



Marginalised SOGIESC and Vulnerability to Trafficking

**An Overlooked Intersection in the
Asylum System**

INTRODUCTION

In 2024, an estimated 27.6 million people worldwide were subjected to human trafficking¹. In Europe, 83% of them were refugees or people seeking asylum². Hidden within these vast numbers is an overlooked intersection of individuals: those who are forced to flee their country due to persecution based on their SOGIESC (Sexual Orientation, Gender Identity, Expression, and Sex Characteristics) and are subsequently trafficked. Research has established that people with marginalised SOGIESC are more likely to experience human trafficking³. However, concrete data on those displaced for this reason and then trafficked remain scarce.

Fenix Humanitarian Legal Aid (“Fenix”) prioritises supporting displaced people who face higher risks of rights violations, including survivors of human trafficking. Through our SOGIESC project, we specialise in supporting individuals who are forced to flee because of who they are or who they love. A clear trend has become apparent: people with marginalised SOGIESC who are displaced face a disproportionately high risk of being trafficked. This piece will examine the systematic disadvantages in the Greek asylum process for people from this overlooked intersection. Given Fenix’s extensive direct engagement with clients from this group, and the scarcity of prior research in this field, much of the information presented draws directly from data gathered by Fenix.

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MARGINALISED SOGIESC AND VULNERABILITY TO TRAFFICKING

What is Human Trafficking?

Human trafficking can be defined broadly as the unlawful movement of an individual, through force or coercion, for the purpose of exploitation⁴. In practice, it is defined by three key elements⁵. The first is the **“Act”**, which involves the movement of a person, such as recruiting, transporting, transferring, or receiving someone. The second is the **“Means”**, referring to how the trafficking happens – this can involve a combination of coercion, abuse of vulnerability, deception, or force. The final element is the **“Purpose”**, which is always a form of exploitation, such as forced labour, prostitution, sexual exploitation, slavery, or the removal of organs.*

Forcibly Displaced People and Vulnerability to Trafficking

Forcibly displaced people are defined as those who flee their homes due to persecution, conflict, violence, and human rights violations⁶. Traffickers often target these individuals, because their precarious circumstances make them more likely to be forced to accept dubious offers of assistance; as such, it is easier to carry out the “Means” element of trafficking⁷. Moreover, conflict and crises often dismantle the institutions which are meant to protect people and reduce legal oversight, creating fertile conditions for exploitation⁸.

If displaced people are forced to flee their country, they may face further precarity. Access to basic services, such as healthcare, education, and mental health support, is often inaccessible. If someone cannot access valid documents or legal status, they must live with a constant threat of being arrested, detained, or deported; that means an inescapable fear of being returned to the country they were forced to flee from. Finally, if they are unable to attain legal status in a country, they may be restricted from accessing legal employment or state financial assistance, pushing many into economic hardship and increasing the risk of homelessness⁹. As a result, people who are forcibly displaced face a high risk of human trafficking due to these complex, overlapping vulnerabilities.

Increased Vulnerability of Displaced People with Marginalised SOGIESC

Forcibly displaced individuals who have marginalised SOGIESC are significantly more likely to be trafficked than other people on the move. Since 2022, more than one in five (22%) of Fenix clients with marginalised SOGIESC (“SOGIESC clients”) have experienced trafficking – a far higher rate than the 14% of our wider client group. Since

*Note: Modern Slavery requires only the “Means” and “Purpose” elements to be satisfied; no “Act” of movement is necessary.

Fenix prioritises support for the most vulnerable, the actual rate of trafficking among asylum seekers who do not have marginalised SOGIESC is almost certainly lower than 14%. Of our SOGIESC clients who experienced trafficking, 53% were trafficked for the purpose of sexual exploitation and 80% were subjected to repeated sexual violence during the period of entrapment. Over 80% were female.

To understand the correlation between marginalised SOGIESC and vulnerability to trafficking amongst displaced people, it is necessary to examine the forces which drive people with marginalised SOGIESC to flee their home countries. Same-sex sexual activity is explicitly criminalised in 64 countries and punishable by death in seven – laws that often trace back to European colonisation¹⁰. Two-thirds of our SOGIESC clients who are trafficked come from these countries. The remaining third are from countries where their SOGIESC identity is not explicitly criminalised, but dangerous stigma and violence persist, as well as criminalisation through other laws. For instance, in Sierra Leone, while male same-sex acts are considered “crimes against nature”, there is no explicit legal prohibition against female-to-female sexual relations¹¹. Nevertheless, many of our lesbian clients have fled Sierra Leone due to violent homophobic attacks, police inaction or complicity, and arbitrary arrests under prostitution or morality laws.

Our analyses revealed that individuals with marginalised SOGIESC who are trafficked experience a similar series of events which increase their vulnerability to human trafficking. In fact, **more than 90%** of our clients from this group share the following sequence of experiences:

1. **Compelled Concealment:** Criminalisation, persecution, and stigma forces people to hide their SOGIESC in their home country, often for many years prior to fleeing.
2. **Triggering event:** The individual is caught in an intimate moment with someone of the same sex, or expressing their gender identity in private, which prompts a violent attack from their community or threats of legal persecution.
3. **Forced Displacement:** They are forced to flee their home immediately, without any belongings.
4. **Displaced and Vulnerable:** They arrive in a new country traumatised, completely isolated from their family and/or community, without any resources, and often physically injured.
5. **Offer of Support:** Someone offers to help them find a better life and puts them in contact with someone who can provide travel documents and plane tickets.
6. **Arrival in New Country:** They are picked up from the airport by a stranger who confiscates their documents, phone, and money.
7. **Exploitation:** They are subjected to months or years of exploitative labour. This is usually accompanied by physical and sexual violence, leaving them in a constant state of fear.
8. **Escape:** When they manage to escape, they make the distressing and often life-threatening sea crossing from Turkey to Lesbos.

Abena's story

This case study shows what this journey looked like for one client, Abena*, a lesbian woman from Sierra Leone:

Abena had always known the dangers of being a woman who loves women in her community and so kept her sexuality and relationship a secret. One afternoon, her stepbrother unexpectedly returned home and discovered her with her girlfriend. He rushed to tell the rest of their family. Her father came home and began to beat her violently. Hearing the commotion, other members of her community joined him, attacking her until they believed she was dead. When Abena regained consciousness she could barely walk but managed to drag herself onto a bus bound for Guinea.

In Guinea, Abena learned that the police had been searching for her at her partner's house. Terrified of arrest, traumatised, physically injured, and with no contacts or support network, she was forced to live on the streets. One day, a man started a conversation with her. Grateful for his companionship and support, they became friends. Eventually, he said he wanted to help her and knew someone who could arrange travel documents and a job in Turkey for her. Desperate for security and believing this was her chance to escape, Abena accepted.

A man collected Abena from the airport in Turkey. In his car, he said he would look after her passport, phone, and money. When they arrived at his house, she was locked in a room and told she would have to pay back the costs of her travel and earn back her passport. She spent one year in this room being forced into sexual exploitation, enduring repeated rape and other forms of severe violence and abuse.

BARRIERS TO ASYLUM FOR MARGINALISED SOGIESC SURVIVORS OF TRAFFICKING

Our findings indicate that almost all forcibly displaced individuals who have marginalised SOGIESC and experience trafficking endure a similar cycle: 'outing', violence, isolation, and betrayal. Each of these elements can be highly traumatic. On arrival in Lesvos, these clients are immediately thrust into an asylum system that is profoundly flawed, usually with no psychological or legal support or time to process their trauma.

* Name is randomly chosen, and the profiles presented are composites drawn from multiple client cases to safeguard the identities of individuals.

The Asylum Procedure: An Overview

People with marginalised SOGIESC can be granted refugee status if they are outside their country of origin and are unable or unwilling to return because they have a well-founded fear of persecution, due to their “membership of a particular social group” (in this case, their sexual orientation or gender identity)¹². This is assessed by a caseworker during an asylum interview, which often happens shortly after arriving to Lesbos and other Aegean Islands. The caseworker asks about an applicant’s journey and reasons for leaving their country. In practice, an applicant’s claim should be accepted if the caseworker believes the applicant’s account and concludes that returning would put them at risk because of their SOGIESC.

Systematic Non-Implementation of the Asylum Code: The Failure to Recognise and Protect Vulnerabilities

Under the Asylum Code, survivors of human trafficking are recognised as a vulnerable group¹³. Every person seeking asylum should be assessed for vulnerability when they arrive, during the registration process¹⁴. Those identified as vulnerable are legally entitled to special conditions throughout the asylum procedure. In practice, however, these protections are being systematically disregarded for survivors of human trafficking.

Firstly, the way vulnerabilities are assessed is deeply flawed. Often, authorities only look for obvious vulnerabilities (such as pregnancy, visible physical disabilities, or old age)¹⁵. Less visible but equally urgent vulnerabilities (including being a survivor of trafficking, female genital mutilation, torture, rape, or serious violence) are routinely overlooked¹⁶. If the authorities do enquire about vulnerabilities, it is perfunctory; our clients are usually just asked if they have a chronic illness. Disturbingly, even after the main asylum interview, when the case worker has heard about the applicant’s journey, only 28% of our SOGIESC clients who were trafficked were correctly assessed as vulnerable. This failure means that survivors of trafficking with marginalised SOGIESC are routinely being deprived of the rights guaranteed to them by the Asylum Code.

Even when our SOGIESC clients who have survived trafficking are identified as vulnerable, the Greek Asylum Service consistently fails to apply the special conditions that they are entitled to. These conditions could include: additional breaks during interviews, female caseworkers for female applicants on request, and leniency to minor inconsistencies and contradictions during the interview, where they relate to an applicant’s health condition¹⁷. In practice, Fenix’s SOGIESC clients rarely benefit from any of these measures. On the contrary, even where such measures have been explicitly requested, the Greek Asylum Service has refused to implement them. By doing so, the authorities are violating their statutory obligations and denying these individuals a fair access to asylum.

The Asylum System's Failure to Account for the Impact of Trauma and Trafficking

The second problem is that the Greek Asylum Services fails to recognise or accommodate the serious impact that forced displacement and trafficking may have on an individual's ability to navigate the asylum procedure and articulate their case.

During periods of entrapment, people who have been trafficked are stripped of their agency, dehumanised, and forced to comply with strict rules or else be met with violence¹⁸. They are often locked in a room, provided with only minimal food, and denied any control over the most basic aspects of their lives, including what they wear, when they sleep, or what happens to their bodies; every action is dictated by a trafficker. In most cases, this control is compounded by sexual exploitation or routine sexual violence. These conditions inflict profound trauma, with lasting consequences for survivors' mental health¹⁹.

After being denied any agency for a significant period, many of our SOGIESC clients who were trafficked struggle to make decisions and appear withdrawn and submissive. The Greek Asylum Service deprives these individuals of any opportunity to re-build their confidence or process their trauma. Following the perilous and often life-threatening boat journey from Turkey to Greece, individuals are immediately thrust into registration and asylum procedures without any access to psychological care or time to process their experiences. This means that these applicants are often unable to meaningfully participate in their asylum interviews or advocate for themselves, effectively denying them genuine access to international protection.

For survivors of trafficking who have marginalised SOGIESC, the trauma is compounded by years of compelled concealment of their SOGIESC and the violence or persecution which forced them to leave their home country. The prejudice and stigma in their society against queerness may be internalised as shame and the "Triggering Event" which forces them to flee can cement a fear of being "outed" in the future. This often leads to discomfort discussing their SOGIESC, especially with strangers²⁰.

Trauma significantly impacts the ability of survivors of trafficking who have marginalised SOGIESC to tell their story in a way that satisfies a caseworker's assessment. Research has clearly shown that trauma impairs memory²¹ and the ability to provide clear and consistent chronologies²². It disrupts specific brain regions whose function is to store and recall events²³. Indeed, symptoms of Post-Traumatic Stress Disorder (such as flashbacks, intrusive thoughts, avoidant behaviours, and low self-esteem) are strongly correlated with an inability to give consistent and coherent testimonies²⁴. Our SOGIESC clients who are survivors of trafficking frequently display these symptoms, a result of the sustained trauma they have endured.

Despite this, caseworkers assess an applicant's credibility almost exclusively based on the detail and consistency of their interview. Consequently, many claims are rejected for

minor inconsistencies – for example, “He initially stated that the [attack] happened in April, then that it happened in May.” Others are rejected due to a perceived “lack of detail” – such as when one applicant who was asked to describe the violent homophobic attack they were subjected to, but “could not clarify how many people entered the house.” Expecting survivors of severe trauma to recall events from several years ago with complete accuracy and specificity is unrealistic.

Fatmata’s Story

The Greek Asylum Service’s failure to accommodate the impact of trauma and trafficking effectively blocks many of our SOGIESC clients from accessing asylum. The story of Fatmata*, a former Fenix client, illustrates this:

When we met Fatmata, she had endured severe and sustained trauma: first the violent homophobic attack which forced her to flee her home and then years of sexual servitude during which she was degraded and not allowed to make any decisions for herself. By the time she arrived in Greece, she was profoundly vulnerable: she struggled to speak, had severe memory loss, and was unable to process basic information or follow simple instructions. Despite this, she was not identified as vulnerable during her registration – a common fault in the system. We supported her to re-apply, gain recognition as a survivor of trafficking, and request a female caseworker. However, despite being reassessed as vulnerable, the Greek Asylum Service failed to take any steps to enable her to interview effectively. She was interviewed by a male caseworker who approached her with hostility and mistrust throughout her interview. She was overwhelmed, unable to discuss the violence she had been subjected to and responded with “Yes Sir” and “No Sir” to all the questions. Her application for asylum in Greece was rejected.

By ignoring the profound impact of trafficking and trauma, the Greek Asylum Service effectively denies many survivors with marginalised SOGIESC a fair opportunity to present their claims and access international protection.

CONCLUSION

People with marginalised SOGIESC who are displaced and then trafficked face significant barriers to asylum. Although largely overlooked in research, individuals from this intersection are disproportionately represented amongst survivors of trafficking. Their experiences show common patterns, the most prevalent being sustained and severe trauma right up to their arrival in Greece. These experiences severely impair survivors’

ability to navigate the asylum process, but the Greek Asylum Service fails to recognise or accommodate this. Vulnerable individuals are denied the special measures guaranteed by the Asylum Code; their credibility is assessed based on consistency and detail, unreasonable criteria for those exposed to extensive trauma; and they rarely receive psychological support prior to recounting their experiences in the asylum interview. These failures have profound consequences: every year, thousands of individuals are blocked from accessing the protection to which they are legally entitled. Unless reforms are made, the asylum system will continue to fail some of the most vulnerable individuals it is meant to protect.

Recommendations

We call on the Greek authorities to ensure that:

- 1. The Asylum Code's provisions on vulnerability are fully implemented in practice.**
 - **Comprehensive vulnerability assessments:** At the point of registration, structured vulnerability screening tools should be used to identify applicants' visible and non-visible vulnerabilities (including being a survivor of trafficking).
 - **Special procedural measures for survivors of trafficking:** Authorities should provide flexible interview conditions, tailored to each applicant's needs. These could include the exemplar conditions specified in the Asylum Code:
 - Additional breaks during interviews;
 - A female caseworker where requested by a female applicant;
 - Leniency to minor inconsistencies and contradictions during the interview, taking into consideration the potential impact of trauma and past experiences.
- 2. Caseworkers receive targeted training.**
 - This training should be practical and developed with input from NGO and survivor-led groups. It must include:
 - The impact of trauma on memory and testimony;
 - The experiences of displaced people who have marginalised SOGIESC;
 - The compounded vulnerabilities of trafficking survivors with marginalised SOGIESC.
- 3. Survivors of trafficking with marginalised SOGIESC have guaranteed access to specialist psychological support and medical care prior to their asylum interviews, and all other procedural guarantees are respected.**

Further reading

Short reads:

- *“You Have to Hide Your Real Self”: LGBTQI+ Asylum Seekers and the Failure of Greek Authorities.* (2022). Fenix Humanitarian Legal Aid. Available at: <https://www.fenixaid.org/articles/you-have-to-hide-your-real-self-lgbtqi-asylum-seekers-and-the-failure-of-greek-authorities>
- *“It’s like being a shadow of yourself”: Closed Camps and Compelled Concealment.* (2023). Fenix Humanitarian Legal Aid. Available at: <https://www.fenixaid.org/articles/its-like-being-a-shadow-of-yourself-closed-camps-and-compelled-concealment>

Long reads:

- *Naming and Shaming: Harmful asylum procedures for sexual orientation and gender identity claims on Lesbos.* (2022). Fenix Humanitarian Legal Aid. Available at: <https://www.fenixaid.org/articles/naming-and-shaming-harmful-asylum-procedures-for-sexual-orientation-and-gender-identity-claims-on-lesvos>
 - *Modern Slavery and Human Trafficking of Forcibly Displaced Persons in Greece and Türkiye.* (2023). Stop The Traffik Group & Fenix Humanitarian Legal Aid. Available at: <https://www.fenixaid.org/articles/modern-slavery-and-human-trafficking-of-forcibly-displaced-persons-in-greece-and-turkiye>
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- ⁴*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.* (2000). UNODC: Supplementing the United Nations Convention against Transnational Organized Crime. Available at: https://www.unodc.org/res/humantrafficking/2021the-protocol-tip_html/TIP.pdf
- ⁵*The Issue.* (2014). Human Trafficking Foundation. Available at: <https://www.humantraffickingfoundation.org/theissue>
- ⁶*UNHCR - Refugee Statistics.* (2024). UNHCR. Available at: <https://www.unhcr.org/refugee-statistics>
- ⁷*Modern Slavery and Human Trafficking of Forcibly Displaced Persons in Greece and Türkiye.* (2023). Stop The Traffik Group and Fenix Humanitarian Legal Aid. Available at: <https://www.fenixaid.org/articles/modern-slavery-and-human-trafficking-of-forcibly-displaced-persons-in-greece-and-turkiye>
- ⁸*Trafficking in Persons & Smuggling of Migrants - Module 7: Root Causes.* (2019). United Nations Office on Drugs and Crime. Available at: <https://www.unodc.org/e4j/pt/tip-and-som/module-7/key-issues/root-causes.html>
- ⁹*Vulnerabilities to Trafficking Among People Fleeing the Syrian Conflict.* (2016). International Centre for Migration Policy Development. Available at: <https://www.icmpd.org/news/archive/vulnerabilities-to-trafficking-among-people-fleeing-the-syrian-conflict>
- ¹⁰*LGBTI Rights.* (2024). Amnesty International. Available at: <https://www.amnesty.org/en/what-we-do/discrimination/lgbti-rights/>
- ¹¹*2014 Country Reports on Human Rights Practices - Sierra Leone.* (2023). Refworld. Available at: <https://www.refworld.org/reference/annualreport/usdos/2015/en/105777>
- ¹²Article 1A(2) of the Refugee Convention (1951).
- ¹³Article 1(λγ) of the Greek Asylum Code.
- ¹⁴Article 62(2) of the Greek Asylum Code.
- ¹⁵*Op-Ed - Forgotten Vulnerability: Greece's Systematic Failure to Identify and Certify Victims of Torture.* (2023). European Council on Refugees and Exiles (ECRE). Available at: <https://ecre.org/op-ed-forgotten-vulnerability-greeces-systematic-failure-to-identify-and-certify-victims-of-torture/>
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- Article 67(2) of Greek Law 4636/2019.
- ¹⁸The recovery experience of people who were sex trafficked: the thwarted journey towards goal pursuit. (2019). BMC International Health and Human Rights. Available at:

<https://www.researchgate.net/publication/330567868> The recovery experience of people who we re sex trafficked The thwarted journey towards goal pursuit

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²⁰*The Commonality of Triggering Events in the Lived Experiences of SOGIESC Asylum Seekers.* (2023). Fenix Humanitarian Legal Aid. Available at: <https://www.fenixaid.org/articles/the-commonality-of-triggering-events-in-the-lived-experiences-of-sogiesc-asylum-seekers>

²¹Briefing Paper: *The mental health difficulties experienced by victims of human trafficking and the impact this has on their ability to provide testimony.* (2017). Cornelius, P., Mb, K., Ma, B., Bamber, H., Prof, F., Howard, L., & Mrcpsych, M. Helen Bamber Foundation and King's College London. Available at: <https://www.helenbamber.org/sites/default/files/2021-08/Briefing-Paper-Difficulties-in-providing-testimony-Kings-college-London.pdf>

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²³*Learning, memory and brain plasticity in posttraumatic stress disorder: context matters.* (2014). Flor, H., & Nees, F. *Restorative Neurology and Neuroscience*, 32(1), 95-102. Available at: <https://journals.sagepub.com/doi/abs/10.3233/RNN-139013>

²⁴Briefing Paper: *The mental health difficulties experienced by victims of human trafficking and the impact this has on their ability to provide testimony.* (2017). Cornelius, P., Mb, K., Ma, B., Bamber, H., Prof, F., Howard, L., & Mrcpsych, M. Helen Bamber Foundation and King's College London. Available at: <https://www.helenbamber.org/sites/default/files/2021-08/Briefing-Paper-Difficulties-in-providing-testimony-Kings-college-London.pdf>