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**CEDAW Submission on Sex Trafficking**

**Submission to the CEDAW[[1]](#footnote-1) Consultation on Draft recommendations on trafficking of women and girls in the context of global migration**

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**Cedaw Article 6** states: *“Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”*

We are concerned that only the first half of Article 6 is being addressed in this review. This not only makes a mockery of Article 6, but makes the consultation meaningless, since trafficking cannot possibly be considered in isolation from prostitution.

**Recommendations**

* Prostitution must be considered in these recommendations
* Prostitution should be included in the list of harmful cultural practices
* Prostitution should not be regarded as women’s ‘work’
* Child sexual exploitation through prostitution should not be regarded as ‘child labour’
* Vulnerabilities around trafficking and prostitution must be considered from an intersectional perspective
* Statistics on trafficking must be disaggregated according to sex, age, disability, ethnicity and refugee status, according to Sustainable Development Goal, SDG 16.2.2

**Submission**

There is close alignment of CEDAW’s Sustainable Development Goals (SDG’s) with the Abolitionist/Nordic Model. Under this, buyers and pimps are criminalised but those who are prostituted are *not* criminalised *and* are supported out of the highly abusive sex trade.

In contrast, the full decriminalisation of the sex industry (ie decriminalising of pimps and punters a*s well* as the prostituted) runs contrary to the spirit of the 2030 Sustainable Development Goals (SDGs). The Nordic Model is particularly relevant to SDG16, SDG8, SDG5, SDG3 and SDG10 and *thus a key component in ending demand for sex trafficking*.

These goals, alongside other documents such ‘Leaving No One Behind’[[2]](#footnote-2), demonstrate the vision of the United Nations to ensure that dignity is paramount and that no one should be ‘left behind’, or marginalised, because of their gender, ethnicity, caste, disability or sexuality.

**Sustainable Development Goal 5 ‘Gender equality’**

Prostitution is not in the spirit of the development goals, and gender equality cannot be achieved while prostitution exists. Indeed, SDG 5.2[[3]](#footnote-3) specifically relates to sexual exploitation. Prostitution not only perpetuates gender inequality, because most prostituted people are from marginalized and vulnerable groups, and mainly women, but also deepens inequalities. Prostitution perpetuates harmful stereotypes and leads to harassment and abuse becoming even more prevalent and acts as a barrier to women achieving their full potential. Prostitution is not a solution to women’s poverty. Prostitution also intersects with other inequalities, and deepens exclusion and inequalities towards women with disabilities, racial inequalities and LGBT people.  (SDG10 – Reduced Inequalities) (SDG1 – No Poverty).

**Sustainable Development Goal 16 : ‘Peace, Justice and Inclusive Societies’**

With regards to violence against women, including sexual violence and intimate partner violence, the World Health Organisation (WHO) found that:

*‘’Factors associated with intimate partner and sexual violence occur at individual, family, community and wider society levels’’ and that significant risk factors for both sexual violence and intimate partner violence include:*

* *attitudes that are accepting of violence and gender inequality*

*In addition to this, factors that are specifically linked with sexual violence perpetration include:*

* *ideologies of male sexual entitlement and*
* *weak legal sanctions for sexual violence [[4]](#footnote-4)*

*and that:*

*‘’The social and economic costs of intimate partner and sexual violence are enormous and have ripple effects throughout society’’.*

In addition to this, we find that sexual violence often increases in conflict zones, and that conflict often deepens patriarchal views and gender stereotypes. [[5]](#footnote-5)

**Undoubtedly, the full decriminalisation of the sex trade, including pimps, would fall within the scope of the two points above and specifically relate to ‘weak or no sanction’ and ‘ideologies of male sexual entitlement’.**

The report also notes the interconnectedness between intimate partner violence and sexual violence, and an increased risk of HIV infection. Again, there is strong evidence for the connection between sexual violence and intimate partner violence: a UNDP report, a multi country study, showed that sex buying was a major risk factor for increased violence. [[6]](#footnote-6)

All of this shows that all of these factors; sexual violence, intimate partner violence and increased risk of HIV cannot be viewed in isolation, they are interconnected (SDG3, Good Health and Wellbeing)[[7]](#footnote-7).

**Sustainable Development Goal 8: ‘Decent Work’**

Prostitution does not meet the criteria for ‘decent work’ under the SDG 8 for women (8.5) or safe and secure working environments for all with particular attention to women migrants (8.8). Prostitution puts the health, safety, welfare and dignity of the most marginalised and disadvantaged at severe risk. Moreover, there are those with powerful vested interests who have taken it upon themselves to rename exploitation as ‘sex work’, and even go so far as to attempt to distort the meaning of the treaties to fit their agenda.

We are dismayed that in a concept note, prostitution has been referred to as ‘women’s work’. This conflicts with Article 5 of CEDAW, which states that:

*State Parties shall take all appropriate measures:*

*(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women*

Recent high profile cases have highlighted the most horrific cases of sex trafficking, which target women refugees and migrants. We need to ensure that migrant and refugee women have safe migration routes, which do not result in sexual exploitation.

**ILO : Child Sexual Abuse is not ‘Work’**

International Labour Organisation (ILO) note on Convention 182 must be amended. This describes child sexual exploitation as ‘one of the worst forms of child labour’. But child sexual abuse (the prostitution of children) is not ‘child work’.

Stating it as such runs contrary to the Palermo Protocol[[8]](#footnote-8), CEDAW and the UN Rights of the Child.

**Concerns About Language**

We would support the assertions from many other platforms and advocacy agencies for migrant women, who express concerns about the use of language. While recent considerations have gone some way to address the term *‘sex work’* and the extreme violence and exploitation that this terminology erases, other problematic language is still widely in use. An example of this is the term *“forced prostitution”.* The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others states that: *“ Prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community …” [[9]](#footnote-9)*

A similar term, that should be no longer in use is ‘*forced sexual exploitation’*. This is because sexual exploitation cannot be contented to, or voluntary. You cannot consent to your own sexual exploitation.

**Addressing Demand**

There are also concerns that many women from Roma communities are trafficked into prostitution. This is particularly the case in Germany, which has a fully legalised approach to prostitution. Additionally, gender often intersects with ethnicity, class, caste, age and disability this is shown how the most marginalised groups are often sexually exploited in prostitution. This cannot be a choice.

The racism and objectification of women from minority backgrounds in pornography, alongside depictions of extreme violence, no doubt leads to increased violence within prostitution. We are also aware that there are markets for pregnant women and women with disabilities.

We need to address demand.

Subsequently, these issues should be interpreted with respect to the relevant conventions:

Article 6 CEDAW:

*Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*

Article 9: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime :[[10]](#footnote-10)

*1. Parties shall establish comprehensive policies, programmes and other measures:*

*(a) To prevent and combat trafficking in persons; and*

*(b) To protect victims of trafficking in persons, especially women and children, from revictimization.*

*2. Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.*

*3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.*

*4. Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.*

*5. Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.*

1. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) [↑](#footnote-ref-1)
2. ‘Leave No One Behind’ <http://www2.unwomen.org/-/media/hlp%20wee/attachments/reports-toolkits/hlp-wee-report-2016-09-call-to-action-en.pdf?la=en&vs=1028> [↑](#footnote-ref-2)
3. SDG 5.2 <https://www.un.org/sustainabledevelopment/sustainable-development-goals> [↑](#footnote-ref-3)
4. <http://www.who.int/mediacentre/factsheets/fs239/en/> [↑](#footnote-ref-4)
5. <http://www.who.int/mediacentre/factsheets/fs239/en/> [↑](#footnote-ref-5)
6. Fulu, E., Warner, X., Miedema, S., Jewkes, R., Roselli, T. and Lang, J. (2013). Why Do Some Men Use Violence Against Women and How Can We Prevent It? Summary Report of Quantitative Findings from the United Nations Multi-country Study on Men and Violence in Asia and the Pacific. Bangkok: UNDP, UNFPA, UN Women and UNV [↑](#footnote-ref-6)
7. [↑](#footnote-ref-7)
8. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime [↑](#footnote-ref-8)
9. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others [↑](#footnote-ref-9)
10. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime [↑](#footnote-ref-10)