## **Half-day general discussion on Trafficking in Women and Girls**

## **in the Context of Global Migration**

**Committee on the Elimination of Discrimination Against Women**

**Geneva, 22 February 2019**

\* *This submission is provided to the Committee pursuant the Framework of Cooperation signed between the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict and the CEDAW Committee on 24 July 2018.*

1. The Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (OSRSG-SVC) presents this written submission to the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) on the use of trafficking in women and girls in the context of global migration. Conflict is one of the most important drivers of global migration and displacement, and the use of trafficking in women and girls (as well as men and boys) for the purposes of sexual exploitation or violence is both a human rights violation and a threat to international peace and security, as will be described below. Given the OSRSG-SVC’s Security Council mandate, this submission will focus in particular on the work of the Security Council on the trafficking of women and girls for sexual exploitation or violence in times of conflict.

**Background**

1. The Security Council for the first time condemned the use of trafficking in conflict in its Presidential Statement PRST/2015/25 (26 December 2015) and noted “that trafficking in persons undermines the rule of law and contributes to other forms of transnational organized crime, which can exacerbate conflict and foster insecurity.” Noting the particular impact that trafficking in persons in situations of armed conflict has on women and children, including increasing their vulnerability to sexual and gender-based violence, the Security Council called on Member States to fully implement relevant resolutions, including resolution 2195 (2014), which expressed concern that terrorists benefit from transnational organized crime in some regions, including from the trafficking of persons, as well as resolution 2242 (2015) which expressed concern that acts of sexual and gender-based violence are known to be part of the strategic objectives and ideology of certain terrorist groups. The Presidential Statement further called on Member States “to reinforce their political commitment to and improve their implementation of applicable legal obligations to criminalize, prevent, and otherwise combat trafficking in persons, and to strengthen efforts to detect and disrupt trafficking in persons, including implementing victim identification mechanisms and providing access to protection and assistance to identified victims, particularly in relation to conflict.” Finally, the Presidential Statement called upon all Member States that had not done so to ratify or accede to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.
2. The following year the Security Council enacted resolution 2331 (2016), which specifically recognized trafficking in persons as a threat to international peace and security. As with its Presidential Statement, the Council once again called on Member States that had not done so to ratify the UN Convention against Transnational Organized Crime, its relevant protocols and other relevant international instruments. It further called on Member States “to take decisive and immediate action to prevent, criminalize, investigate, prosecute and ensure accountability of those who engage in trafficking in persons, including in the context of armed conflict.” In so-doing resolution 2331 specified that national legislation be created and enforced against money laundering, corruption, bribery, and counter-terrorism. Resolution 2331 also noted the need for victim (and possible victim) identification mechanisms and mandated that Member States aid survivors without delay.
3. Of importance to this CEDAW submission, operative paragraph 3(b) of resolution 2331 stated clearly that “in some circumstances trafficking in persons in armed conflict in all its forms and sexual violence in conflict can cause large movements of refugees and migrants.” The same paragraph further urged that refugee-receiving countries: (i) provide information on the services available to victims of trafficking and sexual violence survivors”; (ii) “ensure sustainable psychosocial support and provide survivors with the option to document their cases for future legal action to hold traffickers accountable”; and (iii) “give due consideration (…) to clarifying and securing the legal status of undocumented refugee children, including refugee children conceived as a result of sexual violence or exploitation.”
4. Further, resolution 2331 noted that “trafficking in persons in armed conflict and sexual and gender-based violence in conflict, including when it is associated to trafficking in persons (…) can be part of the strategic objectives and ideology of, and used by certain terrorist groups” in order to *inter alia* “displac[e] populations from strategically important zones” (*Id.* at para 8) and noted again the need to provide support to survivors, including their children; ensure accountability (including through information exchange and judicial cooperation); integrate trafficking in persons as a function of the work of relevant sanctions committees; and for UN agencies operating in humanitarian crises resulting from armed conflict to consider trafficking in persons in their humanitarian and protection of civilian needs assessments.
5. In 2017, the Security Council once again reaffirmed in Security Council resolution 2388 (2017) that the use of trafficking in persons, especially women and children, represents a threat to international peace and security and called upon Member States in operative paragraph 5: “to step up their efforts to investigate, disrupt, and dismantle networks engaging in trafficking in persons in areas affected by armed conflict.”
6. The OSRSG-SVC agrees with the Special Rapporteur on trafficking in persons, especially women and children, in her report A/73/171 “that pre-existing conditions and vulnerabilities such as structural gender-based and other forms of discrimination affecting women, children and non-citizens, are exacerbated during conflict as opportunities for exploitation increase and protection systems break down” (para 21) and that a gender-sensitive and human rights based approach must inform the four pillar approach to ending trafficking in persons: (i) prevention; (ii) protection; (iii) participation; and (iv) relief and recovery. These pillars are buttressed by accountability for those who perpetrate such crimes.

**Findings**

1. After these resolutions were enacted, the United Nations Secretary-General adopted a revised UN definition of conflict-related sexual violence to include trafficking in persons in his 2017 and 2018 annual reports on conflict-related sexual violence (S/2017/249 and S/2018/250). Trafficking in persons in situations of armed conflict for the purposes of sexual exploitation and violence is now part of the Secretary-General’s listing criteria in the annex to his annual reports on conflict-related sexual violence of “parties credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence in situations of armed conflict on the agenda of the Security Council” so that the Council can take appropriate actions against those parties. This change in definition, based on Security Council resolutions 2331 and 2388, increases the cost of trafficking in women and girls for sexual exploitation and violence in times of conflict and to deter the use of trafficking as a tactic of war and terror or a method to finance the same.
2. Recognizing that trafficking against women and girls is a form of gender-based violence, it is the OSRSG-SVC’s position that the trafficking of women and girls in conflict and post-conflict settings for the purpose of sexual exploitation and violence is endemic. Specific groups or women and girls are at particular risk, including internally displaced and refugees or those belonging to diverse national, ethnic or religious minorities.
3. For example:
   * In Iraq and Syria, ISIL has trafficked women and children for the purposes of sexual exploitation especially from minority groups such as the Yazidi, Turkmen Shia, and Christian communities, often with the intent to destroy populations or engage in various other forms of persecution.
   * In Libya, political fragmentation and the proliferation of arms and armed groups have allowed traffickers of women and girls for the purposes of sexual exploitation to thrive, resulting in sexual violence against migrants, refugees and asylum seekers and others fleeing from conflict-affected areas.
   * In Myanmar, the deportation and forcible transfer of Rohingya women and girls to Bangladesh have left women and girls at risk of being trafficked for the purposes of sexual exploitation. Further, women and girls in Kachin and Shan States also face the serious risk of trafficking across borders for the purposes of sexual exploitation including forced marriage and forced pregnancy.[[1]](#footnote-1)
   * In Nigeria, Boko Haram has trafficked women and girls for the purposes of sexual exploitation including rape, sexual slavery, forced marriage and some have been forced to commit suicide bombings.
   * In Somalia, women and girls were trafficked by Al-Shabaab from the coastal regions of Kenya to Somalia for the purposes of sexual exploitation. Many were forced into slavery or to become “wives’ of these insurgents.
4. These examples underscore that trafficking of women and girls is a feature of numerous conflicts globally which results in population displacement. Women and girls subjected to being trafficked are also at risk of exposure to sexually-transmitted disease, as well as a range of other crimes and human rights violations such as enforced prostitution, forced pregnancy, or forced abortion. Children born as a result of trafficking face further risk ranging from statelessness to being trafficked themselves. Stigma is also omnipresent without appropriate reintegration programmes for those that have been trafficked.
5. Trafficking of women and girls for the purpose of sexual exploitation and violence is therefore a threat to international peace and security. These findings also demonstrate the need for a global response that is gender-sensitive, survivor-centered and human rights-based.

**Responses and Recommendations to the CEDAW Committee**

1. The OSRSG-SVC therefore recommends that the CEDAW Committee encourage Member States to undertake the following measures to address the trafficking of women and girls in conflict and post-conflict settings and contribute to the reduction for mass displacement:
   * Ensure that the root causes of trafficking in women and girls are addressed in all trafficking prevention efforts and responses, including structural gender-based discrimination; lack of citizenship and nationality; ethnic, religious and other forms of discrimination; and political instability and armed conflict;
   * Ensure that relevant treaties to combat transnational organized crime, including specific instruments to combat trafficking in persons, be ratified by Member States along with other relevant multilateral human rights and refugee treaties and instruments;
   * Incorporate these international obligations in domestic legislation in order to (i) ensure the prompt identification of victims of trafficking in persons (or potential victims); (ii) provide these victims with appropriate support including safeguards for a victim’s privacy and dignity, medical and psychosocial care; family tracing and reunification; financial and livelihood assistance; linguistic assistance; shelter in a gender-sensitive manner; and reparations.
   * Hold perpetrators of trafficking in persons or those who intentionally cause population transfers that result in trafficking in persons accountable regardless of status, rank or affiliation;
   * Strengthen international cooperation and information exchange among Member States, including through bilateral and regional agreements informed by civil society and victims associations, in order to identify victims and protect their rights; hold perpetrators accountable; and stem financial flows from human trafficking networks;
   * Recognize that trafficking in women and girls for the purposes of sexual exploitation and violence is being used by terrorist organizations and violent extremist groups, and that survivors in such circumstances should be considered victims of terrorism and therefore qualify for benefits that may be available for victims for terrorism.
   * Include trafficking in persons for the purposes of sexual exploitation and violence as a criterion for sanctions by the Security Council where appropriate and that members of sanctions committees have appropriate background or training on trafficking in persons as well as gender;
   * Work closely with international, regional and sub-regional organizations including UNODC, IOM, UNHCR, UNICEF and INTERPOL in order to combat the trafficking of women and girls as a result of conflict;
   * Ensure that programmes to address trafficking in persons are allocated adequate resources in Member States’ national budgets; and
   * Consider supporting Member States with limited capacity to carry out their international obligations to prevent and end trafficking of women and girls, including through the provision of technical expertise and capacity-building measures.
2. The OSRSG-SVC commends those Member States that have created strong legal frameworks to address trafficking in women and girls and have devoted resources to implement them. The OSRSG-SVC further commends those States that have developed specific legislation and comprehensive national action plans against trafficking and publish annual reports on trafficking in persons, as well as annual reports on human rights that take trafficking into persons into account. The OSRSG-SVC considers that such efforts are necessary to form a robust global regime to combat the trafficking of women and girls, including in conflict settings.

**Conclusion**

1. It is the unanimous position of the Security Council that the trafficking of women and girls is a threat to international peace and security and is a human rights violation requiring a gender-sensitive and human rights-based response. The OSRSG-SVC, the UN Action Against Sexual Violence in Conflict inter-agency network, and the UN Team of Experts on the Rule of Law and Sexual Violence in Conflict stand ready to provide support as necessary to assist in ending the trafficking of women and girls in situations of conflict and to prevent its use as a driver of mass displacement, along with its other UN partners.

1. Indeed, to support efforts in the prevention and response to trafficking, the SRSG-SVC has signed a Framework of Cooperation with Bangladesh on behalf of the United Nations (2018) that includes the provision of expertise, training and capacity building of the justice and security sector on the prevention of trafficking in persons especially women and children; the prompt identification of victims and investigation; the return and reintegration of trafficked women and children; victim support including their referral to social service providers as well as to medical and psychosocial services. [↑](#footnote-ref-1)