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**Contribution to the discussion on the General Recommendation on Trafficking in Women and Girls in the Context of Global Migration**

Mister Moderator,

Distinguished members of the CEDAW Committee,

Ladies and Gentlemen,

As former member of the CEDAW Committee and Working Group involved in the planned General Recommendation, I wish to share four challenges the Committee faces in elaborating this GR.

The first challenge concerns the role and responsibility of States in creating the root causes leading to mixed-migration flows and trafficking. The GR should address how States create higher risks for women by not or weakly tackling poverty and gender-based discrimination in education and work and by excluding less qualified jobs from legal avenues of migration, in national laws and regional agreements. The GR should recommend eliminating the vulnerability to trafficking and/or forced labour for women and girls created by the refusal of industrialized States to acknowledge their need for less qualified work, in which women predominate.

The second challenge is to deal with the conceptual, legal and policy complexity deriving from the evolution and sometimes conflation of various legal concepts such as trafficking, slavery, forced labour, as well as of the various legal fields dealing with them, - criminal law, labour law, migration law, human rights law, humanitarian law.

The third challenge regards the flaws in the priority given to the criminal law approach of trafficking under the guidance of the United States of America and their near exclusive concentration on trafficking for sexual exploitation. The GR should recommend instead a labour and social law approach addressing the **structural** causes of exploitation in **all** fields of labour, with a strong accent on primary prevention, rather than on secondary and/or tertiary prevention. This means recommending the right of all women workers, migrants or not, irrelevant of their field of work, to freedom of expression, association and assembly, to unionize and to collective bargaining, and their inclusion under the protection of labour and social laws, including occupational health and safety laws and social security laws. It also means a much better regime of rehabilitation and compensation for victims than under only criminal law.

The fourth challenge is to refuse the conflation of sex work with trafficking, acknowledge the agency of sex workers and recognize sex work as work, fully benefitting from labour and social laws. The GR should pursue the Sustainable Development Goals main principle of “leave no one behind and reach the furthest behind first” and the Committee’s own practice regarding recognition of women’s capacity and autonomy to make their own decisions.