

18 February 2019

**Oral Statement**

**Madam Chair and members of the Committee**, Liberty Shared welcomes and congratulates the CEDAW Committee for initiating a broad-based and consultative process towards drafting of the General Recommendation on Trafficking in women and girls in the context of global migration.

The extensive exploitation of women and girls in labour supply chains, the existence of coercive and debt laden recruitment mechanisms for low skilled sectors and the predominance of women in under-regulated and informal sectors such as domestic work calls for greater accountability of those who profit from the exploitation of women and girls.

Therefore we call on the Committee to create greater accountability:

1. Firstly, by calling upon **States to strengthen and embrace those specialized Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT) measures which are necessary to identify, disrupt, and confiscate illicit revenues from trafficking** for the purpose of redistribution to victims primarily by way of compensation to victims for the wrongs inflicted upon them. States must issue guidance and hold the relevant private actors accountable for violations of AML/CFT laws relating to human trafficking. True disruption of anti-trafficking activities can only be achieved by making trafficking a low profit and high risk business. Survivors of trafficking must be compensated by their exploiters.
2. Secondly, by calling upon **States to hold corporations accountable for violations** that take place in their business operations and partnerships/relationships. The number of prosecutions against corporates in South East Asia for exploitation of labour is extremely limited and in certain countries non-existent as corporates do not qualify as legal persons against whom proceedings can be brought. Corporates must be held accountable for their role in the coercive recruitment and exploitation of vulnerable migrant women and girls by being encouraged to legislate with such effect or enforce existing laws. States must also call upon corporates to offer workers company level operational grievance mechanisms that are gender-sensitive, transparent, clear and accessible to those in need of access to remedy. The enforcement of corporate accountability laws will require robust inspection efforts from Labour Inspectors. States must be called upon to commit resources to their Labour Inspectorates such that enforcement of laws protecting workers can take place across varying sectors and locations
3. Thirdly, **States are accountable to survivors of exploitation** not simply as victims of trafficking but as right bearers under a much broader framework of human rights and women’s rights. States must recognise trafficking as a crime of many crimes and a crime that involves violations of multiple rights. It must never be viewed in isolation of the broader framework of women’s rights and human rights. Criminalisation of trafficking does **not** preclude the need for a robust labour protection regime. The cornerstone protection for migrant workers is a solid labour protection system that minimises the opportunities for exploitation by providing very clear protections around minimum wage, overtime, the right to freedom of association, health and safety, rest days and decent working conditions. Labour law protections must be provided irrespective of a migrant worker’s level of skill or the sector they work in.
4. We also strongly believe that the **GR must address** the issue of “shadow labour protection regimes” that bestow lesser rights on vulnerable migrant workers and leave them with very limited options to access justice in the event of a violation. Shadow labour protection regimes are notoriously blurry in their remit and weak in addressing the types of exploitation faced by migrant workers in informal work settings. The economic empowerment of women in these informal settings is often undermined by corrosive debt and exploitation. For women in this sector to be acknowledged as the empowered economic actors that they are, it is essential that they are afforded the protections required under the relevant labour rights regime.
5. The **GR must remind** States that with accepting remittances from their nationals working abroad comes the responsibility of ensuring that their nationals are treated with dignity in the destination countries. Bilateral and multi-lateral government to government agreements must have at their core the protection of migrant workers and support mechanisms such as an in-country consulate and access to labour attaches who can assist in the event workers being exploited. States must acknowledge the role that debt created by recruitment fees plays in enhancing vulnerability to exploitation and move towards a zero recruitment fee position.
6. Given the dynamic nature of labour relations, the **GR must require** States to adopt an expansive approach to access to justice. In particular, justice must not be limited to a court of law. Access to justice must be available: i) at the level of employing organisation in the form of a gender-sensitive fair, accessible and transparent mechanism; ii) in the form of alternative dispute resolution forums that are expedient and facilitate a compromise between an employer and employee; iii) in the form of access to trade unions and the right to self-organise in order to seek improvement and redress; iv) access to redress mechanisms in the form of consular support in destination countries; v) the ability to enforce rights and participate in proceedings in the host country even though one might have returned home and vi) access to a criminal and civil justice system in the host country that does not alienate vulnerable workers through its power asymmetries and lack of assistance. The threats, harassment and fear of retaliation felt by workers seeking to enforce their rights must be heard and felt and guarded against in this GR.

Finally, we call on the Committee to promote in the GR, the rights of all women and girls – educated or uneducated; documented or undocumented; a sex worker or a domestic worker and to create protection and accountability for basic and inalienable human rights that are granted to each one of us by virtue of being humans. Profitability was never and can never be a justification for criminality.

Thank you.

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