

**Submission from Ruhama (Ireland) to the CEDAW Committee on the Draft General Recommendation on Trafficking in Women and Girls in the Context of Global Migration**

Dear esteemed members of the CEDAW Committee,

We are grateful for the opportunity to comment on the draft General Recommendation on TWGCGM, and thank the Committee for its work in developing the General Recommendation to accompany CEDAW Article 6 and guide States in fulfilling their obligations to prevent and respond to the issue of trafficking in women and girls.

As Ireland’s only dedicated frontline NGO supporting women affected by prostitution and sex trafficking for more than three decades, Ruhama has accumulated extensive experience and expertise in responding to these issues and advocating for change.

Since our foundation in 1989, Ruhama has supported thousands of women from over 60 nationalities. At the core of our work is the provision of direct, frontline services to women who require our support. At the same time, we work at a national and international level to influence the development and implementation of broader polices and legislation which tackle sexual exploitation, and ultimately enhance the lives of women affected by the global sex trade. Ruhama is a member of the Coalition for the Abolition of Prostitution (CAP International) and is also represented at the EU Civil Society platform against Trafficking in Human Beings.

**We currently provide support to over 300 women per year, including women involved in both on-street prostitution and off-street prostitution. Of the women in the off-street sex trade, more than one third of our service-users are victims of trafficking. The victims of trafficking with whom we work are a mixture of both non-Irish EEA (European Economic Area) nationals and third-country nationals.**

We welcome the development of the draft General Recommendation on TWGCGM, and its potential to enhance the efforts of States to both prevent and respond to the global issue of trafficking in girls and women and fulfil obligations under CEDAW – Article 6 in particular. We commend the Committee for not using terms such as ‘forced prostitution’ in the General Recommendation, which would go against core elements of CEDAW itself, as well as the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

Ruhama is also encouraged to see the Committee highlight the need for States to address demand as a root cause in the trafficking of women and girls.

Our comments are as follows:

**Title**

Bearing in mind the precise text and purpose of CEDAW Article 6, *“States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women,”* we urge the Committee to include the exploitation of prostitution in the title of the General Recommendation.

We recommend the following title: *“General Recommendation on Trafficking and* ***Exploitation of Prostitution*** *in Women and Girls in the Context of Global Migration.”*

**Section I, Paragraph 2.**

Ruhama very much welcomes the Committee’s reference to the failure of States Parties to date to adequately address the root causes of trafficking in women and girls, and to discourage the demand that fosters their exploitation.

**Section IV (e), Paragraph 19**

***“Identifying, addressing and eliminating the root causes and discouraging the demand that fosters all forms of exploitation of women and girls through trafficking”***

We encourage the Committee to incorporate the entire scope of Article 6 by explicitly including the exploitation of prostitution of women.

We recommend the following phrasing: *“Identifying, addressing and eliminating the root causes and discouraging the demand that fosters all forms of exploitation of women and girls through trafficking* ***and the exploitation of prostitution of women.****”*

**Section IV (e), Paragraph 20**

***“[…] demand for cheap and/or forced labour, including the demand for sexual exploitation.”***

We are concerned that this sentence may be misinterpreted and result in a conflation of sexual and labour exploitation. There should be a clear distinction between forced labour and sexual exploitation in the General Recommendation.

We recommend the following phrasing: *Trafficking in women is rooted in 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~~* ***and*** *the demand for sexual exploitation.*

**Section IV (e), Paragraph 27 (b)**

***“Where applicable, instituting penal legislation to sanction the users of goods and services that result from trafficking in persons.”***

In relation to sex trafficking and the exploitation of prostitution, we welcome the recommendation of penal legislation as a deterrent to users of the services of victims of trafficking. However, we are concerned that the draft General Recommendation only explicitly recommends penal legislation for those who pay for sexual access to victims of trafficking.

Unfortunately, this one-dimensional approach is ineffective in countering the demand for sexual exploitation. For instance, in Ireland it is enshrined into law that a perpetrator can claim ignorance as a defence – there have been no convictions under this legislation since its introduction in 2008.[[1]](#footnote-1) However, convictions have been secured under the Criminal Law (Sexual Offences) Act 2017[[2]](#footnote-2) which explicitly decriminalised those in prostitution, and criminalised the purchase of sex. In her 2006 thematic report focusing on the links between trafficking and the demand for commercial sexual exploitation, the UN Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda stated: “*Prostitute- users are typically incapable of distinguishing and/or unmotivated to differentiate between prostituted persons who have been subjected to the illicit means delineated in article 3 (a) of the [Palermo] Protocol and those who have not.”[[3]](#footnote-3)*

We therefore recommend the following phrasing to the Committee: *“Where applicable, instituting penal legislation to sanction the users of goods and services that result from trafficking in persons* ***and the exploitation of prostitution.”***

**Section V, Paragraph 72**

We recommend that the Committee include the need for States Parties to provide comprehensive, and holistic exit supports for all women and girls subjected to trafficking **and exploitation of prostitution,** which wouldprovide them with a route out of a system of exploitation and violence.

We recommend the following phrasing: “Strengthen the unconditional assistance and protection provided to victims of trafficking **and those subjected to the exploitation of prostitution.”**

**Additional comments**

* Due to the inextricability of sex trafficking and the exploitation of prostitution, we suggest that the Committee make reference to the various forms of legislative models on prostitution, and to briefly comment on the rationale and efficacy of the approaches. This is not to engage in a debate regarding prostitution; rather, it would advise States Parties against adopting approaches that have been shown to increase the trafficking and exploitation of prostitution of women and girls, and migrant women and girls in particular. For instance, evidence has shown that human trafficking for the purpose of sexual exploitation has increased in liberalised prostitution regimes in Europe.[[4]](#footnote-4) In order to prevent this, States ought to be recommended to avoid legitimising the exploitation of prostitution and trafficking through liberalisation and regulation of the sex trade.
* We encourage the committee to be explicit in naming the sex and gender differences between those who drive the demand for sex trafficking and the exploitation of prostitution and those who are subjected to its harms. The central role of the sex-buyer should be referenced, and this reference must be gendered. Those who pay for sexual access to women in the sex trade are overwhelmingly men, and those who are trafficked and exploited within prostitution are women and girls. This differentiation would allow for more gender-specific policies and approaches in targeting the demand for sexual exploitation, including through education and awareness-raising initiatives that engage men and boys as potential perpetrators in particular.
* Furthermore, awareness-raising initiatives should not only focus on the risks of sexual exploitation and human trafficking among potential victims, but should also encompass explicitly campaigning to raise awareness of the exploitation of prostitution and trafficking and its associated harms in an attempt to deter those who fuel the demand for sexual exploitation. This should include sex education curricula that incorporate education on sexual exploitation as core elements in order to encourage healthy and gender-equal sexual relationships based on meaningful consent, respect and mutuality.

Once again, we are grateful for the opportunity to make this submission and thank the Committee for all its work. We remain at your disposal to provide any clarifications or answer any questions in relation to this submission, and look forward to reviewing the final version of the General Recommendation on TWGCGM.

Kindest regards,

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1. *Criminal Law (Human Trafficking) Act 2008* <http://www.irishstatutebook.ie/eli/2008/act/8/section/5/enacted/en/html#sec5> [↑](#footnote-ref-1)
2. *Criminal Law (Sexual Offences) Act 2017* <http://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html> [↑](#footnote-ref-2)
3. *Report of the Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, Sigma Huda* (2006) [*https://www.refworld.org/docid/48abd53dd.html*](https://www.refworld.org/docid/48abd53dd.html) [↑](#footnote-ref-3)
4. *Sexual exploitation and prostitution and its impact on gender equality.* European Parliament (2014) [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM\_ET(2014)493040\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM_ET%282014%29493040_EN.pdf) [↑](#footnote-ref-4)