**Introduction**

The following recommendations have been drafted by the Center for Egyptian Women’s Legal Assistance (CEWLA) in response to the Committee on the Elimination of Discrimination Against Women (CEDAW committee)’s call to submit comments on the "Draft General Recommendation on trafficking in women and girls in the context of global migration (TWGCGM).

Since CEWLA is a grassroots, feminist organization, the following recommendations reflect lived realities of women and girls at risk or survivors of trafficking, local and regional legal practices, and cultural aspects that may lead to higher rates of trafficking. CEWLA has been focusing on private sphere and the different and various forms of trafficking women and girls face in.

CEWLA a nongovernmental organization registered under # 1829 for the year 2003.

**Recommendations**

**Section (I): Introduction**

**Suggested changes (addition):**

**Para 2:** According to the Committee on the Elimination of All Forms of Discrimination Against Women (the Committee), the phenomenon persists due to States parties’ failure to effectively address the root causes of trafficking in women and girls **in addition to the ineffectiveness of national laws to combat trafficking in humans especially in women and girls given the different local contexts, and investigation bodies' becoming accustomed to using alternative laws on such crimes that are not specific on combating trafficking in women and girls,** and to discourage the demand that fosters the exploitation of women and girls, which leads to trafficking. […]

**Section (II): Objective and Scope**

**Suggested changes (addition):**

**Para 6:** The Committee appreciates the regional-specific approaches required to address the forms of trafficking in women and girls across the globe. It acknowledges that the causes, consequences and experience of trafficking differ for young girls and teenage girls from that of adult women. **It also differs according to the cultures and customs of individuals within different societies.** In recalling that States parties are obliged to promote the equal rights of girls as part of the larger community of women, it encourages States parties to adopt a nuanced response to combatting trafficking which takes into account these differences.

**Section (III), Legal Framework**

**Suggested changes (addition):**

**Para 8:** The Committee appreciates that the definition of trafficking in persons extends beyond situations where physical violence has been used or the victim’s personal liberty has been deprived. Particularly in the case of girls, trafficking is constituted simply when a trafficking act has been committing for the purpose of exploitation. Its examination of States parties’ reports reveal that the abuse of a position of vulnerability, the abuse of power, **promises to give money to control and exploit the person at risk**, and the culture of impunity are the most common means used to commit the trafficking crime, and that victims are often subjected to multiple forms of exploitation such as in cases where women and girls are trafficked for sham, forced, child/early and/or servile marriage[[1]](#footnote-1), as well as for sexual exploitation, forced labour and domestic servitude **and for forced beggary and organs’ trafficking in exchange for cash.**

**Para 11:** Combatting the crime of trafficking in women and girls requires engagement of the larger protection framework stemming from international humanitarian, refugee, criminal, labour, **International Covenant on Civil and Social Rights** and private law and the statelessness conventions; **as well as Laws against cybercrime.** The Convention reinforces and complements the international law regime for trafficking victims, particularly where explicit gender equality provisions are absent from international agreements.

**Section (IV): Root causes and discouraging the demand that fosters exploitation through trafficking**

**Section (IV), a, Women and girls are disproportionately affected by human trafficking**

**Suggested changes (Addition):**

**Para 12:** […] and abuse. The Committee identifies the higher risk faced by women and girls subjected to multiple and intersecting forms of discrimination, particularly women and girls in poverty, living in remote areas, forcibly displaced women and girls and women and girl migrants, **and women and girls victims of incest**

**Section (IV), d,** **Obligation to identify women and girls subjected to multiple forms and compounded discrimination as rights bearers**

**Suggested changes (Deletion and addition):**

**Para 18:** The Committee has acknowledged that **(delete: identical or neutral) Add: discriminatory and different** treatment of women and men might constitute discrimination against women if such treatment resulted in or had the effect of women being denied exercise of a right because there was no recognition of the pre-existing gender-based disadvantage and inequality that women face. […]

**Section (IV), e, Para 19, 21, 24, 25, 26, 27, 29, 30**: Root causes of trafficking in women and girls and discouraging the demand that fosters their exploitation through trafficking

**Suggested changes: Addition**

**Para 19:** Identifying, addressing and eliminating the root causes and discouraging **and criminalizing** the demand that fosters all forms of exploitation of women and girls through trafficking are key to States parties’ prevention efforts. A gender-transformative approach is required to dismantle the structural and systemic conditions that deprive women and girls of their fundamental rights, the consequence of which places them in situations of vulnerability to exploitation by traffickers. […]

**Para 21:** In addition to differential treatment in the law and not using the proper laws to combat certain **forms of trafficking by the investigation authority that treat women as defendants instead of victims or survivors**, women and girls may be adversely impacted by economic and public policies that result in a lack of sustainable livelihood options and basic living standards. Social structures may limit women’s autonomy and access to key resources, including economic, land, political, educational, information and knowledge. Inequalities are manifested in women’s and girls’ lower access to education and vocational training opportunities, […]

**Para 24:** Women and girls living in rural and remote areas, indigenous women and girls, those with an irregular migration status, as well as stateless women and girls and those at risk of statelessness who experience social, political and economic exclusion face specific risks of being trafficked. In its general recommendation no. 34 (2016) on rural women, the Committee highlighted that the economic hardships of rural life including the negative effects of climate change, high levels of poverty, restricted access to State benefits, protection and services, resulting in, *inter alia*, low levels of education, and low awareness on how traffickers operate, render rural women especially vulnerable to exploitation, in particular in prostitution and as domestic workers **and women workers in the rural sector, domestic workers who are excluded from the protection of labor laws and social insurance** and in conflict-affected regions. Stateless and undocumented women are obliged to use irregular channels of migration without access to diplomatic protection. Their situation of vulnerability is exacerbated by fear of detention pending determination of proof of identity and possible expulsion **and/or being under immense control by traffickers who hold victims’ identification papers to prevent them from seeking legal support**. Victims of trafficking, and their children, who have been deprived of their identity documents face similar risks.

**Para 25:**

* **Clause C):**

1. **Add new point:** Broaden the definition of trafficking in persons to include local and cultural forms, and incorporate the human rights-based approach into policies aimed at eliminating trafficking in persons
2. Suggested addition: Its scope, extent, forms of exploitation, causes, and consequences for women and girls, crime classification standards;
3. Suggested addition: The number of investigations, prosecutions, convictions and the sentences imposed on perpetrators and the access to justice and compensation awarded to victims while providing safe and proper shelters victims of trafficking away from their offenders

**Xii, Add new point:** Establish safe and proper shelters with trained and skilled employees for survivors and victims of trafficking in persons, especially women and girls, that provides all means of psychological, social, legal, and economic services and support.

**Xiii. Add new point:** Protect witnesses and whistleblowers in trafficking crimes and provide safe places for them and their families to protect them from being prosecuted by perpetrators.

* **Clause F)**

1. Suggested addition**:** Improved measures to identify, assist and protect victims and erase trafficking survivors and victims’ criminal records that were committed as a result of their use and exploitation by traffickers such as nationality fraud, drugs, etc.

**Para 26: Add new clauses:**

* 1. Designing educational programs during the pre-university education stages that support combating discrimination against women and the principle of gender equality.
  2. Supporting women and girls survivors economically through establishing a trust fund supervised by the state and civil society to help reintegrate them in the society and protect them from re-falling into trafficking and violence circles.
  3. Adding articles to national laws to criminalize and consider the following as forms of trafficking: exploitation of women in service work, bargain marriage, early marriage in the event of a benefit, marriage in the form of servitude, forced labor especially if not covered by legal protection, the seizure of the wife's or daughter's income against their will, the employment of women for less than the market wages, the exploitation of refugee women, beggary, the exploitation of women’s electoral votes in exchange of money or benefit, and the use of women as human shields in conflicts.

**Para 27: Add new clause:**

1. Enact and issue laws to eliminate gender based domestic violence that often put girls and women at risk of trafficking.

**Para 29:**

* 1. Clause d: Suggested addition: Explicitly addresses contemporary methods of trafficking, including those which make use of information and communications technologies, social media and combating cyber-crimes;
  2. **Add new points:** 
     1. Provide training to all government officials, including police and security officials, judges, prosecutors and social workers in family courts and within police departments on implementing the anti-trafficking laws, victim identification techniques, and procedures for referring victims to safe places for necessary care.
     2. Ensure that victims of human trafficking are not treated as criminals for any unlawful acts that traffickers forced them to commit, such as violations of immigration laws.
     3. Amend labor laws to guarantee protection for national and foreign domestic workers and workers in the rural sector, provide work contracts without arbitrary conditions, prevent employers from withholding the identity documents of their workers, and criminalize the employment of underage girls (child labor).

**Para 30: Clause b: Suggest additions:**

1. Establish an independent National Rapporteur on Human Trafficking to track and report on the progress of anti-trafficking strategies, including the national plan of action, evaluate and develop the plan in accordance to lived realities, follow up on investigations, and have the mandate to file legal cases against the perpetrators.

**Section IV, f, Forcibly displaced women and girls face a higher risk of being trafficked**

**Para 35: Suggested addition:** […] Forcibly displaced women are often subjected to gross human rights violations, including risks relating to trafficking for purposes of sexual or labour exploitation, slavery and servitude, including the abduction or recruitment of women and girls into armed forces and groups or being used as human shields and/or war slaves.

**Section IV, G, Women and girl migrants’ increased risk of being traffickedPara 65: Add new clause: (d)** Provide social and legal protection in the country of destination for migrant women and girls and provide psyche-social services for their children

**Section V, a, Victim identification**

**Para 68: Suggested addition:** (g) Encourage reporting of trafficking by intensifying nationwide education and awareness-raising campaigns about The definition of trafficking, its types and forms, and the difference from violence against women forms, the risks and criminal nature of trafficking[[2]](#footnote-2) and setting up a 24/7 free hotline.

**Section V, b, Victim assistance and protection**

**Para 72:** Suggested addition: (m) Implement reintegration and economic empowerment measures for victims to prevent their re trafficking and the repetition of their rights’ violations, ensuring that trafficked women are part of the design, implementation and evaluation of these measures.

1. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)