**Bahrain National Institution for Human Rights Observations   
on the Draft General Recommendation issued by the Committee on the Elimination of Discrimination against Women on Trafficking in Women and Girls within the Context of Global Migration**

**Introduction:**

* The draft general recommendation is divided into the following Introduction
* Objective and scope
* Legal framework
* Root causes and discouraging the demand that fosters exploitation through trafficking
* Victim identification, assistance and protection
* Victims’ access to justice
* Dissemination and reporting
* Treaty ratification or accession

The Committee set out State parties’ legal obligation to take all appropriate measures to protect women and girls against trafficking in persons, stating the reasons for trafficking in women and girls, ways to combat this trafficking and mechanism to assist victims and hold perpetrators accountable. It concluded a draft general recommendation encouraging States parties to join the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and other international instruments relating to women, children, trafficking in persons, immigration or migrant workers.

**NIHR’s observations:**

Having reviewed the draft recommendation, the National Institution for Human Rights (NIHR) would like to make a number of observations:

**First: Paragraph (25/b):**

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| (25) Review statistical methodologies and conceptual frameworks related to data collection to include indicators that reflect States’ systemic responses to trafficking, including by:   1. Disaggregating data collection on victims of trafficking by sex, age, disability, ethnicity, nationality, immigration status, location, socioeconomic status[[1]](#footnote-1) and all forms of exploitation, under indicator 16.2.2.2 of the Sustainable Development Goals. |

The draft general recommendation referred to the possibility of the existence of a relationship between the perpetrators of the crime of trafficking in persons and the victims.

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| Accordingly, we suggest adding a sentence to paragraph (25/b) stipulating “**the collection of data to determine the relationship between the victims and perpetrators of such crimes**”, in order to establish the proper solutions in case trafficking is accompanied by a case of domestic violence or child marriage. |

**Second: Paragraph (27/d):**

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| (27) Discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to human trafficking by:   1. Investigating, prosecuting and convicting all perpetrators involved in the trafficking of persons, including those on the demand side. |

Paragraph (27) listed a number of measures to limit all forms of exploitation of persons, especially women and children, which lead to human trafficking. The Committee proposed in item (d) to investigate and hold accountable all those involved, including those on the demand side, which is good to hold all parties accountable and combat impunity. However, in practice, the application for domestic labor may involve suspected act of trafficking in persons, and domestic labor suppliers or employment agents (recruitment agencies for domestic labor) might be involved in such crime without the knowledge of the service applicant.

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| Accordingly, we suggest adding the phrase “**on the condition that they have prior knowledge of the crime**”, so as not to hold the service applicant accountable despite them being unaware that they are victims of a crime of trafficking in persons. |

**Third: Paragraph (29/e):**

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| (29) Adopt and implement comprehensive gender-sensitive anti-trafficking legislation ensuring that it:   1. Includes specific provisions addressing the prevention of trafficking in women and girls and the economic and physical and psychological rehabilitation of victims; |

Paragraph (29) referred to the need to adopt and implement a comprehensive legislation to combat human trafficking that takes into account gender considerations and guarantees a range of matters, including what is referred to in item (e) stating that it should include specific provisions addressing the prevention of trafficking in women and girls and the economic, physical and psychological rehabilitation of victims.

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| Accordingly, we suggest adding the statement “**and granting them fair compensation for the harm they incurred**”. |

**Fourth: Paragraph (45/d):**

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| (45) Ensure access to asylum procedures:   1. Provide resources to support asylum claimants during the application process; |

Article (45) stated how trafficked women and girls may have access to asylum through a number of points. Item (d) stipulated the provision of resources to support asylum claimants during the application process.

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| Accordingly, we suggest **a clarification of the resources to be provided to support asylum seekers (i.e. providing brief explanation of the nature and type of resources to be provided.** |

**Fifth: Paragraph (61/e):**

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| (61) Review visa regimes:   1. Repeal requirements for women migrant workers to undergo mandatory testing for pregnancy and sexually transmitted diseases resulting in deportation on the grounds of pregnancy or diagnosis of HIV. |

The Committee asked in paragraph (61/e), which deals with the review of visa regimes, to repeal requirements for women migrant workers to undergo mandatory testing for pregnancy and sexually transmitted diseases resulting in deportation on the grounds of pregnancy or diagnosis of human immunodeficiency virus (HIV). However, repealing the requirements for women migrant workers to undergo mandatory testing for pregnancy and sexually transmitted diseases may pose a threat to the health and safety of others, especially with regard to the diagnosis of HIV infection in case an infected woman is employed, for instance, as a nurse or domestic worker.

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| Accordingly, we suggest that **mandatory health checks should remain unchanged while providing women migrant workers with the necessary healthcare if they are employed and informing the employer of their health status.** |

1. para. 66, CEDAW/C/SAU/CO/3-4; para. 29(a), CEDAW/C/CHE/CO/4-5; 33(c), CEDAW/C/CAN/CO/8-9; para. 20(c), CEDAW/C/MUS/CO/8; para. 27(a), CEDAW/C/NOR/CO/9; para. 29(c), CEDAW/C/PSE/CO/1; para. 25(c), CEDAW/C/BRN/CO/1-2. [↑](#footnote-ref-1)