

**R**eestablishment

**O**ptional legal aid

**S**afety

**A**ssistance

**Oslo, 12 May 2020**

**Comments on the Committee on the Elimination of Discrimination against Women draft General recommendation on Trafficking in Women and Girls in the Context of Global Migration**

ROSA was established in 2005 and is a measure in the Norwegian Plan of Action to combat Human Trafficking. ROSA provides safe housing and assistance to potential victims of trafficking (VOTs) throughout Norway and runs the national hotline. ROSA is funded by the Ministry og Justice and run by the Crisis Center Secretariat which is a woman’s organization and an umbrella organization for the crisis centers in Norway.

The following comments are based on our 15 years of experience of assisting VOTs, mainly women. More than 600 VOTs have received help from ROSA. Reference will be made to the situation in Norway; however, we have learned that our experiences are easily transferable to other countries.

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

ROSA welcomes any effort to establish indicators enhancing data collection to improve statics. However, the indicators suggested in paragraph 25 rest on the assumption that VOTs are being identified. Unfortunately, many VOTs are not identified but expelled from the country on different grounds, such as being illegally in the country, not presenting sufficiency of income to provide for themselves, not possessing legal documents i.e. Therefore:

* The States’ systematic response to trafficking should be assessed in the context of the States’ immigration policy and their response to illegal immigration
* Hence, indicators should be established to measure the States’ response to illegal immigration and how this affects the identification of VOTs.

**Paragraph 26: Address the root causes of trafficking**

ROSA experiences that one of the main factors making women and girls vulnerable for trafficking is violence against women and girls such as domestic violence, sexual violence and harassment, emotional violence, sexual violence as a tactic of warfare and different harmful practices.

* All forms of violence against women and girls should be identified as one of the main root causes of trafficking
* States should combat violence against women and girls by increasing prevention efforts, launching sensitization campaigns and appropriate punishment of such acts.

**Paragraph 30 a) Establish an independent National Rapporteur on Human Trafficking to track and report on the progress of anti-trafficking strategies[[1]](#footnote-1), including the national plan of action.**

ROSA fully support the recommendation to establish an independent National Rapporteur on Human Trafficking.

**Paragraph 43: 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.**

Norway, according to the Dublin Regulations, returns women back to the country where their fingerprints initially were registered. VOTs have reported back to ROSA that they did not receive any assistance upon arrival to countries such as Spain and Italy and were re-trafficked. When the women travelled with children an individual assessment of the children’s situation was not made.

* States that forcibly return VOTs to another state or home country must have the obligation to ensure that the receiving country comply with international standards for protection of and assistance to VOTs. If the VOT cannot access protection and assistance upon arrival she should not be returned to the country.
* If the woman is returned together with her child, an individual assessment must be made of the child’s situation to prevent any exploitation of the child in Human Trafficking.

**Paragraph 45: Ensure access to asylum procedures:**

**a)Establish mechanisms for the identification of victims of trafficking within the asylum procedure as well as referral mechanisms to ensure that asylum claims are assessed in an age and gender-sensitive procedure in order to respond to the specific protection needs of trafficked women and girls**

Apart from VOTs testifying in Human Trafficking cases, who are automatically granted protection, the threshold for being granted protection in Norway is high. Few cases get to court, and many police investigations are closed due to lack of resources. Hence, the vast majority of VOTs identified in Norway are forcibly or voluntarily returned to their country of origin.

* The possibility of being granted protection should not be too closely linked to cooperation with law enforcement
* When considering the need for protection, Human Trafficking should primarily be addressed as a violation of human rights issue in general, and a gender-based violence against women in particular, to ensure that the gross violations of women’s human rights are taken into account.

**Paragraph 46: States parties are obligated to protect victims of trafficking in persons, especially women and children, from revictimization.[[2]](#footnote-2) This includes guaranteeing trafficking victims protection against *refoulement*:**

**a) Victims of trafficking and those at risk of trafficking must not be forcibly returned to their country of origin where they fear being retrafficked or subjected to stigma, threats, intimidation, violence, and retaliation.**

VOTs are seldom believed when they claim to be in danger of retrafficking or subject to stigma, threats, intimidation, violence and retaliation if returned to their home country. ROSA has experienced that even in severe cases, when groups of very dangerous organized crime are involved, the women are not considered to be in danger by the Immigration Authorities. VOTs have even been returned to their country of origin against the Norwegian Police’s recommendations. Often very general descriptions of the situation in the country from reports such as the US Department’s Trafficking in Persons Report, are used to contradict statements of the VOT.

* When a VOT claims to be in danger of retrafficking and retaliation the State must have the obligation to stop the return of the VOT. The VOT’s situation must be subject to an individual assessment. If the State cannot provide specific documentation confirming that it is safe to return, the VOT should not be returned.

**Paragraph 68: Early identification and protection of presumed victims of human trafficking**

VOTs are often deported from the country instead of being identified. A restrictive immigration policy takes precedence over the obligation to identify VOTs.

* The States must ensure that all possible steps are taken to identify VOTs. The identification of VOTs must take precedence over restrictive immigration policies.

Lack of a gender sensitive approach when identifying VOTs for labour exploitation has led to a situation where male dominated working places, such as construction sites, are prioritized. Hence, more male VOTs than female VOTs are identified.

* A gender sensitive approach must be adopted in the identification of VOTs for labour exploitation to ensure the identification of female victims.
1. ROSA, Mariboes gate 13, 0183 Oslo, Norway. Tel +47 22331160 Page 2 [↑](#footnote-ref-1)
2. ROSA, Mariboes gate 13, 0183 Oslo, Norway. Tel +47 22331160 Page 3 [↑](#footnote-ref-2)