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**Re: Call for Comments, Draft Update of General Recommendation No. 19 (1992):
“Accelerating efforts on gender-based violence against women.”**

Submission by: Coalition Against Trafficking in Women

Dear Distinguished Committee Members,

The Coalition Against Trafficking in Women respectfully submits this letter in response to the Call for Comments on the Draft Update of General Recommendation No. 19 on Gender Based Violence (hereinafter ‘the Draft Update’). The Coalition Against Trafficking in Women (“CATW”) is a non-governmental organization that works to end human trafficking and commercial sexual exploitation of women and girls worldwide. CATW’s worldwide network engages in ongoing projects and campaigns that combat human trafficking by focusing on prevention, education, gender equality, legislation, direct services for victims and ending the demand that fuels sex trafficking. CATW’s projects and campaigns are centered on survivors’ human rights and advocate for the protection of victims and the punishment of the perpetrators of sexual exploitation.

We thank the Committee for this unique opportunity to comment on **General Recommendation No. 19 (“GR 19”)** as detailed below. While the recommendations in the Current GR 19 are deemed satisfactory, there is room for improvement, especially in light of the significant changes and trends that have occurred in the collective work to address violence and discrimination against women and girls since 1992, including in global commerce and migration, which have deeply affected women’s and girls’ status and safety.

We hereby present CATW’s comments regarding certain Paragraphs of GR 19:

Paragraph 4.

- In 1992, the CEDAW Committee concluded that “not all the reports of States parties adequately reflected the close connection between discrimination against women, gender-based violence, and violations of human rights and fundamental freedoms.” We note that since the implementation of GR 19 there has been a significant lack of analysis of discrimination against women and gender-based violence and the connection between the two, particularly in relation to the global sex trade, including prostitution, and its harmful effects on women and girls. Therefore, the recommendations in the Draft GR 19 (the “**Draft GR 19 Recommendations**”) should urge States parties to carry out the necessary

analysis in order to ensure that the contents of their reports accurately reflect the close connection between discrimination against women, gender-based violence, and violations of human rights and fundamental freedoms.

Paragraph 6.

- The CEDAW Committee recognized that, in accordance with article 1 of the Convention, States parties have an obligation to address “violence that is directed against a woman because she is a woman or that affects women disproportionately” and defined “violence against women” as acts that “inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.” Since 1992, however, States parties have failed to comply with article 1 of the Convention, particularly with regard to the widespread practice of prostitution, an area particularly prone to gender-based violence and discrimination. The Draft GR 19 Recommendations should urge States parties to broadly conceptualize the different forms of “violence against women” and how women can be harmed as a result of such acts.

Paragraphs 9 and 15.

- Paragraph 9 notes that article 2(e) of the Convention states that “States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”
- In Paragraph 15, the CEDAW Committee recognized that women exploited in the sex trade are “especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them.” Separate and apart from whether or not a particular States party has made prostitution lawful, it is important for the CEDAW Committee to urge States parties to recognize the harm done to women in prostitution, both by laws that criminalize the women and by acts committed by male individuals (in overwhelming percentages) who purchase them for sexual acts.

Paragraph 12.

- The creation and proliferation of the Internet, online platforms and social media have served as accessible, free, and effective tools both for exploiters in the sex trade and the buyers of sexual acts who uphold the multi-billion global sex trade. These attitudes that the CEDAW Committee have recognized as “contributing to the propagation of pornography and the depiction and other commercial exploitation of women as sexual objects, rather than as individuals” have since 1992 become omnipresent and mainstream worldwide.

Paragraphs 13 and 14.

- Paragraph 13 notes that article 6 of the Convention requires States parties to “take measures to suppress all forms of traffic in women and exploitation of the prostitution of women.” While poverty and unemployment are key factors in the commercial sexual exploitation of women, it is primarily gender discrimination and a widespread acceptance

of gender-based violence based in culture and tradition that maintain myriad manifestations of commercial sexual exploitation, including prostitution, mail-order brides, temporary marriages, child marriage, sex tourism, escort services, pornography, “sugar dating,” karaoke clubs, “massage” parlours, and other types of sex establishments. Paragraph 14 notes that all of these practices are “incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity.”

CATW’s comments on the Draft GR 19 Recommendations:

We affirm the Draft GR 19 Recommendations, and posit certain additions and clarifications thereto in accordance with the following:

- We urge the CEDAW Committee to reiterate and reinforce its “Specific recommendation” in paragraph 24(b) which underlines that “States parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity.” We note that, since 1992, significant legislative changes have occurred both at the state and international level that address (i) the trafficking of women and girls—notably, the United Nations’ Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the United States’ Trafficking Victims Protection Act, its reauthorizations, and myriad of other national trafficking laws; and (ii) prostitution—notably, the 1999 Swedish law on prostitution, which recognizes prostitution as a cause and consequence of gender inequality, violence and discrimination and, thus, *solely* criminalizes the purchase of sexual acts and decriminalizes the prostituted women and transgender women. State parties must ensure that laws against gender-based violence are enacted and implemented consistently and thoroughly to provide prevention from and protection to women and girls from violence and discrimination.
- Paragraph 24(b) of the Current GR 19 calls on States parties to develop “appropriate protective and support services” for victims, as well as “gender-sensitive training of judicial and law enforcement officers and other public officials.” We urge the CEDAW Committee to reiterate these calls in its updated Draft GR 19 Recommendations. Since 1992, and despite the enactment of strong laws that address the prevention and protection of sex-trafficked and prostituted women and girls, a cultural shift of acceptance of prostitution as a mainstream and normalized activity has dominated the global conversation on commercial sexual exploitation. Prostitution, like so many other forms of culturally-accepted manifestations of violence and discrimination (e.g., female genital mutilation, domestic violence, child marriage, etc.), is widely accepted by the public and many States parties recognize the exchange of sexual acts between two so-called consensual adults as acceptable within the context of labor. Notwithstanding this increased public acceptance, the evidence shows instead that the sex trade, including prostitution, is a highly exploitative phenomenon that derives from the selling of vulnerable human beings, mostly women and girls, who have an absence of choice, and where the power, control and uncalculated financial profits is enjoyed by the exploiters and purchasers of sex, and not the individuals who are prostituted.

- In connection with Paragraph 11 of the Current GR 19, the CEDAW Committee concluded that prostitution is an outcome of “traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion”, and that “such prejudices and practices may justify gender-based violence.” The Draft GR 19 Recommendations should emphasize that prostitution is a form of control of women, which States parties must not deny or ignore irrespective of whether the sex trade falls under legal or illegal commercially profitable enterprises.
- Paragraph 19 of Current GR 19 notes that article 12 of the Convention requires States parties “to take measures to ensure equal access to health care.” Women and girls bought and sold off the sex trade market usually do not have proper medical access and, thus, have limited access to, if any, ongoing medical care, including gynecological, internal, psychological, psychiatric, dental or general overall medical services and have no way of maintaining current health records. In addition, States parties have little to non-existent studies or data on the impact of unwanted, monetized sexual invasion and psychological coercion on women’s health. Without such data, it is impossible for States parties to uphold its obligations under CEDAW and report measures that have been or must be taken to overcome such violence against women and girls in the sex trade perpetuated by exploiters and sex buyers. CATW recommends that the Draft GR 19 Recommendations continue to emphasize the importance of equal access to health care.
- While evidence of violence, discrimination, degradation, dehumanization and pervasive harm perpetrated against women and girls exploited in the sex trade is growing, it remains key for the CEDAW Committee, as it did in 1992, to urge States parties “to compile statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence” against women and girls in the sex trade. The development of such measures is key in undertaking and implementing policies to overcome “attitudes, customs and practices that hinder the recognition of the exploitation of prostitution, as stated in Article 6 of CEDAW. The health consequences of prostitution cannot be limited to the prevention and protection from HIV/AIDS. States parties and international agencies must also invest in developing research and compiling data on the pervasive physical and psychological harm women and girls suffer in prostitution, cause by undetected and often fatal diseases, substance abuse, gynecological ailments, suicidal ideation, post-traumatic stress disorders, suicides and murder, as a few examples.
- In light of the harmful trends that have normalized the sex trade and the challenges States parties currently face in protecting women and girls from commercial sexual exploitation, the CEDAW Committee must continue to encourage States parties to introduce education and public information programmes to help eliminate prejudices which hinder women’s equality (recommendation No. 3, 1987), as well as “specific preventive and punitive measures are necessary to overcome trafficking and sexual exploitation.”
- As the CEDAW Committee will undoubtedly continue to request that States parties report on all forms of gender-based violence, it must not exclude or separate violence caused by commercial sexual exploitation, including prostitution. The CEDAW

Committee will need all available data on the incidence of each form of violence and discrimination perpetuated against women and girls in the sex trade, as well as the effects of such violence on the women and girls who are victims, in order for States Parties to duly uphold its obligations under CEDAW.