**Statement to the UN Committee on the Elimination of Discrimination Against Women for its half-day general discussion on trafficking in women and girls in the context of global migration**

 **22 February 2019**

Dear CEDAW Committee Members,

We wish to thank the CEDAW Committee for the opportunity to address you at this time in advance of the consideration of the first draft of the new General Recommendation on trafficking in women and girls in the context of global migration.

Our brief statement today builds on our written contribution submitted to the Committee on 18 February 2019. We focus on three key concerns of the Committee[[1]](#footnote-1).

**1. Trafficking in women and girls is rooted in gender-based discrimination, gender-based structural inequality and the feminisation of poverty**

We support the view of the Committee that trafficking in women and girls is rooted in gender-based discrimination and gender-based inequality, resulting in their lower economic, social, and legal status.[[2]](#footnote-2)

**1.1**. To address these root causes of human trafficking, we would like to highlight that CEDAW Article 6 may require States parties to meet the minimum core-obligations of the socio-economic rights stipulated in the Convention.

**1.2**. Article 6 of the Convention may further require States parties to adopt urgent temporary measures in accordance with article 4 of the Convention to provide redress in areas in which women and girls are experiencing extreme poverty and severe inequalities, both resulting in heightened exposure to trafficking.

**1.3.** We would like to invite the Committee to recommend that States parties use the UNDP's Multi-dimensional Poverty Index (MPI) and adapt it to their national policies.

**2. Irregular and unsafe migration channels greatly increase the risks of trafficking in women and girls**

As the Committee is aware that irregular and unsafe migration channels greatly increase the risks of women and girls becoming victims of trafficking, we would like to submit the following recommendations:

**2.1.** Due regard must be given to the Global Compact on Migration and the commitment that States have made to ensure that pathways for regular migration are opened to reduce the need for women and girls to take unsafe irregular routes that makes them particularly vulnerable to trafficking.

**2.2.** Inhospitable State policies and practices, which make the situation of undocumented and irregular migrants increasingly vulnerable, serve to encourage trafficking of women and girls, as migrants must rely on dangerous and exploitative relationships with smugglers and employers in order to survive.

**2.3.** States parties should recognise the close relationship between trafficking and torture, which requires a responsibility in appreciating a wider range of international duties to prevent trafficking and gender-based violence.

**3. Sector-specific migration rules and policies can perpetuate victimisation of women and girls**

As immigration law and policy may create regular routes to enter, reside, and work within a state territory, immigration law and policy may also put women and girls at a higher risk of exploitation by exacerbating unequal employment relations and by giving employers excessive controlling powers over female employees.

Immigration law and policy may further reinforce this gender inequality by relying on harmful gender stereotypes. In line with CEDAW Article 5, the Committee may outline a State obligation to ensure that immigration rules do not reinforce gender stereotypes conducive to trafficking of women and girls, including the stereotypes of male sexual entitlement, control, and ownership.[[3]](#footnote-3)

Therefore, we would like to submit the following recommendations:

**3.1.** In combating trafficking of women and girls it is fundamental to illuminate the role the state may play in enabling exploitation by private actors or state agents through its immigration law and policy.

**3.2.** The obligation to take “appropriate measures, including legislation” should apply in the immigration sphere and include an obligation to ensure that immigration rules do not encourage/facilitate trafficking and are not based on discriminatory gender stereotypes.

Thank you.

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18 February 2019

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1. See Concept Note, prepared for the Committee on the Elimination of Discrimination Against Women on its elaboration of a General Recommendation on Trafficking in Women and Girls in the Context of Global Migration [Concept Note]. [↑](#footnote-ref-1)
2. Concept Note, para. 25. [↑](#footnote-ref-2)
3. In line with Concept Note, para 40. [↑](#footnote-ref-3)