Speaking Intimacy: Non-Monogamy in the Defence of Sexual Exploitation in Belgian Trafficking Case Law

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Abstract

This article examines how narratives of non-monogamies are mobilized in the defence of human trafficking for sexual exploitation in Belgian case law. Analysing three appellate judgments, it shows how defendants invoke polygamy, open relationships or multiple "marriages" to obscure coercion and contest criminal liability. While consent is legally irrelevant to the qualification of trafficking, it remains central to judicial reasoning on related sexual offences, creating tensions in cases involving intimate relationships. Drawing on queer, non-monogamy and "rough sex" scholarship, the article argues for moving beyond the "loverboy" anti-trafficking concept towards a contextual analysis of coercion embedded in intimate settings.

Keywords: human trafficking; sexual exploitation; loverboy; non-monogamy; consent.

[A] INTRODUCTION

At first sight, scholarship on human trafficking appears largely disconnected from research on non-monogamous relationship practices. Yet this article presents three recent Belgian criminal cases in which forms of non-monogamy were explicitly invoked. All three cases resulted in convictions for human trafficking for sexual exploitation,

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but defendants argued against these convictions due to, in their view, consensual non-monogamous relationships. Although these cases may appear anecdotal, they reveal how certain forms of intimacy can be instrumentalized both to rationalize coercion and to obscure the dynamics of exploitation.

The settings of these cases raise the question of consent. Yet, consent is irrelevant for the qualification of human trafficking. The European Union (EU) Anti-Trafficking Directive 2011 (Article 2.1) defines human trafficking as a process (including the recruitment, the transportation, the accommodation, etc) committed through coercive means (such as violence, fraud, deception or abuse of a position of vulnerability) for the purposes of exploiting individuals. Coercive means are not required when survivors are minors, considering that they cannot consent in any case to a process leading to exploitation (Article 2.5). Exploitation can take many forms (Article 2.2), primarily, according to victims' identification data, sexual and labour exploitation (Eurostat 2026). Slightly differently, in Belgium, human trafficking does not require the proof of coercive means (Article 258 of the New Criminal Code 2024, previously Article 344quinquies), as it considers that coercion lies in the conditions of exploitation (Clesse & Ors 2022: paragraph 187).

Consent is therefore irrelevant to qualify human trafficking, given, even if survivors do consent, such consent is void due to the commission of coercive acts (Article 2.4 Anti-Trafficking Directive 2011), or, in Belgium, due to exploitative conditions. This creates a disconnection with other forms of sexual offences, such as rape. In the Belgian definition of rape—as it is not harmonized at EU level (Rigotti 2022; Peršak 2025)—consent is the core element needed to prove the offence. Rape is indeed defined as "any deliberate act which consists of or involves sexual penetration of any nature, by whatever means, committed against a person or with the assistance of a person who does not consent to it" (Article 138 of the New Criminal Code 2024, previously Article 417/11). Yet, prosecutions for human trafficking may also involve prosecution for sexual offences, particularly rape. For instance, defendants in two of the three selected cases were also prosecuted for rape, leading to conviction in one case and acquittal in another. Among other forms of violence, sexual acts can be used by traffickers to coerce and maintain survivors in exploitative conditions, and human trafficking may result in rapes, particularly in the case of sexual exploitation (Ottisova & Ors 2016; Petrunov 2026).

The literature of consent and coercion in human-trafficking cases gives little insight into the intimate relationships between survivors and

offenders (Elliott 2016; O'Connor 2017; Albanese & Ors 2022). This article thus aims to answer the following research question: what is the role of consent, in different intimacy settings, in qualifying coercion, regarding sexual offences, or exploitation, regarding human trafficking? In light of Belgian judicial cases and by bridging the literature on coercion in different intimacy settings to the anti-trafficking literature, we first argue against the terminology of "loverboys" to conceptualize forms of (sexual) violence. Then, from a legal standpoint, we argue that the contextual analysis of exploitative settings surrounding work conditions and sexual relations through the offence of human trafficking enables us to identify and criminalize concomitant sexual violence, avoiding the risk of the notion of consent being instrumentalized.

Focusing on survivor–offender relationships, the anti-trafficking literature, mostly in Europe, has introduced the label "loverboy", a term that is used in the selected cases (section [B]). However, this literature centres on a narrow set of intimate dynamics typically involving young women and their exploiters. The first objective of this article is thus to decentre the loverboy debate from the profile of survivors and offenders, to rather discuss elements of exploitation or consent, the central elements to qualify human trafficking and sexual offences.

To this aim, this article uses three criminal judgments from Belgium in which judges convicted offenders for sexual exploitation, while: (1) other romantic relationships with the same offender or accomplices were not criminalized and (2) some offenders were acquitted for sexual offences (section [C]). These cases show that legally delineating "exploitative" and "consensual" relationships is not always straightforward, especially in legal settings where "consent" is not always relevant. While the irrelevance of consent in the legal qualification of human trafficking is often presented as a protective move, shielding survivors from evidentiary burdens and victim-blaming narratives, its operation in cases involving intimacy deserves closer scrutiny. By treating consent as legally immaterial, courts tend to analytically separate intimate relationships from the subsequent or overlapping exploitation, focusing almost exclusively on the coercive process and the conditions of work. This compartmentalization risks obscuring the ways in which sex, intimacy, and labour are intertwined in practice, particularly in contexts where the roles of intimate partner, client, manager, and exploiter overlap or shift over time. The second objective of this article is then to demonstrate that intimacy, more broadly than the concept of loverboys, can be strategically deployed as a tool of coercion and/or exploitation.

Furthermore, these three cases involve defendants and labelled "victims" who were engaged in non-monogamous relationships, framed as consensual. Such relationships refer to forms of various intimate relationship types where partners may have a number of romantic and/or sexual partners, in a way that is consented to by all partners (Barker & Langdridge 2012; Wdowiak & Ors 2024).[1] In these cases, such relationship forms appear as excuses for exploitation and abuse, risking the instrumentalization of queer or non-conforming relationships to conceal violence. The risk of consent being instrumentalized is not new to the literature on sexual violence. To contextualize and reflect on such risks, we draw parallels with emerging scholarship on the misuse of consent in kink and other queer relational norms to justify sexual assault (section [C]), highlighting the risks of such narratives for legal understandings of consent and exploitation. Therefore, the third aim of this article is to critically interrogate the increasingly prominent role of consent in the definition of sexual offences, such as rape, since consent—or relationships labelled as consensual—can be instrumentalized in ways that mask or minimize coercive and exploitative dynamics.

Through both the factual circumstances of the selected cases, which involve relationships characterized by the defendants as non-monogamous, and its engagement with queer and kink scholarship on sexual violence, this article advances a queer reading of consent in contexts of criminal exploitation. In doing so, it explores the extent to which the offence of human trafficking may provide a means of addressing the risk of instrumentalization of consent within criminal law. While decentring consent carries important risks, including restricting individuals' autonomy to engage in certain forms of work, such as sex work, or reinforcing assumptions that particular relationship structures, such as non-monogamous relationships, are inherently non-consensual, it also draws attention to the importance of context in assessing consent and to the continuity of coercive behaviours that facilitate exploitation.

Previous scholarship has shown that queer analyses of judicial decisions can generate alternative understandings of criminal law concepts,

[1] Consensual non-monogamy includes open relationships and polyamory, among other types. Open relationship refers to a relationship where partners agree to sexual interactions with third parties, but emotional bonds are reserved for the primary relationships (Barker & Langdridge 2012; Wdowiak & Ors 2024). Polyamory refers to an emotionally intimate relationship among multiple people who can also be sexual and/or romantic partners (Barker & Langdridge 2012; Sheff 2014). Polygamy is a legal status, in which an individual has formed a formal or religious marriage with various individuals; though as scholarship demonstrates, "polygamy" in Western legal and political discourse typically refers in practice to polygyny (one man married to multiple women), and the term's application varies considerably depending on race, nationality, and the legal regime in question (Heath 2023).

particularly regarding the decriminalization of same-sex relationships or certain sexual practices (Sharpe 2017; Ferreira & Ors 2025: part 1). Yet this literature has offered limited analysis of non-monogamous relationships and how they are understood within the judicial sphere.

Within the Queer Judgments Project, this article proposes a different reading of judicial cases addressing non-monogamies in the context of sexual exploitation and abuse. It examines legal positions and enforcement contexts that have received limited attention in traditional legal scholarship, particularly where allegations of human trafficking intersect with non-monogamous relationship structures. In doing so, it sets the traditional criminological framing of loverboys as offenders against queer and kink doctrines on consent and violence in intimate relationships. By centring consent and exploitation in factual cases, the article exposes the limitations of abstract legal concepts and opens avenues for further contextualizing them, including in relation to non-normative relationships.

While the selected cases might seem marginal, they offer a practical entry point for a queer, critical discussion of consent in criminal law. As a queer reading of these cases, the article aims to counter the norm of invisibility surrounding many non-monogamies—an invisibility reproduced by judges' scant attention to the topic in the cases at stake. We challenge that invisibility by dwelling in the margins and building bridges, guiding the reader toward new academic terrain.

[B] LOVERBOYS: AN OVERVIEW OF THE LITERATURE

The three cases presented below intersect with a longstanding concept in European anti-trafficking discourse, the loverboy method. The term gained visibility in the 1990s in the Netherlands, but the underlying practice is much older. Historical accounts describe similar tactics in the late nineteenth century, when young men in Amsterdam targeted recently arrived girls at the Central Station, seduced them, impregnated them, and subsequently pressured them into prostitution owing to the stigma they faced as unmarried mothers (Bovenkerk & van San 2011). Contemporary literature generally defines loverboys as pimps or traffickers who induce emotional attachment in young girls or boys as a means of establishing control (Aussems & Ors 2020).

The concept has since travelled extensively across Europe and appears in criminological studies, policy documents, and national reporting

mechanisms (Bullens & van Horn 2002; Von Günther & Ors 2011; van San & Bovenkerk 2013; Katona 2017; Baier & Ors 2019; Lavaud-Legendre & Ors 2020; Wallaert & Millet 2021; Lavaud-Legendre 2023; Klun & Frangež 2024; Agenția Națională Împotriva Traficului de Persoane 2024; Bundeskriminalamt 2025). Across these sources, the profiles of both offenders and survivors remain remarkably consistent.

Survivors are usually portrayed as very young, most frequently minors, often described through deficit-based narratives such as family instability, low self-esteem, naivety, or recent flight from home. Recruitment is commonly said to occur via social media. In such accounts, the relational dynamic rarely includes marriage, given the age of the survivors. The literature similarly portrays loverboys as young men, sometimes minors, who identify and strategically target vulnerable women or girls, positioning themselves as protectors or romantic partners. Sexual acts often serve to assert control, test obedience, generate blackmail material, or punish perceived disobedience. These mechanisms also function at the early stages of the relationship as part of the broader emotional manipulation strategy. Studies also note that loverboys often have prior criminal histories, including drug-related and property-related offences.

Studies also show that loverboys frequently maintain several relationships at once, which are sometimes rationalized using non-monogamous frameworks. One minor interviewee in Karijn Aussems and colleagues work stated: "[Youth leaders] think that men abuse me, but that's not true. I just was in an open relationship with two men" (2020: 6). Although scholars have long documented strategies involving marriage, childrearing, and competition among survivors, these dynamics have not been analysed from the perspective of the forms of intimacy invoked by offenders or, at times, by survivors themselves. In other words, the role of non-monogamy (and its narrative) in these coercive dynamics has remained largely unexplored.

In Belgium, the concept of loverboys has been recurrently examined by the Federal Centre for Migration (MYRIA), the national reporting mechanism on human trafficking. Its 2015 report already dedicated a full chapter to this phenomenon, reiterating many of the patterns described in the pre-existing literature (MYRIA 2015). The report focuses on minor survivors and on existing institutional responses for their protection. It highlights that survivors may not only minimize the violence they experience but also defend the offender. Only two cases in the report involved marriage as part of the loverboy strategy.

However, the loverboy concept has also been the subject of significant critique. Scholars warn that it can generate moral panic, amplified by media and political discourse (Bovenkerk & van San 2011; Baier & Ors 2019). They also question whether the vocabulary romanticizes and obscures the violence of trafficking. As several authors note, referring to "Romeo pimps" or loverboys risks glamorizing practices that are in fact deeply coercive, thereby masking the brutality of offenders and reinforcing stereotypes (Bovenkerk & van San 2011; Merodio & Ors 2020). Survivors themselves reject the terminology (Aussems & Ors 2020). The restrictive profile of loverboys and survivors has also been nuanced by Noemi Katona (2017), by focusing on adult sex workers' experiences with pimps instead of those of survivors. She presents the experiences of persons who entered the sex industry and later developed intimate relationships with pimps due to isolated environments and pressures imposed by the social structure of street-based prostitution. Her analysis, although bringing a nuanced perspective on the loverboy phenomenon, does not encompass the situations presented in this article. As will be explained below, adult survivors here do not conform to the stereotypical profile of victims of loverboys, nor do they bring a different perspective from a sex-work perspective, being forced into the sex industry following recruitment.

For these reasons, this article proposes shifting analytical focus away from the romanticized framing of such relationships and instead interrogating the role of consent and coercion in human-trafficking cases, particularly where non-monogamy is invoked to justify or obscure sexual violence and exploitation.

While there has been a body of scholarship using the term loverboy to frame a form of coercive sexual relationships/exploitation practices, the use of the term is limiting in that it assumes a specific type of relationship, particularly, affecting young girls as survivors. This article instead proposes to rely on knowledge of the practices within different intimacy settings—including non-monogamy and BDSM (bondage/discipline, domination/submission, sadism/masochism)—to use as a lens to better identify the line between "coercive" or "exploitative" and "consensual" relationships.

[C] NON-MONOGAMOUS LOVE AS A DEFENCE AGAINST COERCION

This section presents the three Belgian appeal judgments in which defendants invoked forms of non-monogamy as part of their defence in prosecutions for human trafficking for sexual exploitation. The first decision, number 2018/CO/1158, of the Antwerp Appeal Court of 25 April 2019 (Antwerp 2019), involved defendants claiming that their polygamous cohabitation arrangement precluded judicial scrutiny. The second decision, number 2020/CO/744 of the Antwerp Appeal Court of 16 June 2022 (Antwerp 2022), featured an allegedly open relationship used to obscure coercion within a broader pattern of exploitation. The third decision, number 2022/CO/61, of the Liège Appeal Court of 14 September 2022 (Liège 2022), concerned multiple simultaneous relationships framed as "marriages" to rationalize coercion. Taken together, these cases reveal how relational narratives can be strategically mobilized to contest or conceal exploitative practices and sexual violence, as explained further below. Furthermore, the analysis of the motives for which judges convicted for human trafficking brings light to the limited role of consent to qualify exploitation, leading to diverse solutions for concomitant sexual offences.

The authors acknowledge the use of the concept of "survivor" as better suited to label people who have experienced abuse and exploitation, to recognize their agency and empowerment (Dunn 2005; Lockyer 2022; O'Shea & Ors 2024), as it has been used previously. However, as this article focuses on criminal proceedings, the legal terminology of "victims" will be used in the following presentations of the judicial decisions.

Antwerp Appeal Court (2019)

The first case concerns three Romanian defendants convicted for human trafficking for sexual exploitation and for leading or participating in a criminal organization. No defendant was prosecuted for sexual offences. The first defendant acted as the leader, accompanied by his wife and his half-brother. None of the six adult victims participated in the proceedings nor received compensation, which could indicate that they did not self-identify as victims of exploitation.

Two defendants contended that their right to private life had been infringed, arguing that they lived in a polygamous arrangement "in a kind of commune with the other girls, knowing and helping each other in daily life" (page 13), which they claimed constituted a "free choice, which should

be respected by the government" (page 14). The court firmly rejected this interpretation, finding that the cohabitation pattern was imposed "in order to exploit the prostitution activities of Romanian girls in the most profitable way possible" (page 14). In balancing competing interests, the court held that the danger posed to the victims constituted a legitimate interference with the defendants' right to respect for private life. The court further stated that the declarations of love by two victims—one of whom had a child with the defendant and another who was pregnant—were irrelevant considering the exploitative circumstances.

The court indeed qualified the situation as of one of exploitation: extensive evidence demonstrated the defendants' control over all aspects of the victims' activities. They dictated the sexual services to be provided, set prices, collected and used the proceeds, and even lowered rates while requiring the women to work more. Surveillance and micromanagement were constant: the defendants instructed the victims on how to treat clients, when to sleep, how to dress, and restricted their access to phones and computers. They transported the victims, discouraged them from contacting the police, and subjected them to humiliation, violence, threats, and enforced drug use.

"Love" featured prominently in the coercive dynamic. One victim, the partner of the lead defendant, was compelled to manage other victims on his instructions and to travel repeatedly between Belgium and Romania at his command. She thus occupied a dual position as both victim and co-accused. Another victim migrated to Belgium knowing she would owe 30% of her earnings from prostitution, plus rent, to the offender. After developing romantic feelings for the lead defendant, she relinquished nearly all her earnings to him. This victim denied experiencing violence, but the evidence demonstrated multiple forms of physical violence, including repeated and forceful spanking.

The funds financed rent, the defendant's debts and gambling addiction, and the construction of a house in Romania. He promised the two aforementioned victims a room in this future house. The court stressed that none of the women had any guarantee they would ever be allowed to live there.

A different situation applied to the wife of the third defendant, who did not hand over her earnings. As she had been working voluntarily in the sex industry and her income was used for family expenses alongside her husband's, the court found no evidence of exploitation and concluded that she did not qualify as a victim in this case.

As the court focused on the working conditions of the victims, the role of consent was almost absent from the case. Even if the victims "gave their consent" to the offender to organize sexual services, it was "immaterial", given the circumstances of the case (page 18).

Antwerp Appeal Court (2022)

The second case involved two victims, one Russian and one Belgian, and a Belgian defendant convicted primarily of human trafficking for sexual exploitation and rape. The defendant was also convicted for similar offences against other women who were not plaintiffs in the proceedings.

The court found that the defendant targeted women already working in the sex sector or in vulnerable socio-economic situations, aiming to recruit them into prostitution either in his home or other locations. The court summarized his *modus operandi* as deliberately seeking out women "in trouble because of drug addiction, lack of money or the fact that they have no roof over their heads after leaving a partner", and then "rush[ing] to their aid by providing them with money, goods and/or shelter" (page 43).

The first Russian victim, the defendant's girlfriend, was already an escort. She met the defendant through her escorting activities and later began working for him. She stated that they maintained an open relationship in which both partners could have sex with others. This open relationship, however, was concealed from the defendant's new Belgian partner, one of the other victims. After the Russian victim became pregnant, she was asked to leave the shared residence. While denying any coercion or exploitation, she experienced repeated violence while working for the offender. For instance, after leaving the shared residence, she was threatened into continuing prostitution, especially under the threat that she would be denied access to her child. She was closely monitored, required to hand over her earnings, and dependent on the defendant, who controlled advertisements and pricing. The exploitation continued even after their relationship ended. The Russian victim also organized and monitored the other women on behalf of the offender, although she was not prosecuted for it.

The second Belgian victim had been coerced into prostitution by her former partner, a so-called loverboy (page 44), who was not prosecuted in this case. The defendant, who had been her client, offered her accommodation and work when she was homeless and financially distressed. He anally raped her as part of his routine of "trying" all the women he recruited. As the Russian victim directed much of the Belgian

victim's prostitution, a portion of the latter's earnings was indirectly passed to the defendant.

Another woman, who did not join the trial as a plaintiff, testified that the defendant had been her client before assuming financial and material responsibility for her following her divorce. She stated that she had fallen in love with the defendant. He proposed marriage and eventually forced her back into prostitution, although she was able to retain her earnings while contributing to household expenses. She later retracted these allegations in court.

As in the previous case, the assessment of guilt by the court excludes any analysis of consent, being "irrelevant", as well as the fact that the victims worked previously as sex workers (page 42). This strikes particular contrast with the following paragraph on the same page, where the court reaffirms that the qualification of rape is consent, which is nullified in coercive circumstances. Furthermore, human trafficking is qualified by the lack of "choice" due to the victims' precarious situations (page 43) and the control over their working conditions. The Russian victim had to notify the offender of her appointments, and failing to do so would incur physical violence. She had to hand over her earnings, amounts decided by the offender, who was controlling her online advertisements and arranged the appointments. The offender would hide in order to film some of her appointments and was similarly controlling towards the other victims. Conversely, he was acquitted of human trafficking of another person, whose prostitution activity was not proven.

While sexual relations between the Russian victim and the offender were recognized as contributing to their vulnerability and lack of possibility to leave the situation, the offender was acquitted of rape. The Russian victim "indicated at the hearing that no violence or coercion was used towards [her] and that everything happened with [her] consent" (page 51). Therefore, this sexual relationship was not penalized; only her exploitation led to conviction, given that consent is irrelevant here, as the financial and behavioural control takes precedence to determine the illegality of the situation.

Conversely, the court acknowledged that the sexual acts between the offender and the Belgian victim took place when she was particularly vulnerable, homeless and dependent on the offender for shelter and other financial expenses, leading her to accept "hard sex" (page 43). Therefore, the offender was first convicted for rape, due to coercive circumstances overwriting consent, and then for human trafficking, based on coercing

the victim back into prostitution and controlling, even indirectly, the conditions of her work.

Liège Appeal Court (2022)

The third case concerned one Senegalese victim party to the proceedings, and four offenders, two men and two women, convicted primarily for human trafficking for sexual exploitation and for leading or participating in a criminal organization. Additionally, two offenders, one man and one woman, were acquitted of rape against two victims, the second not joining the proceedings as a plaintiff. The lead defendant, a Belgian man, had previously been convicted for pimping, in a case in which he had been represented by the second male defendant, a lawyer.

According to the court, the lead defendant employed the loverboy method: he contacted the victim via Facebook, offered gifts and financial support, and professed affection. They married before her migration to Belgium. Upon arrival, she discovered that he was already in a relationship with two other women, including one of the female co-offenders. This woman had previously prostituted herself to reimburse her smuggler and had been giving half her earnings to the defendant once starting a relationship with him. She had a child with him, both as part of their relationship and to secure a residence permit. A second woman was also in a relationship with the offender and had a child with him. The defendant recruited the victim when this second woman became pregnant. All the women were tested for sexually transmitted infections upon arrival and were described collectively as the defendant's "three wives" (pages 24, 25). The victim was labelled "the third wife" (pages 21, 27).

The lawyer (second defendant) argued that the lead defendant had maintained multiple relationships in Senegal and that the victim was deeply in love with him. Once in Belgium, however, the lead defendant systematically isolated her from her social network and escalated his violence, in a pattern typical of domestic violence. She was raped by the main defendant and the female defendant (first "wife"), during orchestrated "threesomes" (page 32). The main defendant justified this conduct by asserting that he had a "big libido and this is not illegal" (page 27). Because the victim was undocumented, he planned to impregnate her to regularize her stay, a pattern already enacted with his other partners.

Although the first-instance court acquitted all defendants on the trafficking charge, the appeal court held that the conduct constituted trafficking for sexual exploitation. The appeal court did not rely on the

victim's use of a dating application in Belgium on the request of the offender, in which she rejected offers for paid sex. Instead, it focused on the forced sexual acts involving the lead defendant and his first "wife". Indeed, since 2013, the Belgian trafficking definition includes exploitation for the purpose of satisfying the offender's own sexual desires. In this case, the victim was made sexually available to the defendant and his partner, satisfying the statutory requirement.

By contrast, the prosecution for rape is only supported by the declaration of the victims, which was not deemed sufficient by the court. One of the two victims "was aware of what she was doing, whilst also pointing out that her ability to resist was diminished by her precarious circumstances, this fact alone does not necessarily constitute evidence of an intention to coerce" (page 39). The offender was thus acquitted for rape, due to the absence of proof of lack of consent.

Conversely, "the concept of exploitation is not, in itself, incompatible with the consent of the person being exploited" (page 31). Therefore, to convict for human trafficking, the court analysed, in detail, the conditions preceding the sexual relationships: the offender proactively contacted the victim, grooming her into deception, isolated her both socially and financially, controlling her behaviour, using threats and violence, imposing on her sexual acts with other persons and forcing her to carry out domestic work, retaining her passport, hiding her from the police, and so on. Those elements are traditionally proven in human-trafficking convictions and recognized as indicators of exploitation.

The inadequacy of the loverboy terminology

Although the three Belgian cases share several features commonly associated with the loverboy paradigm, the terminology proves insufficient to capture the full range of coercive intimate dynamics at play. Certain elements do reflect patterns described in the literature. All three cases reveal early-stage emotional manipulation, followed by escalating control, mirroring the coercive relational strategies typically attributed to loverboys (MYRIA). The 2022 Antwerp case illustrates the use of sexual acts, including rape, to test obedience and reinforce dominance, while the 2019 Antwerp judgment includes the filming of sexual acts as a tool of blackmail. Violence was also used as punishment for perceived disobedience, such as failing to notify appointments. The 2022 Liège case aligns even more closely with established loverboy narratives, particularly through online recruitment, the rapid formation of an intimate bond, and the strategic use of marriage to prepare the victim for subsequent exploitation. The

defendants' criminal histories, including prior convictions for pimping or involvement in drug offences in the 2022 Liège case, further echo traits described in the loverboy literature.

Yet, despite these resonances, the loverboy terminology does not adequately reflect the full complexity of the Belgian cases. Most significantly, all victims were adults, which departs from the dominant framing of loverboys as targeting minors or very young women (Bovenkerk & van San 2011). Nonetheless, the courts persisted in describing them as "girls" (eg Antwerp 2019: pages 14-16; Antwerp 2022: page 43; Liège 2022: page 32), illustrating an infantilizing discourse that operates independently of age (Chuang 2014; Doezema 2010) and obscures the structural vulnerabilities that shaped their involvement. These vulnerabilities, including homelessness, precarious administrative status, and financial insecurity, explain more convincingly than age why certain individuals were targeted. The 2022 Antwerp case also deepens the critique advanced by Katona (2017), who examined how sex workers may form intimate or dependency-based relationships with pimps or clients. In this case, the isolation of the sector facilitated a shift from client to trafficker, illustrating how blurred relational boundaries can mask exploitation until coercion becomes entrenched.

A further divergence concerns the role of non-monogamy. The MYRIA report on loverboys notes that violence may be tolerated within such relationships, yet infidelity is generally rejected by victims (MYRIA 2015: 29). Conversely, the cases analysed here rely heavily on multiple simultaneous relationships, presented as legitimate relationship structures ranging from "polygamy" (Antwerp 2019: page 13; Antwerp 2022: page 28) to informal "communes" (Antwerp 2019: page 13) to parallel marriages (Antwerp 2019; Liège 2022). Apart from the 2022 Antwerp case, where the existence of multiple partners was concealed, non-monogamy was explicitly invoked as a defining, and supposedly consensual, element of the relationships. Such narratives contrast sharply with the loverboy model and reveal that the terminology cannot fully account for the instrumentalization of non-monogamy as a defence strategy or as a means of normalizing coercive arrangements.

Finally, by centring deception, emotional attachment, and romantic manipulation, the loverboy framework, as explained in section [C], tends to disconnect intimacy from the other dimensions through which exploitation is exercised. This focus risks reproducing a siloed reading of coercion, in which the relationship is conceptualized as the gateway to exploitation, while the subsequent or overlapping economic, sexual,

and domestic arrangements are analysed separately under different legal categories. As the Belgian cases illustrate, intimate relationships constitute one of the sites through which labour is organized, discipline is enforced, and control over housing, income, mobility, and sexual availability is exercised. By isolating the "romantic" dimension, the loverboy terminology obscures how sex, intimacy, and labour are entangled in practice. Nevertheless, the case law demonstrates a judicial distinction between sexual exploitation and rape. Even within ongoing exploitative contexts, courts acquitted defendants of rape unless additional evidence established a clear absence of consent. The mere existence of sexual exploitation did not automatically nullify the possibility of consent to sexual acts. This separation of legal categories highlights the limitations of applying a concept that assumes a unified pattern of coercive sexuality when judicial reasoning treats different forms of offences as analytically distinct.

Taken together, these divergences show that the loverboy terminology is too narrow and too reliant on stereotypical profiles (Bovenkerk & van San 2011; Merodio & Ors 2020). Such a concept does not allow for the capture of the nuances of coercion, relational dependency, and strategic use of intimacy observed in these cases. It fails to engage with the role of non-monogamy, the diversity of victim profiles, and the ways in which coercion can be embedded in relationship structures that fall outside the dominant loverboy narrative. As a result, the terminology is inadequate for understanding how coercion operates across different intimacy settings, a dimension still largely underexamined in judicial practice.

In the next section, we will examine a body of literature on various forms of intimate relationships—queer, BDSM, "rough sex", and non-monogamy—to further contextualize the discussion on consent and coercion in this field of knowledge. This corpus of literature is for now disconnected from the anti-trafficking field. Yet, we argue that it would provide a more comprehensive, therefore more suitable, framework than the concept of loverboy for assessing these sexual-trafficking cases where the narrative of non-monogamy is evoked. Such an analytical lens supports a broader understanding of how relational vocabularies can be used to justify, minimize, or render invisible forms of sexual violence and exploitation, and the role of consent in these settings.

[D] FROM LOVERBOYS TO COERCION ACROSS DIFFERENT INTIMACY SETTINGS

Queer and non-monogamous relationships are not isolated from violence. Critically, the language associated with these relationship forms can be mobilized to obscure coercion, as illustrated by the cases discussed above. In these judgments, invocations of consensual love or non-exclusive relationships operated as strategic narratives aimed at reframing exploitative dynamics as consensual intimacy. Comparable litigation strategies have been identified in other queer contexts, particularly using the "rough sex" or BDSM defence in prosecutions for sexual assault, as explained below.

Navigating the taxonomy: terminology as a tool of legitimation

As the Belgian cases illustrate, the ability to name a relationship is itself a form of power, which might or might not include forms of abuse or exploitation. Scholarship on consensual non-monogamy (CNM) stresses that not all non-exclusive arrangements are equivalent, and that the distinction between consensual and non-consensual non-monogamy is fundamental: for many people, polyamory functions as an umbrella term for all "ethical forms of non-monogamy" (Lano & Parry 1995), endorsing the values of shared knowledge, commitment, integrity and consent (Emens 2004). Large-scale empirical work by Bente Træen and Frode Thuen (2022) demonstrates that CNM is both relatively rare and qualitatively distinct from non-consensual extradyadic relationships, particularly in terms of communication, mutuality, and perceived intimacy. They underscore that the mere presence of multiple partners cannot be treated as evidence of consent or relational legitimacy.

Meg-John Barker and Darren Langdridge (2012) provide an essential taxonomy of "non-monogamies" that helps decode these strategies. They distinguish between "polyamory" (often focused on multiple long-term, emotional bonds), "swinging" (couple-centric sexual sharing), and "open relationships" (an umbrella term for non-exclusive relationships). However, they highlight that these terms are fluid and often "borrowed" to perform particular identities or moral positions. In the Belgian trafficking cases, defendants strategically use these terminologies in the hope of avoiding conviction by demonstrating consent. For instance, in the 2019 Antwerp case, defendants invoked "polygamy" to suggest a communal relationship structure (page 13), while in the 2022 Liège case, multiple

simultaneous relationships were framed as marriages. Defendants adopted these relational vocabularies to shift their conduct away from the legal category of exploitation and violence, and toward the socially and legally more ambiguous terrain of CNM. This strategic relabelling mirrors what CNM scholars describe as the performative use of terminology to claim ethical legitimacy without demonstrating the practices that would substantiate it. CNM scholars rather focus on relational practices to categorize relationships, which parallels the analysis of judges in the selected cases: under the human-trafficking offence, consent cannot be strategically performed, as coercive contextual elements rather point towards a situation of exploitation.

Power and the illusion of ethical structure

CNM scholarship further cautions against equating relational form with ethical substance. Christian Klesse's (2006) work on "responsible non-monogamy" highlights how polyamory is often framed as an ethical alternative to monogamy through ideals of honesty, care, and long-term emotional responsibility. This distinguishes polyamory from stigmatized, "sex-centred" forms of non-monogamy like "promiscuity" or "swinging". However, as Jin Haritaworn and colleagues argue (2006), this ethical discourse can produce an "evasion of power", obscuring the structural inequalities—such as race, class, gender, and migration status—that shape who is actually able to consent, negotiate boundaries, or exit relationships.

This critique is directly relevant to exploitation contexts. In the Belgian cases, defendants' invocation of polygamy or communal living effectively appropriated the moral language of "ethical" non-monogamy to present a coercive environment as a legitimate, free, lifestyle choice. The defendants' invocation of "polygamy" or "communes" effectively borrows this "responsible" vocabulary to rebrand a coercive environment as a valid, "ethical" lifestyle choice, thereby masking the underlying exploitation. Structural inequalities are put forth by the selected judgments in the analysis of the individual situations of the victims, contributing to the definition of a situation of exploitation, the offenders abuse taking advantage of such vulnerabilities (Sciurba 2019). In the 2019 Antwerp decision, victims were foreign nationals in highly precarious or illegal administrative circumstances with no financial autonomy, creating fertile grounds for emotional dependency, leading to their sexual exploitation. In the 2022 Antwerp decision, offenders equally targeted women facing structural inequalities, due to homelessness, debt and

other forms of wealth asymmetries. In both cases, maternal relationships were instrumentalized by reinforcing paternal power over children through financial means, justifying income confiscation, or legal risks, by threatening the loss of custody in the Antwerp 2022 decision. In the 2022 Liège decision, offenders similarly leveraged migration status of the victims and their fear of deportation, as well as their language barriers, to reinforce coercive and exploitative relationships.

Empirical CNM research further demonstrates that relational choice is inseparable from material conditions. Terri Conley and Jennifer Piemonte (2021) show that relational satisfaction in CNM contexts depends less on the form of non-monogamy than on factors such as communication, symmetry, and autonomy. These findings undermine any assumption that an "open relationship" label is itself indicative of voluntariness or well-being. Similarly, Klesse's (2014) analysis of the political economy of polyamory highlights that many forms of CNM presuppose economic stability, housing security, and access to social capital—in a way polyamory is often a "privileged" practice, requiring economic capital to manage multiple households or the time for extensive emotional labour. Elisabeth Sheff and Corrie Hammers (2011) further show how race, class, and education structure whose non-normative intimacies are recognized as legitimate and whose are pathologized or criminalized.

This insight is particularly salient in the selected cases, where offenders systematically target individuals in precarious socio-economic positions. When shelter, money, or legal status are offered within the framework of an "open" (Antwerp 2022: page 25) or "polygamous" (Antwerp 2019: page 13) relationship, the appearance of relational choice masks conditions of survival-based compliance. When a defendant "rushes to the aid" of a homeless woman by offering shelter within an "open relationship", the possibility of refusal is materially constrained. CNM scholarship thus supports a shift away from formal notions of consent toward an analysis of constraint, dependency, and the material production of acquiescence (Haritaworn & Ors 2006; Klesse 2014; Conley & Piemonte 2021). As the body of literature above suggests, the "evasion of power" embedded in such narratives allows traffickers to recast economic dependency as romantic or lifestyle-based "sharing".

From non-monogamy to kink: the normalization of harm

The instrumentalization of non-normative sexual vocabularies in the Belgian cases parallels developments in sexual assault jurisprudence, particularly the rise of the "rough sex" or BDSM defence. In the 2022 Antwerp case, the court even refers to "hard sex" (page 43) and, in the 2022 Liège case, to group sex ("threesomes", page 32).

References to "kink", "libido", or sexual experimentation function to situate forced sexual acts within a supposedly permissive sexual subculture, as explained in the "rough sex" scholarship presented below. Elizabeth Sheehy and colleagues (2023) show how this defence relies on the claim that women "enjoy" or "ask for" violence as part of sexual play, inviting courts to infer consent to acts causing bodily harm and overstepping sexual self-determination. They argue that this narrative effectively resurrects the "she asked for it" myth under a subcultural guise. Criticisms of the "rough sex" defence have multiplied, originating from states such as the United Kingdom, Australia, or New Zealand (Gallagher & Ors 2022). The literature has shown, since the end of the 1990s, how defendants justify sexual assault as "rough sex" or "sadomasochist interests", understandings sometimes shared by the police, perceiving "normal example male sexuality as inherently aggressive" (Honkatukia 2001: 26). In some cases, these defences are used to justify practices such as choking, leading to the murdering of women (Edwards 2020; Gavey 2024), or leaving improperly addressed situations of domestic violence (Bradley 2022). This scholarship warns and criticizes that by treating non-normative settings as inherently more "permissive" regarding violence, the law risks normalizing a level of harm that would be unequivocally recognized as coercion in a monogamous, heteronormative context. The criminal justice system is further reinforcing the mainstreaming of certain practices, minimizing violence against women, as "everyday kink" (Gavey 2024) or just a "sex game gone wrong" (Fanghanel 2022). The proof of consent by the criminal justice system is particularly criticized in such cases: it may lead to binary categories and expected narratives, invisibilizing the experiences of affected persons and the difference between consenting or being coerced (Snow 2022).

Earlier scholarship similarly warned that consent discourse can be selectively mobilized to legitimize coercion, particularly where power asymmetries are ignored. Hadar Aviram and Gwendolyn Leachman (2015) showed how legal mobilization for recognition—most notably through marriage—tends to reinforce hierarchies between "legitimate"

and "illegitimate" intimacy. This dynamic is visible in the differential treatment of women framed as "wives" *versus* those recognized as victims, suggesting a potential judicial bias toward domestic stability as a proxy for consent. In the 2022 Liège decision, the first wife of the defendant is prosecuted herself for human trafficking due to her enforcing coercion on the victim, including through threesomes, while the judgment limitedly consider her own (restricted) agency in participating in such acts in the midst of an exploitative situation (page 36). Similarly, Emma Turley (2024) observes that BDSM communities have increasingly sought legal and social recognition through processes of normalization that privilege "safe" and "respectable" practitioners while marginalizing those who do not conform to dominant norms. Legal recognition, she argues, often comes at the cost of depoliticizing power and harm. Differently, an equal contribution to a marriage may, rather than the marriage itself, exclude the existence of exploitation. In the 2019 Antwerp decision, the wife of the third defendant is not handing over any of her income from sex work to the defendants and she shares family expenses with her husband: therefore, exploitation is not proven (page 20). This shows again that the Belgian criminal justice system rather refers to empirical (physical or financial) coercion than deriving consent or exploitation merely from marital status or relationships labels.

Polyamorous or non-monogamous and non-normative families already experience heightened scrutiny and regulation in legal settings. For the anti-trafficking field, the challenge is therefore twofold: to identify coercion embedded in intimate relationships without reproducing racialized, neo-colonial, or moralizing assumptions that render all non-normative or migrant intimacy suspect unless it performs a specific version of "respectability" (Doezema 1998; Kempadoo & Shih 2022). In the selected cases, consent plays little role, as it is irrelevant to the definition of human trafficking. Consent is deemed irrelevant (Article 2.4 of the Anti-Trafficking Directive), whether with regard to the exercise of sex work itself or its conditions, sexual relations with third parties or with the offenders, the type of sexual relations (even if it is "hard sex" or "threesomes"), and the type of intimate relationships (even if they are non-monogamous). Instead, courts focus on diverse forms of coercion exacted against the victims, and the control of their life, especially preceding or overlapping with sexual acts, to qualify sexual exploitation. While consent is important in sexual and work (including sex work) relationships, consent alone is insufficient to address the legality of labour and sexual relations (Niezna 2024).

[E] CONCLUSION—TO CONSENT OR NOT TO CONSENT: BETWEEN RELEVANCE AND INSTRUMENTALIZATION

By examining sexual exploitation occurring within non-monogamous settings, this article has highlighted how the narrative of consent is deployed in human-trafficking cases and how it can both mask and illuminate coercive dynamics. Although consent plays no role in the legal qualification of human trafficking, it remains central to other offences frequently intertwined with exploitation, including sexual assault and, more recently, forced marriage,[2] now expressly recognized as a form of exploitation.[3] The irrelevance of consent seems to allow better recognition of coercion, particularly where the criminal justice system relies on narrow, declarative understandings of consent leading to the minimization of violence. As shown vividly in the 2022 Liège case, the victims' statements were deemed insufficient to establish lack of consent during forced threesomes, leading to an acquittal for rape.

Such evidentiary constraints risk reinforcing judicial stereotypes about which forms of intimacy are criminal. These include racialized or neo-colonial assumptions about non-normative sexual practices, which may produce harsher penalties or, conversely, may impede the recognition of coercion in minority or marginalized communities. These tensions are not new. The European Court of Human Rights has long acknowledged the need to balance respect for private life with the prevention of coercion, including in BDSM practices (*Laskey, Jaggard and Brown v the United Kingdom* 1997; *KA and AD v Belgium* 2005) and has emphasized that the assessment of consent must take contextual factors into account, especially in these intimate practices (*EA and Association Européenne Contre Les Violences Faites Aux Femmes Au Travail v France* 2025).

The Belgian cases discussed here illustrate how non-monogamous arrangements can be similarly instrumentalized. Defendants strategically invoked narratives of "ethical" non-monogamous intimate structures to normalize violence or avoid liability, demonstrating how relational vocabularies can be deployed to obscure coercion. Although coercive intimate relationships have traditionally been theorized through the

[2] Defined at Article 4 of Directive 2024/1385/EU of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence.

[3] Directive 2024/1712/EU of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

loverboy concept, that framework remains limited by its narrow focus on stereotypical profiles of young, vulnerable girls and youthful male offenders. It also tends to obscure the wider spectrum of exploitation, including labour and sexual exploitation occurring within adult relationships. The 2019 Antwerp case hints at previous loverboy exploitation yet provides no detail and no prosecution of the original offender. In the 2022 Liège case, the defendant's conduct closely aligns with the *modus operandi* described in the loverboy literature, although the situation did not culminate in prostitution. These cases underscore the analytical weaknesses of the loverboy concept, which simultaneously conceals coercive intimate dynamics and the exploitative working conditions that emerge from them.

Insights from the "rough sex" scholarship help clarify these dynamics. Alexandra Fanghanel argues that "de-exceptionalizing" of sex is necessary to understand crimes involving sexual elements more clearly (Fanghanel 2026: 135) and warns that the concept of consent risks becoming a "black hole" when stripped of context. A narrow or formalistic approach enables what she terms the "weaponization" of consent, where the complexity of the circumstances under which a person might agree to a sexual act is erased (Fanghanel 2026: 67-73). In the Belgian trafficking cases, the opposite dynamic emerges. By treating consent as legally irrelevant, courts silo intimate relationships from the subsequent or overlapping exploitation and focus almost exclusively on the coercive process and working conditions. However, this separation risks obscuring how sex, intimacy, and labour intersect, particularly in contexts where the roles of intimate partner, client, and pimp may overlap.

Taken together, this article has demonstrated how analysis drawing on queer and kink scholarship can enhance a more contextual analysis of coercion embedded in intimate settings. Moving beyond loverboy stereotypes requires attention to how relational labels can disguise coercive practices and create an illusion of ethical intimacy, particularly when boundaries between "work" and "private life" are blurred. Ultimately, the 2022 Liège judgment suggests an emerging trajectory in which complex forms of sexual violence may be prosecuted as human trafficking, expanding the scope of the exploitation concept beyond the traditional category of exploitation of prostitution, and alternatively to offences such as rape or sexual assault. Such an approach may provide a means for recognizing violations of human dignity in diverse relational contexts, including non-monogamous settings, group sexual practices, or situations involving individuals with experience in the sex industry. This development calls for careful reflection, ensuring that the law can identify

coercion without pathologizing non-normative forms of intimacy, while remaining attentive to the structural dynamics that shape the possibility of consent in the first place.

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