Women for Women’s Human Rights – New Ways’ (WWHR)

written submission for CEDAW Committee’s preparations for a new

General Recommendation on Trafficking in Women & Girls in the context of Global Migration

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While the world is more mobile than ever, this mobility works on one hand to provide new opportunities to some people and yet, at the same time, exacerbates the already existing inequalities throughout the world. Trying to escape from these inequalities, many women and girls become victims of national and/or international trafficking schemes. We would like to present our feedbacks for the preparation of a General Recommendation by the CEDAW Committee, on Trafficking in Women and Girls, below:

* The global political economy, as Prof. Yakın Ertürk, in her then capacity as the UN Special Rapporteur against Violence against Women, its Causes and Consequences, wrote in her thematic report on the issue, has a profound effect on women’s human rights, both at home and in movement. Political economy, she argues, “profoundly affects both the prevalence of violence against women and efforts to eliminate it. Women’s physical security and freedom from violence are inextricably linked to the material basis of relationships that govern the distribution and use of resources and entitlements, as well as authority within the home, the community and the transnational realm. Cultural rationales for limiting or negating women’s rights are thus, grounded in particular economic interests and power dynamics.” [[1]](#footnote-1)

The current political and economic machinery in the World, is causing the deepest inequalities we have seen in the history of the World. As Oxfam’s recent report states, only 26 people hold as much money as the poorest 50% of the World.[[2]](#footnote-2) This deepening divide in inequalities, wealth, access to resources and enjoyment of rights causes millions of people, half of which are currently women, to look for alternative and sometimes dangerous ways to support their lives or build a new life from scratch in another place than their homes. **The political economy of our current system and its effects on women and girls needs to be addressed to ensure that the root causes of women and girls’ vulnerabilities in migration can be eliminated.**

* Many theorists now argue that there is a rise in the political power of the authoritarian /conservative / repressive regimes due to the aforementioned inequalities. None the less, we see that these regimes continue to favor the current political economy and further deepen the divide between privileged groups and the rest of the world. The regimes are also a matter of concern due to their “populist and nativist agendas” in which they systematically attack the existing forms of legal migration. Yet, none of these regimes are void of the need for the labor of migrant populations. This, in return, increases the rates of illegal migration to these developed and developing countries, and cause all migrants, but especially women and children due to their traditional roles within the society, to be more susceptible to the schemes of traffickers from the beginning of their journey to the times they work in their destination country. **Calling out these regimes for the damage they are causing to the lives of migrant populations, and to the regular migration targets of the Sustainable Development Goals is important.** **Ensuring more systematic and regular migration pathways, taking into consideration the specific needs of women and children, ensuring the rights of the migrant populations within these pathways is a necessity for ensuring a dignified migration experience and escaping the exploitation within trafficking schemes.**
* Another point of concern regarding the increase of these authoritarian / conservative / repressive regimes is the disregard they have regarding the established human rights standards and mechanisms and the weakening of the justice systems within these countries, affecting migrant women and girls in countries of origin, as well as in transit and destination countries. **Sometimes this disregard is cloaked behind an excuse of “being sensitive to the traditions of the migrants,” as a direct violation of CEDAW Article 2 and 5 and thus these excuses need to be more deeply evaluated and criticized.**

Considering nearly all of these authoritarian regimes base their politics on the control of women’s lives and bodies, aiming to restrict any decision a woman can make about her own life and body, locking her up into her traditional gender roles within the family, we will be looking towards a harsher period for women’s migration and labor. **An intersectional approach to discuss the current and upcoming restrictions in migrant women’s and trafficking victims’ civil rights and sexual and reproductive health and rights, including in cases of violence against women, and early and forced marriages, will be necessary to ensure the women’s human rights violations they face in such countries**.

* Yet, this economic and political machinery, both in what may be called authoritarian regimes, as well as in more social welfare oriented developed states, grossly overlooks the increasing need for care work in these societies, creating what many feminist economists deem as “the emerging crises of care”. “The sustainability of caring labor” (both for younger and ageing populations) is put more and more on the shoulders of women, both for women’s unpaid care work and for migrant women, with isolated and many times exploitative working conditions. **A restructuring of the world’s political and economic order, to recognize, reduce, revalue and redistribute the care work necessary for the sustainability is a must. A new economic model, based on the need for care, called “The Purple Economy,” put forward by Prof. Ipek Ilkkaracan, provides important insights into how such a restructuring can be possible. [[3]](#footnote-3)**
* As the power of multinational corporations increase the deregulation of the labor markets cause the establishment of overlooked areas of labor, which can present themselves as hiding spots for trafficking. **However, according to the due diligence obligation of the states, and Article 2 of the CEDAW, these areas should not be beyond the regulation and responsibility of states, and should be closely examined for the rights violations that takes place in these areas.**
* The laws and policies of states usually add onto the isolation and exploitation of migrant women. Many countries do not recognize the right to assembly and unionization of sectors that are dominated by migrant workers, such as domestic work, care work and sex work, and thus aid in the increasing vulnerability of migrant women in these occupations. **Recognition of these sectors as legitimate areas of work, providing them the necessary laws, legislations or resources for organizing, unionizing, exercises and demanding their rights to work and at work by both the sending and receiving countries should be established.**
* The different legal status of women and girls in transit countries mostly exacerbates the vulnerable conditions of these women and girls. Many countries do not extend their laws protecting the women’s human rights of their citizens, to the migrant and refugee populations. This in return, cause migrant women and girls to look into alternative networks of support, many times open to the exploitation of traffickers. **In order for all women and girls to be able to use the legal pathways to find solutions to their problems, further legal and implementation regulations, with a greater protection of women’s human rights of all women and girls, in all their diversities, within a state – regardless of their migration or residency status – should be established.[[4]](#footnote-4) To this regard, legal aid systems and legal information sharing systems that are accessible by migrant and refugee women and girls should be established and/or strengthened.**
* Trafficking schemes can often be uncovered through the labor inspections in destination / host countries. However, as an inter-institutional approach is not implemented in many countries, these cases go unreported. **The empowerment of labor inspectors, possibly through the involvement of labor unions, to recognize and report the cases they come across during inspections to other state institutions can be effective. This should extend to a holistic, multisectoral cooperation within state institutions to eliminate trafficking and protect the women’s human rights of all women and girls, including migrant and refugee women and girls.**
* Trafficked women and girls, when they are not able to reach alternative, legal support mechanisms, find themselves as a part of these trafficking schemes. However, only a criminalization approach to this issue causes secondary victimization of these women, thus an alternative approach is necessary. Mechanisms, such as so called “protective detention,” further limits the freedom of these women, becomes a punishment method and again causes “secondary victimization. Another example is the criminalization of sex work, in supply and demand side of the issue, as sex work is often times confused with trafficking even when it is undertaken freely without exploitation, which results in victimization of sex workers. **Thus, mechanisms and measures undertaken to prevent or criminalize trafficking schemes should be reevaluated to ensure that they do not result in secondary victimization of victims.**
* In order to ensure that the measures taken towards prevention or criminalization of trafficking schemes do not increase the isolation, victimization or vulnerability of women and girls, **they should all be reevaluated from a substantive gender equality perspective and migrant and refugee women and girls should be part of the decision making mechanisms on these issues, so their lived experiences can be reflected in the measures.**
* When trafficked or migrant women return to their home countries and communities, they also face another level of isolation and need support mechanism to integrate back into their societies and communities. **Good reintegration measures for migrants and victims to prevent their reentry into trafficking and the repetition of their rights’ violations should be implemented. Migrant and trafficked women and girls should be a part of the design and implementation of these measures as well.**
1. UN Human Rights Council, *Political economy of women's rights : report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Yakin Ertürk*, 18 May 2009, A/HRC/11/6, available at: https://www.refworld.org/docid/4a3b50372.html [accessed 6 February 2019] [↑](#footnote-ref-1)
2. Oxfam. “Public Good or Private Wealth” January 2019. <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620599/bp-public-good-or-private-wealth-210119-en.pdf> [accessed 6 February 2019] [↑](#footnote-ref-2)
3. More information for a “Purple Economy” approach to eliminate this “crises of care” can be ready by Prof. İpek İlkkaracan Ajas at: İllkaracan, İpek. 2013. The purple economy: A call for a new economic order beyond the green. Sustainable Economy and Green Growth: Who Cares, 32-37 [↑](#footnote-ref-3)
4. An example to such wide coverage of protection of women’s human rights for all women and girls can be found in the Convention on Preventing and Combatting Violence against Women and Domestic Violence of the Council of Europe, which mandates all state parties to ensure that all women within their borders, regardless of migration and residency status are protected from violence. [↑](#footnote-ref-4)