CEDAW Secretariat

Office of the High Commissioner for Human Rights (OHCHR)

Palais Wilson

52 rue des Pâquis

CH-1201 Geneva 10

Switzerland

By E-mail: [cedaw@ohchr.org](mailto:cedaw@ohchr.org)

**Submission of the European Women’s Lobby to the CEDAW Committee**

**Dear esteemed Committee Members,**

The below signed members of the European Women’s Lobby (EWL) welcome the opportunity to submit for your consideration our submission on the Draft General Recommendation on Trafficking in Women and Girls in the Context of Global Migration (hereafter ‘the GR’). We believe this is an apt moment for the consolidating, refining and further development of recommendations to end the impunity of all those who exploit vulnerability of migrant women and girls in the context of trafficking, most particularly for sexual exploitation.

The European Women’s Lobby (EWL) is the largest umbrella organisation of women’s associations in the European Union (EU), working to promote women’s rights and equality between women and men. EWL membership extends to organisations in all 28 EU member states and three candidate countries, as well as to 21 European-wide bodies, representing a total of more than 2000 organisations. The EWL has worked on the issue of combating trafficking and sexual exploitation as set out in Article 6 of the Convention for the Elimination of Discrimination Against Women (hereafter ‘the Convention’) for more than twenty years, and welcomes the work of the Committee to further clarify its position and responses to this violation of women’s rights.

For EWL’s strategic framework 2016-2020, EWL membership has identified the issue of violence against women as the priority number one, the most concerning policy area where increased efforts should be developed. Amongst the many forms of violence against women, sex trafficking and prostitution remain key issues where women’s rights are being pervasively violated.

EWL political demands address the four actors of the system of prostitution, under the umbrella of seeking the international adoption of the so-called ‘Equality Model’:

• No criminalisation or penalisation of persons directly affected by prostitution, including no taxation of their incomes;

* Ensure the provision of concrete alternatives to prostitution, including access for all through ensuring no conditionality in the deliverance of residence permits to foreign persons in prostitution and equal treatment when victims of male violence;

• Criminalise attempts to pay for sexual acts and ensure awareness raising campaigns, public and targeted relevant sectors. These should include campaigns on accountability and deterrence towards those who would attempt to pay for sex, and wider education combatting male entitlement to sex, showing the reality of prostitution, and targeting all forms of gender stereotyping;

• Condemn all forms of procuring and pimping and refuse its decriminalisation, ensure restitution of all procuring benefits and funds.

1. **General Comments**

We congratulate the Committee for their commitment to eliminating discrimination against women and girls, including trafficking and sexual exploitation, and, specifically, for upholding the international standards and UN agreed language on women’s human rights and refraining from using terms such as “forced prostitution” or “sex work” or any other term that would violate such standards.

**On the title of the GR**: to ensure full alignment with existing relevant legislative frameworks, and to recognise the interlinked nature of the system of prostitution with trafficking in the context of migration, **add “exploitation of prostitution” to the title of the General Recommendation and in all subsequent Paragraphs where reference to trafficking is made**, in accordance with Article 6 of CEDAW.

Within Par II.5 we welcome the explicit reference to the GR linking article 6 of the Convention to the other articles and work of the Committee. We recognise therefore the necessity to ensure it is the complete content of article 6 which is included in the scope of the GR, and thus emphasise the need for our recommendation in relation to the title of the GR.

The majority of those in prostitution are migrant women, and it is crucial the Committee would recognise that it is not only in transit that migrant women are left at risk of exploitation in the sex trade. The omission of prostitution from the GR will leave many women and girls similarly exploited and experiencing violence without the benefit of this GR, despite their experiences differing from those recognised as victims of trafficking on because their exploitation did not involve a border crossing.

We also urge further consideration of the need for full inclusion of, and alignment with, the full text of the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, in particular Article 9.5: “*States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation,* ***to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.***” Without the explicit reference to demand created by male entitlement to sexual acts, as proposed in our specific comments below and in any further opportunities identifies, this objective cannot be fulfilled. This male demand is not specific to victims of trafficking, but rather to all women and most particularly marginalised and minority groups; thus, it is the sex trade as a whole and all men who may seek to pay for sex acts who must be targeted in order to end trafficking for sexual exploitation.

**Within the context of global migration, the issues of prostitution and trafficking for sexual exploitation remain intrinsically linked and thus, the full text of the article must be taken under consideration for elaboration.**

As referenced at paragraph 4 on Objective and scope of the GR, we recognise CEDAW Art 1 that defines discrimination against women on the basis of sex and, ensure the **consistent** inclusion of "sex-based discrimination" throughout the GR.

**We urge the CEDAW Committee in the GR to give further consideration to a human-rights analysis of the impact of migration on multiple forms of violence against women and girls, of which THB is a part.** This should include women’s SRHR; safe housing needs; impunity of sexual violence perpetrators along migration routes and within refugee facilities, including smugglers, traffickers but also aid workers national State actors and fellow male refugees; and a deeper analysis of forced and exploitative sham marriage.

We welcome the recognition under Concept Note Paragraph 44 of “Article 10 and GR No. 36 (2017) – Rights to education, within education and through education” and **propose that specific mention of the need for language supports where needed and education on sexual and reproductive health and rights could further strengthen this point**. Similarly, we welcome the particular focus on access to **healthcare** brought in Concept Note Paragraph 46, and **we support further expansion on the specialised needs in relation to mental health support for victims of trafficking for sexual exploitation and women and girls in prostitution.**

*Sections f. and g.* we welcome the recognition of the impact of conflict and mistreatment and discrimination against women and girls in a country of origin, in transit and in destination countries as contributing factors to the context of trafficking and prostitution. However, we recognise that in the context of trafficking for sexual exploitation and prostitution, the key driving factor is men’s demand for sexual access to women’s bodies, and so would welcome further focus being given to tackling this aspect of the systems of trafficking and prostitution, as proposed in the more specific comments below.

1. **Specific Comments**

*I.2* amend text to include: ‘to discourage the demand that fosters the exploitation of women and girls in prostitution, leading to trafficking’

*II.7* expand the quotation of article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol) to include points (c) and (d), to ensure full clarity on all aspects of the Protocol. Here we note that ‘child’ is defined as all persons under the age of 18, and thus that regardless of the age of consent all exploitation of children in the sex trade must be recognised as trafficking and perpetrators held accountable as such.

*IV.20* recognising that demand for forced labour must be recognised as separated from men’s demand for access to women’s bodies for sexual gratification, and to maintain alignment with the full text of article 6 of the Convention, to amend: “Trafficking in women is rooted in **sex-**based discrimination, gender-based structural inequality, **male entitlement to sexual access to female bodies,** and the feminisation of poverty compounded by growing global inequalities, **the continued marginalisation of migrant women and girls in many States,** **men’s demand for sexual access to women’s bodies through prostitution,** and the demand for cheap and/or forced labour. Women and girls continue to be the prime targets of traffickers, especially for the purpose of sexual exploitation, due to pervasive and persistent gender inequality resulting in an economic, social, and legal status that is lower in comparison than that which is enjoyed by men and boys.”

*IV.25.c.iii* to recognise the intrinsically linked aspects of trafficking and prostitution through the following amendment: “Its potential link with bonded labour, domestic servitude, child and forced marriage, **and prostitution and hypersexualisation of women and girls in society;**”

*IV.25.f.i* ensure alignment with the Palermo Protocol by clearly recognising the distinction between labour trafficking and trafficking for sexual exploitation: “A strategic response to address the economic and social context creating the demand for the labour and/or services of trafficked persons, **and acting as a driving factor for women exploited in trafficking for sexual exploitation and prostitution**;”

*IV.26* ensure a recognition of the wider actors who enable trafficking and exploitation of women and girls through an additional means of addressing contributing factors, adding the following sub-paragraph: “**Combat the wider profiteering from trafficking and prostitution through legislative means, including online and offline advertising, third party liability for online content hosting, and penalising hotels, taxis and all services or businesses who profit from the sex trade.**”

*IV.27* it is crucial to ensure the recognition that male demand for sexual access to women’s bodies is the key reason that trafficking for sexual exploitation and prostitution continues to exist, which is the main form of trafficking that women and girls experience – we highly recommend the inclusion of:

“Discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to human trafficking by:

a) Adopt legislative and other preventive measures aimed at potential buyers of sexual acts, including educational, social or cultural measures, including in particular **as part of State mandated and age appropriate sexuality education of boys and girls to ensure they understand that nobody has a right or entitlement to sex and the exploitative nature of prostitution and trafficking,** and targeted toward men who may potentially exploit women in the sex trade;

b) Adopt legislative and other preventive measures aimed at potential users of trafficked goods or services including educational, social or cultural measures

c) **Introduce or strengthen criminal legislation to hold to account those who pay for sexual acts**;

d) Where appropriate, introduce criminal legislation penalising users of goods and services resulting from trafficking in persons [etc]

*IV.50* ensure specificity in recognising the need to target the wider sex trade through the following amendment: “A disproportionate number of migrant women are engaged in informal employment, particularly in the care and domestic sectors, the manufacturing and service sectors and in the male-centred **sexual** entertainment sector.”

*IV.56* recognising that racism is a driving factor for the acceptance of the widespread phenomenon of trafficking and prostitution, we propose a specific addition calling for anti-racism measures for the broader public, and education of the harms of pornography in causing extensive objectification of racialised women and girls: **“c) Counter stereotypical attitudes and discrimination in wider society towards migrant women and girls through providing minimum standards in reporting on the issue of migration, and of news stories involving migrant persons or those from a racialised or ethnic minority, including in relation to unnecessary disclosure of nationality, race, ethnicity etc. and sensationalist language; d) Counter stereotypical attitudes and discrimination in wider society towards migrant women and girls through direct public awareness raising campaigns targeting potential users of pornography to challenge its typical portrayals of violence against migrant, ethnic minority women and girls and women of girls of colour;”**

*IV.58* ensure continued recognition that prostitution and trafficking for the purpose of sexual exploitation are distinct from work or labour exploitation, through clarifying that this paragraph applies only in the context of work or labour exploitation.

*IV.58.a* ensure those sectors which most typically involve the trafficking and labour exploitation of women and girls through explicit reference to labour standards and monitoring, most notably domestic work and care, clothing, construction, agriculture, food processing and fisheries.

*IV.62.c* zero tolerance policies to sexual exploitation are not designed to protect the rights of workers as they apply to situations outside of employment. In the context of employment, the applicable laws and policies are those addressing labour discrimination and exploitation and/or sexual harassment and sex-discrimination in employment. This must be correctly specified in the paragraph that should ask companies to introduce Zero tolerance policies to labour exploitation and sexual harassment and discrimination in employment.

1. **Conclusion**

The EWL wishes to once again thank the Committee for its efforts to uphold the rights of women and girls in all their work, and specifically in raising the flag about the ongoing under-prioritisation of tackling trafficking and prostitution and promoting the rights of migrant women and girls.

This is an important moment to bring a renewed emphasis to both of these important issues, affecting millions globally, and can bring important impact for all these women and girls. If there is any further support or input the EWL can provide we will be very happy to do so, and to support your work more widely.

**Contact Details**

Catríona Graham, Policy & Campaigns Officer

**European Women’s Lobby** - 18 rue Hydraulique, BE - 1210 Brussels

Tel: 0032 (0)2 210 04 22, [catriona.graham@womenlobby.org](mailto:catriona.graham@womenlobby.org)

*15 May 2020*

The European Women’s Lobby would be pleased to be contacted for more information about this submission.