the purpose of sexual violence or exploitation²⁸
20. The OSRSG SVC, through the Team of Experts on the Rule of Law and Sexual Violence in Conflict, has actively promoted efforts to strengthen accountability for conflict-driven trafficking for the purpose of sexual violence, seeking to ensure the comprehensive and complementary use of relevant legal frameworks.
21. In order to address the lack of understanding and comprehensive guidance regarding the rights and obligations arising from the resolutions establishing the nexus between trafficking in persons and conflict-related sexual violence, the Team of Experts on the Rule of Law and Sexual Violence in Conflict, in line with its mandate to support national authorities on the rule of law response to conflict-related sexual violence, will produce a report and practical memorandum including:
 - a. a comprehensive analysis of the nexus between conflict-driven trafficking and sexual violence, based on a review of applicable normative framework and literature, and surveys and/or interviews regarding the perception and understanding of relevant stakeholders and victims/survivors of conflict-related sexual violence and/or trafficking in persons; and
 - b. specific recommendations to strengthen the rule of law response to conflict-driven trafficking for the purpose of sexual violence and exploitation.
22. The Team of Experts on the Rule of Law and Sexual Violence in Conflict has also facilitated the discussion among national practitioners, to identify existing barriers to prosecution of conflict-driven trafficking for sexual violence and exploitation. One such barrier is the diversity — and lack of complementary use — of legal frameworks utilized by different jurisdictions to prosecute sexual slavery, trafficking, and related offences. The fact that the former remains an international crime, and the latter a transnational crime,

²⁷[Summary Document on the Outcomes of Implementation of the Plan for Implementation of the Framework of Cooperation between the Government of Ukraine and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence \(2022-2023\)](#), 10-15.

²⁸ [Trafficking x CRSV - Stop Rape Now.](#)

presents a significant impunity gap in jurisdictions which have not harmonized their laws or made use of cumulative charging. Relatedly, practitioners note that even where adequate legal frameworks exist, there are often nuances in defining and proving these crimes in court, including identifying indicia of sexualized slavery and trafficking, which are further complicated by the sometimes-sophisticated nature of organized criminal groups involved in trafficking, and the need for advanced evidence-gathering techniques to establish their conduct. Finally, more general issues common to prosecution of all forms of sexual violence in many jurisdictions include the safety of victims and misconceptions and biases which may exist about the nature of sexual violence.²⁹ Combined, these complexities often result in investigators and prosecutors pursuing charges that are easier to prove but fail to adequately capture the full seriousness of the trafficking conduct.

23. In responding to these challenges, the Team of Experts on the Rule of Law and Sexual Violence in Conflict, with the assistance of senior international law experts, will work closely with judicial authorities to advance the effective investigation and prosecution of conduct reflecting the intersection between trafficking and conflict-related sexual violence, as it remains a significant impunity gap in national and international jurisdictions. To that extent, the Team of Experts on the Rule of Law and Sexual Violence in Conflict will develop training tools drawing attention to two legal frameworks — the international crimes of slavery and the slave trade and the transnational crime of trafficking — that could furnish complementary means to access justice for survivors of conflict-related sexual violence. This approach is in line with the Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict Related Sexual Violence, furthered by the OSRSG SVC,³⁰ and should assist national practitioners to advance accountability for this conduct.

²⁹ Report of the International Conference on Accountability for Conflict Related Sexual Violence, 7-8.

³⁰ See: Model Legislative Provisions and Guidance on Investigation and Investigation and Prosecution of Conflict Related Sexual Violence, articles 14, 15, 32 and 33.