**Submission by the Mediterranean Institute of Gender Studies (MIGS) to the CEDAW Committee in connection with**

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**The Draft General Recommendation on Trafficking in Women and Girls in the Context of Global Migration (Draft General Recommendation on TWGCGM)**

13 May 2020

We thank the CEDAW Committee for the opportunity to submit our observations and recommendations of the DRAFT General recommendation on TWGCGM.

**General Comments**

1. In addition to suppressing trafficking, Art. 6, on which this Draft General Recommendation on Trafficking in Women and Girls in the Context of Global Migration rests, mandates the legal obligation of States parties to “take all appropriate measures, including legislation, to suppress all forms of . . . ***exploitation of prostitution of women***.” (emphasis added). We therefore urge the Committee to add ***“exploitation of prostitution”***, in the title of the General Recommendation and in *all subsequent Paragraphs* where reference to trafficking is made, in accordance with Article 6 of CEDAW and other international instruments.
2. We applaud the Committee for its clarity and for not entertaining terms such as “forced prostitution,” “enforced prostitution,” or “forced sexual exploitation,” which concepts violate international law and contradict United Nations resolutions, declarations or other documents ratified and agreed-upon by Member States. We believe that we must put an end to the amalgamation of the terms "work" or "labour" in texts aiming to combat trafficking and the exploitation of prostitution. Linking trafficking and prostitution to the world of work/labour denies that prostitution and the sex trade is violence against women and rooted in the patriarchal oppression of women. Reference to work conceals the realities of pimping and the prostitution system, as well as the high demand for prostitution.
3. We urge the Committee to add **sex discrimination** throughout the text where reference to gender-based discrimination is made in accordance to Article 1 of CEDAW and other international instruments.

**Specific proposed amendments**

**Section I Par 2**

* 2… ‘to discourage the demand, that fosters the exploitation of women and girls ***in prostitution***, which leads to trafficking’

***Section IV Par 14***

* 14... The Committee acknowledges that trafficking in women and girls is unequivocally a phenomenon rooted in ***sex and*** gender-based discrimination and inequality and constitutes gender-based violence against women.

***Section IV Par 20***

* 20. Trafficking in women is rooted in ***sex and*** gender-based discrimination, gender-based structural inequality and the feminisation of poverty compounded by growing global inequalities and the demand for cheap and/or forced labour, including the demand for sexual exploitation ***of*** ***women and girls***.

While we commend the Committee for not referring to “forced prostitution” in this paragraph, we feel that that the reference to demand for sexual exploitation in the context of “cheap and/or forced labour” indicates that sexual exploitation constitutes a part of forced labour. We ask the Committee to reconsider this phrasing.

***Section IV Par 25***

* 25. Review statistical methodologies and conceptual frameworks related to data collection to include indicators that reflect States’ systemic responses to trafficking, including by:

c) iii. Its potential link with bonded labour, domestic servitude, child and forced marriage***, and exploitation of prostitution.***

**Section IV Par. 27**

We commend the Committee for explicitly addressing demand as a root cause of trafficking and exploitation in the draft text. However, exploitation in prostitution that constitutes the main form of trafficking of women and girls does not produce “goods and services”. We urge the Committee to address separately the demand for sexual exploitation and for goods and services resulting from labour exploitation and trafficking for its purposes.

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

***a) Adopt or strengthen legislative and other measures to implement prevention techniques through educational, social or cultural measures, including in particular those aimed at potential buyers of sexual acts.***

***b) Adopt or strengthen legislative and other measures to implement prevention techniques through educational, social or cultural measures, including in particular those aimed at potential users of trafficked goods or services***

***c) Introduce, if necessary, criminal legislation to punish purchasers of sexual acts.***

***d) Where appropriate, institute legislation to penalize users of goods and services resulting from trafficking in persons...***

**Section IV. Par. 58**

Prostitution or trafficking for the purpose of sexual exploitation are distinct from work or labour exploitation. We ask the Committee to specify that Paragraph 58 applies only in the context of the latter and not in the context of sexual exploitation or prostitution.

**Section IV. Par. 58 (a)**

We urge the Committee to consider making specific reference to monitoring sectors in which workers are at high risk of being trafficked, such as domestic work and care, clothing, construction, agriculture, food processing and fisheries.

In relation to domestic work specifically, privacy of household, within which a violation may occur, is one of the strongest factors permitting the exploitation and coercion within the sector. Governments need to take concrete legislative steps towards providing transparency of domestic workers’ employment conditions and employers’ accountability.

**Section IV. Par. 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 specified in the paragraph that should ask companies to introduce Zero tolerance policies to labour exploitation and sexual harassment and discrimination in employment.