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Comments on the Draft General Recommendation on**trafficking in women and girls in the context of global migration**.

By the International Committee on the Rights of Sex Workers in Europe (ICRSE)

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# About the contributor

The International Committee on the Rights of Sex Workers in Europe (ICRSE) is a sex worker-led network representing more than 100 organisations led by or working with sex workers in 31 countries in Europe and Central Asia, as well as 200 individuals including sex workers, academics, trade unionists, human rights advocates, and women’s rights and LGBT rights activists. ICRSE opposes the criminalisation of sex work and calls for the removal of all punitive laws and regulations regarding and related to sex work as a necessary step to ensure that governments uphold the human rights of sex workers.

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We are pleased with the Draft General Recommendations on**trafficking in women and girls in the context of global migration**. Bellow, we would like to suggest our comments for your consideration:

**Para 25** f) ii we are very pleased with the recommendation to include in the design those affected by anti-trafficking policies, including trafficking victims and women and girls vulnerable to trafficking. As sex workers, especially (undocumented) migrant sex workers are hardly involved in the development and implementation of anti-trafficking policies, we see this recommendation of utmost importance.

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**Para 27 b)** is in our view very broadly formulated and suggests exposure of criminal sanctions to users of goods and services that result from trafficking in person. Such provision may counter human-rights based approaches if persons who used services or goods that resulted from trafficking did it unknowingly. It can also prevent such users to report human trafficking cases or to identify victims. Please, consider reformulation of this recommendation ensuring this applies only to *“knowing use of goods and services that result from trafficking in persons”.* This way, when applied, underpins human-rights based approaches and does not result in criminalization of demand adversely affecting trafficking victims, their identification and women and girls at risk of trafficking.

**Para 29 k)** recommends evaluation within the set timeframe to assess its impact. In order to strengthen the recommendation in the Para 92 we would like to suggest to specify the recommendation in order not only to assess impact, but as well as *intended and unintended effects of anti-trafficking laws, as well as related laws that may directly affect situation of girls and women vulnerable to trafficking (such as migration policies, labour policies or prostitution policies)*. We would like to suggest inclusion of trafficked persons and women and girls from vulnerable communities to participate in such assessment.

**Para 30 a) i. and ii.** We are pleased with the recommendation to meaningfully include civil society. We would like to suggest to go beyond and to recommend in both sub para *empowerment and meaningful involvement of communities that are vulnerable to trafficking* (such as migrant women and girls, women and girls working in unregulated sectors…). Community involvement is fundamental in achieving global rights, justice and gender equality.

**Para 31 h)** recommends regular assessment of the national plan of action. We would like to suggest to include the provision into this paragraph that will recommend *inclusion of trafficked persons and women and girls from communities vulnerable to trafficking in the impact assessment.*

**Para 32 a)** to include expertise and voices of women and girls victims of trafficking **and** *women and girls vulnerable to trafficking*.

**Para 32 b)** in order to support recommendation in the para 68 j) we would like to suggest to broaden this recommendation and besides non-governmental organizations *to include also community led organizations in order to empower them and to acknowledge their critical role in prevention of human trafficking*.

**Para 58 b)** recommends to pay attention to the sectors in which workers are at a high risk of being trafficked, such as domestic and care work… Sex work industry is not listed. We believe *sex work (or any equivalent name for this sector such as adult entertainment industry) should be listed as there are member states that do recognize the sex work sector*. Listing the sex work sector can be essential for recommendation in the **Para 58 f)** in facilitating the self-organization and unionization of women migrant workers in unregulated or unmonitored labour sectors, that we strongly encourage. Unionization of (migrant) sex workers is penalized or not allowed in some of the member states. Sex work sector is a sector, where women are predominantly represented and in some countries (e.g. Western-European Countries) most of sex workers are migrant women. We believe that empowerment and meaningful participation of sex worker communities is a key to achieve gender equality and to eliminate exploitation and human trafficking.

**Para 68 j)** we are very pleased with this paragraph and would like to suggest only minor changes: Empower *and meaningfully involve* communities through support*, recognition* and consultation to build strong allies for anti-trafficking efforts, including faith-based actors, who could provide critical information about trafficked women. These community-led systems should be established at locations and among groups where there may be trafficked women; including sites where forcibly displaced women and migrants *work*, are accommodated, registered or detained.

**Para 84 f) and g)** we would like to suggest inclusion of *“regardless of her residency”* in both subparagraphs when referring to non-citizen women.

**Para 92** Adverse collateral effects of anti-trafficking efforts- we are very pleased that this recommendation is explicitly stated.