**UN Women submission to the CEDAW General Recommendation on Trafficking in Women and Girls in the Context of Global Migration**

UN Women welcomes the elaboration of the General Recommendation on Trafficking in Women and Girls in the Context of Global Migration (General Recommendation) by the Committee on the Elimination of Discrimination against Women (CEDAW). We would like to acknowledge the relevance of the General Recommendation, as year after year, global evidence continues to show that women and girls are disproportionately affected by the crime of trafficking in persons, which remains deeply gendered in its manifestation and impact and persists as a grave form of violence against women and girls.

UN Women also acknowledges the importance of addressing the gendered nature of the linkages between global migration, labour and trafficking in persons, considering the deeper understanding of the gendered nature of this nexus. We believe that the achievement of gender equality, the empowerment of all women and girls, and the realization of their human rights must be at the core of all international policy commitments, as the foundation for addressing all forms of violence against women and girls, including trafficking in persons. UN Women is grateful for the opportunity to collaborate with the CEDAW Committee on the General Recommendation. We offer, therefore, the following suggestions:

**I. Introduction**

**1)** Remove the word ‘substantive’ before ‘equality’. Acknowledge in the text the idea that any violence against women and girls’ human rights is an obstacle to their achievement of equality as well as an impediment to the full achievement of the Sustainable Development Goals.

**2)** Add, ‘Lack of sex-disaggregated data and gender statistics in the context of migration coupled with’ before ‘inadequate attention to women’s and girls’ experiences. Add, ‘oftentimes discriminatory’ after ‘restrictive’ and before ‘migration policies’.

**3)** The gender transformative approach is mentioned as the approach chosen to guide the General Recommendation. Suggest to include in the text a clear explanation of what it means to apply a gender transformative approach, together with its main difference to a gender-sensitive and gender-responsive approach.

**III. Legal framework**

**8)** The ‘purpose of exploitation’ is applicable when considering whether both women and girls have been trafficked. The use of the words in the second sentence, ‘Particularly in the case of girls’, suggests that ‘exploitation’ is not as relevant a consideration when determining whether a woman has been trafficked. Suggest broadening to ‘Particularly in the case of women and girls.’ In reference to ‘forced, child/early’ marriage, separate ‘child’ and ‘early’ as these are two separate concepts, in line with the UNGA resolution on ‘[Child, early and force marriage](https://undocs.org/A/C.3/73/L.22/Rev.1),’ and SDG Target 5.3 – ‘eliminate all harmful practices, such as child, early and forced marriage.

**10)** A reference to relevant legal frameworks on migrant smuggling could be added, such as the Protocol against smuggling of migrants by land, sea and air, especially its Art. 16, as well as the Global Compact for Migration, and the Global Compact on Refugees, especially its Paragraph 13.

**11)** A reference to the Convention of the Rights of the Child could be added, as well as its provisions on the protection of girls from trafficking.

**IV. Root causes and discouraging the demand that fosters exploitation through trafficking**

**a. Women and girls are disproportionately affected by human trafficking**

**12)** We find very important to underscore the intersectionalities when discussing the profile of the victims, as women belonging to marginalized groups are particularly vulnerable to trafficking, for example, as there are higher rates of trafficking among indigenous women, women of color, and women from lower GDP countries and lesbian, bisexual and transgender women.

**13)** The pornography industry and sites should be included as one of the parties involved in the web of trafficking. It would also be important to clarify in the text that trafficking doesn’t always occur under a complex web of perpetrators and victims, as trafficking can also occur with one individual trafficking another, without being necessarily organized or even trans-national.

**b. Trafficking in women and girls constitutes gender-based violence against women**

**14)** Suggest to further add to the explanation of why trafficking in women and girls is considered a form of gender-based violence, by articulating the trends in line with the existence of negative social and gender norms and how it places women and girls in inferior social, political and economic status in relation to men. The phenomenon of the feminization of poverty also deserves to be explained and how it plays a key role in the predominance of women and girls among the victims of trafficking in persons.

**15)** Here, as throughout the document, suggest removing the word “may” when referring to the human rights violations that occur to survivors of trafficking, and the vulnerability of women and girls in general.

**c. Scope of application of the Convention**

**16)** Suggest adding that State Parties must enact and implement measures that address the appropriate identification, protection and assistance to migrant women and girls, especially the most vulnerable, in accordance with international law.

**d.**  **Obligation to identify women and girls subjected to multiple forms and compounded discrimination as rights bearers**

**18)** Remove the word “may” in the sentence “discrimination on the basis of sex or gender may affect women belonging to groups in situations of vulnerability in different ways” and recognise sexual orientation when discussing multiple and intersecting forms of discrimination in the context of trafficking.

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

**20)** Reiterate the impact of patriarchy, structural inequalities, link to feminization of poverty elaborated in para.14.

**21)** Add ‘and limited gender-responsive social protection measures’ after ‘and their lack of decent work opportunities’ on the third line from the bottom.

**22)** Acknowledge that women are also susceptible to trafficking in situations such as trying to escape violence and poverty and that women can be trafficked by intimate partners and family. Suggest the elaboration of a section on technology, especially addressing online grooming. And, finally, it is recommended to add impunity as one of the push factors for trafficking. Delete ‘push’ on the sixth line from the bottom and replace with ‘reasons for women’s increased risk of being trafficked’

**23)** Add that patriarchal norms and values are not just formalized in legislation, but also embedded in the social norms and behaviours of duty bearers, including for example judges, police officers, and other members of the judiciary system. Elaborate further on “women shortages” due to family planning policies in some countries has exacerbated this situation’ as without the relevant context it is not clear to what this refers. Moreover, suggest noting that the risk of trafficking for the purpose of child, early and forced marriage increases in crisis settings.

**24)** Differentiate between women refugees, women migrant workers, women who are irregular migrants and women engaged in prostitution and discuss their vulnerabilities to trafficking separately. Women refugees are vulnerable to trafficking and are in need international protection, especially against refoulement. Women migrant workers are at risk of trafficking due to limited access to social and legal protection and restrictive immigration policies which result in women migrating through irregular channels. For women in prostitution, suggest to make reference to the existing CEDAW GR 19 paragraphs 14 and 16, as well as those articulated in CEDAW’s GR 26 on women migrant workers.

**25) a)** Include collection of data on perpetrators, including information regarding their profiles, origin, ways of finding, choosing, recruiting and controlling victims. There is a need to map sectors that experience a high level of trafficking, developing indicators for businesses/ employers that may be exploiting victims of trafficking.

**25) b)** Propose deleting ‘immigration status’ as there are ethical issues around the collection of such data.

**25) c) vi)** Collect data on compensation paid to victims and survivors from the perpetrators.

**25) c) vii)** Collecting data on reintegration assistance, ensuring that women and girls are not re-trafficked because they didn’t receive assistance, or the assistance received was inappropriate.

**25) c) ix)** Add ‘or other forms of humanitarian protection’ at the end of the sentence.

**25) e)** Add ‘gender-responsive, human rights-’ before ‘and needs-based assistance’

**25) f) iv)** As means of identifying victims, the use of technology can play an important role, adding references to the ICAT Issue Brief on the Use of Technology to Combat Trafficking in Persons.

**26) b)** Add ‘all’ before ‘women and girls’ and then add ‘particularly those’ before ‘in situations of disadvantage’. Add ‘including sexual and reproductive health care’ after ‘health care.’ Replace ‘basic’ for ‘essential and coordinated’.

**26) f)** Delete ‘any’ before ‘potentially disadvantageous’. Add ‘discriminatory’ before ‘nationality.’

**27) b)** The use of administrative sanctions could be another mechanism for punishing the use of services from trafficking victims, particularly for businesses.

**27) d)** The text could include de possibility of criminally and civically prosecuting private entities for involvement with trafficking and exploitation.

**29) e)** Recognizing the rehabilitation of victims and survivors of trafficking needs to be tailored to the unique circumstances of each woman and girl. Some women and girls may face stigma and further violence if they return to their communities.

**29) g)** Replace ‘irregular migrants’ with ‘those with irregular migration status’ this change should be made throughout the text.

**29) j)** In addition to training law enforcement officials on gender-sensitive approaches when responding to survivors of trafficking, there needs to be specialized understanding of specific profiles. Survivors of trafficking may not appear as straight-forward victims, they may seem to have assets, not have visible signs of abuse, or they may appear to be breaking immigration or prostitution-related laws. It is important that law enforcement actors can recognize these differences and enact counter-trafficking legislation accordingly.

**30) a) ii)** Suggest the inclusion of private sector.

Overall: this section should include a clearer articulation of the position of vulnerability and inequality in which women and girls find themselves vis a vis those who generate demand, as well as those who exploit them. Before paragraph 25, there should an articulation of the power structures and harmful masculinities that perpetuate inequalities and therefore fuel demand. In addition to this, the recommendations section should include recommendations on addressing harmful masculinities and the commodification of women’s and girls’ bodies. The role of men as agents of change in breaking the cycle and understanding their role in fuelling demand is crucial to address prevention.

**f. Forcibly displaced women and girls face a higher risk of being trafficked**

Overall: Forced displacement should be viewed beyond a conflict lens. Natural disasters, economic crisis and political persecution are also the causes of forced displacement and it may be useful to include. More consideration of technology in the recommendations would be useful, including increasing women’s access to technology and their ability to navigate it safely in order to use it for their advantage, either to prevent or escape trafficking, particularly during a crisis.

**33)** It would be useful to speak of all crises that can cause displacement as the latter paragraphs that reference climate change and natural disasters are not clearly articulated in this first section.

**34)** It is also worth adding enslaving women is a tactic of war and a form of Conflict Related Sexual Violence (CRSV) and is a way of demoralizing a community, especially those with patriarchal values that see men’s roles as protecting women.

**36)** Suggest changing the word “misconception” to “perception”.

**40)** Some attention must be given for other situations, such as displacement due to economic crisis, for example with Venezuela, potential socio-economic impacts of post-COVID 19, etc.

**Recommendations**

**41)** After SCR 1325 (2000), add ‘and its follow up resolutions on women, peace and security.’

**42. c)** Include the development of recommendations for displacement due to other forms of crisis including the economic, social and health crisis, political persecution and natural disasters.

**42.f)** Communities need to be involved in increasing awareness of trafficking and its impact on women and girls. This includes being aware of women and girls that at more risk and what they can do help protect them, but also recognizing who potential traffickers are and have pathways to report this to authorities. The burden of preventing trafficking cannot always fall on women and girls, particularly those who are forcibly displaced as they don’t always have decision-making power.

**42) g)** Add ‘stereotypes about gender roles’ after ‘including economic insecurity’. Addressing the issue of harmful masculinities and unequal power relations in this context should also be added in this section.

**42) i)** Add ‘gender-responsive’ before ‘policy and legislative framework’

**42) j)** Include training to identify potential victims of trafficking.

**44)** Emphasize that responses should be victim- and survivor-centered, with measures being tailored to each victim and survivor.

**45) a)** Include ‘gender-sensitive’ before ‘mechanisms.’

**45) b)** Include ‘and girls’ before ‘as gender-related persecution.’

**45) d)** Add ‘adequate and tailored’ before ‘resources’.

Additional recommendation of recognizing that women and girls who were trafficked by terrorist organizations should not be considered members of terrorist organizations. It is important to note, however, that the type of rehabilitation will need to be highly nuanced as there may be loyalties to these groups due to trauma experienced, especially when experienced at a young age.

**g. Women and girl migrants’ increased risk of being trafficked**

**47)** Add ‘many’ before ‘women’ on the second line. Delete ‘irregularly’ on the third line and replace with ‘through irregular channels’. Delete ‘adequate enforcement of’ and replace with ‘and ensuring labour protections for all women migrant workers.’

**48)** Migrant women and girls also need greater access and ability to safely navigate technology. On the third line from the bottom, add ‘decent work and’ before ‘economic resources.’

**49)** Replace ‘legal routes to migration’ with ‘regular migration routes.’ Add ‘reception and’ before ‘accommodation facilities.’ Replace ‘are vulnerable’ with ‘face a heightened risk.’

**50)** As in section iv, this paragraph should refer to how the ‘male centered entertainment sector’ reaffirms unequal power structures, harmful masculinities, and the objectification of women. It should also be noted that addressing these should be at the core of prevention efforts.

**51)** Replace ‘husband’ with ‘spouse’. On the last line, add ‘gender-responsive social protection and’ before ‘essential services.’

**52)** Replace ‘must’ with ‘have no other option but to’ before ‘rely on dangerous and exploitative.’

**Recommendations**

**53)** There needs to be national data collection on sectors that experience trafficking, based on identified victims of trafficking (VoTs), not necessarily court cases, and cooperation with sending countries. This data should be used to empower labour and law enforcement authorities to proactively monitor high risk businesses, based on a set of indicators that are evidence driven. This includes understanding suspicious financial flows. Furthermore, this data can also be used to identify the gaps in legislation and policies that are allowing businesses and individuals to use trafficked women and girls undetected.

**53) b)** Replace ‘in every phase of the migration cycle’ with ‘at all stages of migration.’

**54)** Suggest recognizing that there are additional complexities for States that are simultaneously sending, transit and destination countries, and cooperation and support is needed at a regional and international level in addition to those State’s national responsibilities.

**55)** Replace ‘home countries’ with ‘countries of origin.’

**56.a.)** Add ‘accessible’ before ‘information.’

**56) b)** Add ‘gender’ before ‘sensitivity’. Add ‘and girls’ after ‘migrant women.’

**57)** A gender responsive framework includes increasing awareness in countries where exploitation is occurring about the sectors most vulnerable to trafficking and which businesses are legitimate, based on evidence and data collected by labour authorities. Citizens should also have safe ways to report suspicious businesses that will be investigated in a transparent way. Can reference objective 10 of the Global Compact for Safe, Orderly and Regular migration. Replace ‘irregular migrants’ with ‘migrants with irregular migration status.’ Moreover, there should also be awareness raising for migrant women so they can identify potential traffickers once they have migrated or are in transit and service providers they can go to when they feel vulnerable to trafficking or exploitation.

**57) c)** Add ‘independent’ before ‘access to visas.’

**58) b)** Include a section on supply chains, recommending the responsibility of all parties involved in the supply chain, not only the ones directly involved with the trafficking. Include measures targeting recruitment agencies for organized migration to ensure they have necessary actions within their policies/procedures to prevent trafficking and oversight/monitor those who were recruited through them to avoid risks of trafficking.

**58) d)** Add ‘particularly in the context of care and domestic work.’

**V. Victim identification, assistance and protection**

**66)** Include proactive monitoring by labour authorities of sectors/businesses that are at risk of using trafficked women and girls, based on data and evidence-based indicators. Replace ‘female’ with women and girls, including transgender women.’

**67)** Add ‘injury’ after ‘physical’ and replace ‘injury’ after ‘psychological’ with ‘trauma’. On the fifth line delete ‘migrant’ before ‘victims.’

**68)** Responses should be culturally appropriate, involve the community by increasing awareness of trafficking and what sectors are most susceptible, creating a safe way to report to authorities that will result in a fair and transparent investigation.

**68) f)** Replace ‘between’ with ‘among’. Add ‘including healthcare services’ after ‘public services.’

**b. Victim assistance and protection**

Overall comment: Recognise the importance of working with civil society organizations in oversight, independent monitoring, as well as service delivery to prevent and respond to trafficking.

**69)** States must include protection against online forms of trafficking but also support innovative ways to detect trafficking and identify perpetrators using technology in line with legal provisions.

**70)** Survivors also need to have access to technology and understand how to navigate it safely.

**71)** Victims should make an informed decision to seek justice, including understanding not only the risks involved, including the potential for re-victimization and punishment for breaking laws, but also the level of support that would be provided for them after the process, especially in cases where they may face ostracization from community members or providing support to dependents

**72) i)** Add ‘only’ before ‘to security considerations.’

**72) m)** Delete ‘their’ on the first line and replace with ‘them from being’ before ‘re-trafficked.’

**72) n)** Add ‘healthcare services’ after ‘psychosocial support.’ Add ‘in the allocation of skills training or employment opportunities’ after ‘gender stereotypes.’

**83, 84.b)** Technology also needs to be understood, in terms of how it can help and hinder counter trafficking efforts.

**VI. Victims’ access to justice**

**80)** The non-punishment principle could be directly referenced in the paragraph, with further reference to practical examples. Replace ‘gender-competent’ with ‘gender-sensitive’. Add ‘or discriminatory’ before ‘judgements.’

**a. Investigations, prosecutions, and punishment**

Overall: Victims should receive compensation from perpetrators, in addition to any criminal penalties.

**85)** Suggest noting prosecution rates.

**88) d)** Add ‘that is culturally appropriate and’ after ‘manner.’

**92)** This section should clearly articulate that those suspected of committing the crime of trafficking and exploitation should be investigated and prosecuted.

**b. Remedies for victims**

**96) a)** Replace ‘legal immigration status’ with ‘migration status.’

**96) b)** Add ‘accessible’ after ‘timely’ on the first line.

**97) d)** Suggest including the establishment of a fund for anti-trafficking task forces and action plans, with, for example, compensation paid by companies prosecuted for using exploited labour force.

1. **Treaty ratification or accession**

# Overall: Include reference to ILO Convention 189 and Recommendation 201 on Decent Work for Domestic Workers.