

MAISHA AFRICAN WOMEN IN GERMANY: RESPONSE TO THE DRAFT OF CEDAW GENERAL RECOMMENDATION ON TRAFFICKING IN WOMEN AND GIRLS IN THE CONTEXT OF GLOBAL MIGRATION

MAISHA e.V. - An African Women Self-Help Group in Germany registered in 1996 in Frankfurt, Germany. We have over 20 years working with African migrant women, undocumented migrant women and those seeking asylum.

Maisha's mission is to assist African women in Germany in navigating the public administration system and in their dealings with German authorities, as well as to facilitate their integration into German society more generally. In 2001 Maisha helped to introduce the Humanitarian Health Consultation Centre in Frankfurt as a support service for undocumented women.

We currently work alongside returnee women and girls in Ghana and now in our third year we have over 400 women and girls in an awareness program where we are also involved in women's economic emancipation, as we believe that when women become stakeholders in their own land, they have every incentive to remain and build a future for themselves and their homeland.

1. INTRODUCTION

2. It is our considered opinion that trafficking in women and girls is even a more sophisticated phenomenon than this statement posits -... [*the phenomenon persists due to States parties' failure.....Inadequate attention to women's and girls' experiences as victims of trafficking results in low rates of identification, assistance and protection.*] .. Sometimes State parties are willing actors in this heinous trade as the wealthy citizens of some countries advertise in African countries for maids/house-girls, whose situation as employees are tantamount to being trafficked. Complaints often show how there is a network of State actors involved, as the police, the immigration officers all close ranks and deport the complainant, often without any payment for services. Ratification or Accession by State parties to certain protocols is often ignored as International bodies are deemed to be toothless. Attempts to address the root causes of trafficking in women and girls would call for a structured anti-poverty program and a root and branch approach to aid that most donors may only give lip-service to, as the country of origin may have different priorities for funding.

II.OBJECTIVE AND SCOPE

4..¹The requirement for States parties to pursue by all appropriate means a policy of combatting trafficking is of an immediate nature; delays cannot be justified on any grounds

Surely, this requirement is problematized in the situation of Libya where migrant women and girls are caught up in the crossfire between warring parties and there are slave markets well known to many. The International community seems to ignore this problem as Europeans have outsourced their responsibilities to Libya and the issue of trafficking is now externalised.

¹ General recommendation No. 36 (2016) CEDAW/C/GC/36, para. 21.

6. ...*[It acknowledges that the causes, consequences and experience of trafficking differ for young girls and teenage girls from that of adult women. In recalling that States parties are obliged to promote the equal rights of girls as part of the larger community of women², it encourages States parties to adopt a nuanced response to combatting trafficking which takes into account these differences.*³

In specific cases where young girls and teenage girls have been involved in the sex trade, how many countries are willing to put in the services required for a **nuanced** approach/response where young girls and teenage girls have lost their innocence and can no longer be treated according to their age-groupings? There may be a difference of age, but a commonality of experience which cannot be reversed!

IV. Root causes and discouraging the demand that fostersexploitation through trafficking

7 The crime of trafficking is characterized by a complex web of perpetrator and victim profiles, as well as jurisdictions, often implicating private persons, corporations, State-mandated actors and officials. Its victims include both citizens and non-citizens, with trafficking victims being detected both in their countries of citizenship and abroad.⁴ ...with many detected cases involving victims trafficked from lower to higher GDP countries.⁵

From the areas of origin through the transit countries and even the countries of destination this **web of perpetrators** persist in making women and girls sexual objects, yet there is very little been done and so much is written! It would have been resolved by now, had it been from higher GDP countries to lower GDP countries.

e. Root causes of trafficking in women and girls and discouraging the demand that fosters their exploitation through trafficking

*16. Women at risk of being trafficked are more likely to be impoverished, uneducated, unemployed and/ or disempowered by political, economic, societal and family structures⁶, including being subjected to unequal treatment, carrying the burden of household and childcare responsibilities and are often subject to domestic violence. Facing such circumstances, some women and girls, who often lack access to sustainable livelihoods and/or have no access to information on trafficking and how traffickers operate, are susceptible to being lured by promises of a means of escape from impoverished circumstances. Additional push factors include persisting norms and stereotypes regarding male domination, the need to assert male control or power and enforce gender roles⁷, male sexual entitlement, coercion and control which drive the demand for the gender-stereotyped exploitation of trafficking victims, as well as **the lure of massive financial gains with few risks due to the impunity enjoyed by perpetrators.***

This knowledge is at the heart of our work in Ghana, the only beneficiaries are the traffickers and the women never become rich only exploited because of impoverishment and being uneducated. It should also be remembered that in some countries certain areas have a history of

²General recommendation No. 28 (2010) (CEDAW/C/GC/28), para. 21.

³General recommendation No. 28 (2010) (CEDAW/C/GC/28), para. 21.

⁴ UNODC, *Global Report on Trafficking in Persons 2018*, p. 9.

⁵ UNODC, *Global Report on Trafficking in Persons 2018*, p. 9.

⁶ Para. 30(i), CEDAW/C/ITA/CO/7.

⁷General recommendation No. 35 (2017) (CEDAW/C/GC/35), para. 19.

illegal migration! The reality of awareness campaigns in combatting the scourge of trafficking is extremely important, especially where it is returnees who lead the way in awareness- raising.

- 4. 20. Address the root causes of trafficking by:**
- a) **Identifying and ensuring the equal rights and opportunities for women facing multiple forms of discrimination;**⁸
 - b) **Providing women and girls in situations of disadvantage with access to basic services, including education, information, health care and employment opportunities;**^{9,10}
 - c) **Enhancing women's access to political decision-making, credit, land, and the modern tools and inputs required for its efficient cultivation;**¹¹
 - d) **Stepping up nationwide public awareness-raising campaigns, particularly in rural communities, on the risk of human trafficking, the methods employed by traffickers and measures to reduce these risks;**¹²
 - e) **Combating the practice of child and forced marriage through strengthened prevention efforts addressing its root causes, sensitization campaigns and appropriate punishment of such acts;**¹³
 - f) **Identifying and addressing any potentially disadvantageous impact of nationality and immigration laws on women and girls who migrate or are trafficked abroad, and their children.**

Whereas the focus of our work is on a-d,) it should be understood that accessibility to land in some situations is out of the hands of governments. In the case of Ghana, the landowners are the chiefs with whom the Government has to negotiate for any form of procurement. This has its own built-in problem as the priorities of the chiefs may be about the community and not based on placing women and girls at the fore, although change is being made. The point is that the issue of land and land ownership is multifaceted in some countries of origin. The difficulty of e) is that this practice takes place in villages far removed from urban centres and often not much may be said to outsiders about what has taken place.

26 a)

5.

- a) **The expertise and voices of women and girl victims of trafficking must be included and accounted for at all stages of efforts to prevent and combat trafficking, including training, programme and research design, development, implementation, monitoring and evaluation, as well as legislative and policy drafting;**¹⁴

Although we seek to involve at all levels our returnees in our awareness- raising program, it should be realised that most women do not wish to raise their voices because of the stigma associated with trafficking and the fact that family and community would be disappointed.

36. f) Raise awareness among displaced women and girls about all forms of trafficking;¹⁵

In addressing the root causes, we together with returnees will continue such a work, although it has to be backed financially with funding to help change the economic circumstances of women in training and business loans.

⁸para. 44, CEDAW/C/BRB/CO/5-8.

⁹para. 45(e), CEDAW/C/MMR/CO/4-5; para. 28(e), CEDAW/C/BWA/CO/4; para. 37(f), CEDAW/C/CHE/CO/4-5.

¹⁰para. 27(c), CEDAW/C/BFA/CO/7; para. 25(e), CEDAW/C/NER/CO/3-4; para. 31(a), CEDAW/C/UKR/CO/8; para. 33(g), CEDAW/C/CAN/CO/8-9.

¹¹para. 25(c), CEDAW/C/ETH/CO/6-7.

¹²General recommendation No. 31 (2014) (CEDAW/C/GC/31-CRC/C/GC/18), para. 74; para. 27(b), CEDAW/C/KEN/CO/8; para. 27(b), CEDAW/C/RWA/CO/7-9; para. 21(b), CEDAW/C/BOL/CO/5-6; 30(a), CEDAW/C/IDN/CO/6-7.

¹³General recommendation No. 30 (2013) (CEDAW/C/GC/30), para. 65(a); para. 22(c), CEDAW/C/NZL/CO/7.

¹⁴General recommendation No. 28 (2010) (CEDAW/C/GC/28), para. 27.

¹⁵para. R(c), CEDAW/C/LIE/CO/4.

37. Provide forcibly displaced women with appropriate and sufficient reception facilities and services by reflecting gender sensitivity in arrangements for arrivals at land, air and sea borders, including the provision of safe accommodation and adequate treatment taking into consideration the specific needs of victims of trafficking.

Countries of origin need a similar set-up as returnees face many barriers to normalize their lives if they have not repaid debt or left without warning and had cut family ties.

66. Strengthen the unconditional assistance and protection provided to victims of trafficking

k) Consider supporting community-based programmes for reintegration and social inclusion, for example, through self-organized groups of trafficked women;

l) Commit to providing individualized support and assistance to trafficked women in the country in which they are identified that is respectful of the cultural identity of the victims;

m) Implement reintegration 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;¹⁶

n) Women who, after conducting a risk assessment cannot be safely returned to their homes, should be provided with assistance to build an independent life, including a residence permit, psychosocial support, vocational training¹⁷, employment assistance, and, if necessary to ensure their safety, a changed identity.¹⁸ Ensure that the skills training that trafficked women receive correspond to the local market needs and women's own ambitions, and result in receipt of a living wage, avoiding gender stereotypes;

K) and M) are our priorities, but our concern is that the political will in Europe is not in favour of supporting l) and n). The latter two, will not be achievable in this political climate, as women and girls as migrants are seen as non-desirables.

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¹⁶para. 28(e), CEDAW/C/NGA/CO/7-8.

¹⁷para. 29(c), CEDAW/C/PRT/CO/8-9; para. 32, CEDAW/C/ARE/CO/2-3; para. 28(a), CEDAW/C/NGA/CO/7-8; para. 19(f), CEDAW/C/ARM/CO/5-6; para. 26(e), CEDAW/C/BRB/CO/5-8; para. 31(d), CEDAW/C/UKR/CO/8.

¹⁸para. 33(e), CEDAW/C/TUR/CO/7.