**Comments on the draft CEDAW General Recommendation on trafficking in women and girls in the context of global migration**

**by Alliance Against Trafficking in Women and Children in Nepal (AATWIN)**

Alliance Against Trafficking in Women and Children in Nepal (AATWIN) is a national level network of CSOs working against human trafficking having 40 member organizations all over the Nepal including 6 trafficking survivors and right holders. Realizing the need for collective effort to fight against human trafficking, it was established on 6 June 1997.

We believe this comprehensive GR will guide and help the state as well other stakeholders including CSOs to combat human trafficking. AATWIN welcomes the comprehensive General Recommendations specific on trafficking in women and girls in the context of global migration and opportunity to provide comment on the draft. Here are the comments as follows;

**Para 26 (d):** Establishing partnerships with international organizations and civil society stakeholders to systematically collect this information;[[1]](#footnote-1) and give them space in state's formal reports

**Reason -** In state's reports on trafficking only the cases formally registered only includes. Due to the changing dimensions of trafficking and threat, trauma, confidentially, trafficking by relatives there is challenges to register the trafficking cases. There are many cases reported to the CSOs and service delivers so need to collect and include those data's also to address the trafficking properly.

**Para 26 (g):** Ensuring women have equal rights to citizenship, including the right to transfer citizenship to their children

**Reason -** In case of Nepal, rights to citizenship is discriminatory; restrictions for women in conferring citizenship on their children independently. People denied citizenship are at risk of statelessness, which denies them the protection of the State and puts them at heightened risk of violence, poverty, exploitation and other serious human rights violations including trafficking.

**Para 30 a (ii):** Coordinate the initiatives and activities of actors at the local, regional and national levels, including government agencies, national human rights institutions, and civil society organizations, private sector, trafficking survivors engaged in combatting trafficking in women and girls;

**Reason -** The participant of empowered trafficking survivors could contribute to combatting trafficking. At the same time some minimal initiatives are done by private sector so make them more accountable and encourage to combat trafficking.

**31. (d):** Includes the formulation of a right-based policy on rescue, repatriation, rehabilitation and reintegration of victims

**Reason -** rehabilitation is also one of important process to combat trafficking as 4 R approach.

**Para 58 (b):** Pay particular attention to monitoring sectors in which workers are at a high risk of being trafficked, such as domestic and care work, garment, construction, agriculture, food processing and fishing; brick clins, street children, **entertainment sectors e.g. dance bars, massage parlors, cabin restaurants clubs etc.**

**Reason -** Many Nepali women and girls exploited in the entertainment sectors of African and the Gulf countries as well inside Nepal. In informal sector women are more vulnerable for trafficking as well street children and at brick clins. Therefore, state parties should also monitor this sector as this sector is hub for internal as well as external trafficking.

**Para 62 (g):** Conduct, and/or fund, awareness campaigns to inform consumers and customers of products and services that may involve exploited labour including child labour, and where to report suspicions of criminal activities.

**Reason -** Child labour is one of the worst form of labour exploitation and lead to trafficking and slavery so need to address.

Insertion of new point.

**Para 68 b (iv):** Victim security and protection measures and referral to the service providers.

**Reason -** Some time while crossing the boarder or transportation the victim security is on high risk so need to train the capacitate the authority regarding their possible security threat and where to refer after rescue is important.

Insertion of new point.

**Para 68 (i):** Enhance collaboration with transportation industry, developing training and education programs, how to recognize and report potential trafficking situation

**Reason -** Traffickers uses the transportation agents in every phase of human trafficking: for recruitment, moving and controlling victims, and delivering them to buyers. If the transportation industry and stakeholders are aware of the issue and have the tools and resources available they too can participate in the combat trafficking.

**72 (c):** Adopt a gender-sensitive policy and child sensitive

**Reason -** As the major number of trafficked victim are children so child sensitive policy is necessary.

Insertion of new point.

**72 (r):** Facilitate to ensure the identity of women and girls trafficked in their childhood or the birth of children after the exploitation during trafficking

**Reason -** The women and girls who are trafficking in their childhood don't have citizenship as there is certain age provision for make e.g. in Nepal after completing the 16 years. Some of their family didn't identified and sometime they comes with children due to the sexual exploitation of trafficking. As the identity is the important document for any person to get the services of govt. or for livelihood so lacking of this could make them more vulnerable and victimize for exploitation and trafficking.

Insertion of new point.

**84 (i):** Amend the law related with trafficking to make victim friendly and as per changing dimension of trafficking

**Reason –** Most of the laws are criminal centric so need to make them more victim friendly from the perspective of human rights as well according to changing dimensions of trafficking to address them effectively.

**Para 88 (f):** Consider holding legal proceedings in the home district or their choice of trafficked women and girls to facilitate their participation.

**Reason -** Some time there isn’t the condition for the victim to live at the home district due to threat of trafficker or Rehabilitation centre location so need to give them choice.

Insertion of new point.

**Para 92 (f):** Ensure the confidentiality of women and girls during the raids and rescue by the state, media and related stakeholders.

**Reason -** During the raid and rescue their identity and image is goes public so the victim/survivors faces the stigma, rejection and threat.

Insertion of new point.

**Para 103 (f):** Convention C189 on Decent Work for Domestic Workers and Convention C190 on Ending Violence and Harassment in the World of Work. ILO Protocol of 2014 to the Forced Labour Convention, 1930

**Reason -** Reason: States parties should accede to or ratify all ILO conventions but these two are of particular relevance to the GR and should be explicitly mentioned.

1. 29(c), CEDAW/C/MRT/CO/2-3; 40, CEDAW/C/MUS/CO/8. [↑](#footnote-ref-1)