Committee on the Elimination of Discrimination against Women

Half Day of General Discussion on the the draft General Recommendation on Trafficking in Women and Girls in the Context of Global Migration

Geneva, 22 February 2019 (10:00-13:00)

Palais des Nations, Room XVI

Speaking notes for Ms. Dalia Leinarte

CEDAW Expert, Rapporteur of the draft General Recommendation

**“Introduction of the general recommendation on**

**trafficking in women and girls in the context of global migration”**

Your Excellencies, Distinguished Guests, Ms. Haddadin,

Dear Chair, Colleagues, and Participants,

As the Rapporteur of CEDAW’s draft general recommendation on trafficking in women and girls in the context of global migration, I am entrusted to deliver a few introductory statements on why CEDAW has embarked on this topic and why it has done so right now. Let me try and answer these questions in the brief time alloted to me.

My presentation is divided into four main points:

* The plethora of anti-trafficking initiatives worldwide have had limited effectiveness in decreasing the number of women and girls trafficked on the one hand and increasing the number of perpetrators punished
* Trafficking is a gender-based crime. Its disproportionate effect on women and girls must be acknowledged and addressed
* Today’s reality of unprecedented mixed migration flows across the globe accompanied by tightened border controls have increased the risk of women and girls to trafficking and have catalyzed new forms of their exploitation
* Ensuring gender equality and eliminating discrimination against women is the undisputed key to effectively combatting the trafficking of women and girls

**1) The plethora of anti-trafficking initiatives worldwide have had limited effectiveness in decreasing the number of women and girls trafficked on the one hand and increasing the number of perpetrators punished.**

Today anti-trafficking laws that criminalize all forms of trafficking are present in 165 countries. According to the *Last Global Report on Trafficking in Persons* prepared by UNODC over the last 10 years national authorities have improved their data collection on trafficking in human beings. The Sustainable Development Goals also task States, under Indicator 16.2.2, to collect reliable data on the number of victims of trafficking. In 2009, only 26 countries had institutions which systematicaly collected such data. By 2018, this number has grown to 65 countries. National capacities to identify victims have somewhat improved too. 40 percent more victims were detected in 2018 compared to 2016.

However, despite these improvements the number of convictions of perpetrators of trafficking has not increased and the overall numbers of detected victims is low. Moreover, traffickers have become more targeted in their recruitment, focusing on specific groups in situations of vulnerability such as migrant women, internally displaced women, disabled women and those from ethnic minorities.

To effectively combat trafficking and to counter the culture of impunity should be a high priority of States today. Europol informs us that organised crime groups involved in trafficking in human beings have successfully combined illicit practices with strong business and technical skills. Accordingly, disrupting the traffickers’ business model, following the money laundering and performing financial investigations is an important element in reducing the rate of this crime. Making accountable the demand side that affect both perpetrators and users in almost all forms of trafficking is crucial. Legal and non-legal measures can facilitate this goal.

**2) Trafficking is a gender-based crime. Its disproportionate effect on women and girls must be acknowledged and addressed.**

Globally, more than 70 percent of victims of trafficking are women and girls, and 96% or up to 2 million every year of victims of trafficking for sexual exploitation are female. Women and girls continue to be the prime targets of traffickers due to pervasive and persistent gender inequality, feminization of poverty resulting in women’s lower economic, social, and legal status than that which is enjoyed by men. However, the gender dimension of the crime remains absent from current initiatives to combat trafficking. Awareness remains low that trafficking is a gendered crime and should be seen within the continuum of gender-based violence against women and the protection and promotion of women’s human rights. The Working Group on the General Recommendation is fully in agreement with the statement of the SP on VAW that core human rights principles established in international human rights law on women’s human rights such as substantive gender equality and non-discrimination of women, should guide at all stages of combating trafficking in women and girls. In her written submission the SRVAW also stressed that the added value of the new CEDAW General Recommendation is to provide a strong women’s human rights perspective to gender neutral framework of the recent criminal justice system.

Trafficking for sexual exploitation has not been tackled effectively and there are no indications of this form of exploitation decreasing. According to Europol data ‘where prostitution is legal, it make much easier for traffickers who wish to use a legal environment in order to exploit their victims’. The link between prostitution and trafficking for sexual explotation was reported by many experts in the field, regional anti-trafficking entities, as well as the Special Rapporteur on Trafficking in Persons, especially Women and Children from 2004 to 2008, among others. Anti-trafficking laws have, at times, been used in a way that is counter-productive and discriminatory to women. Reports of such misuse include the targetting, harrassment, punishment or criminalization of women in prostitution. Member States should be held responsible for missues of anti-trafficking laws.

Traffickers for labour exploitation continue to target less regulated industries especially where women are in stituations of vulnerability and unable to exercise their human rights. Weak mechanisms of protection of women’s human rights facilitate the ever-growing phenomenon of internal trafficking within the territory of member states. Reports highlight that many identified victims of trafficking within the country are their own citizens. A number of Member States observe that trafficking for forced criminality and forced begging is also increasing.

**3) Today’s reality of unprecedented mixed migration flows across the globe accompanied by tightened border controls have increased the risk of women and girls to trafficking and have catalyzed new forms of their exploitation.**

Severe measures of immigration control to restrict access to States’ territories have precipitated the increased use of irregular migration channels and have facilitated new flows and new forms of trafficking. Traffickers take advantage of migrant women in situations of vulnerability. Women in these situations are unable to effectively enjoy their human rights and are at increased risk of violations and abuse. Targetting women and girls for the purpose of sexual exploitation in the context of irregular migration is disproportional compare to other forms of trafficking. Accordingly, the identification and support of victims irrespective of their migration status is crucial.

The susceptibility of women and girls in war and post conflict situations to trafficking should not be overlooked. Internally displaced or refugee women and girls, particularly those living in camps, are exposed to a heightened risk of gender-based sexual violence, including trafficking for purposes of sexual or labour exploitation, slavery and servitude. The Working Group fully agree with UN Special Representative of the Secretary-General on Sexual Violence in Conflict (UN SRSG SVC) that trafficking of women and girls for the purpose of sexual exploitation and violence is therefore a threat to international peace and security. These findings also demonstrate the need for a global response that is gender-sensitive, survivor-centered and human rights-based.

**4) Ensuring gender equality and eliminating discrimination against women is the undisputed key to effectively combatting the trafficking of women and girls**

The CEDAW Convention is the most authorative and comprehensive international framework for eliminating inequality and discrimination of women. In this regard, not only Art. 6 of Convention sets the obligation to supress all forms of trafficking but many other articles of the Convention can be linked with the actions that will reduce the risk of being trafficked and facilitating victims’ access to protection, assistance and redress under international human rights law. This crucial potential of the Convention is not yet employed in relation to States efforts to meeting their obligations under Art. 6, especially empowering women and girls as the main actor for preventing trafficking.

The ‘gender dimension of vulnerability, recruitment, and victimisation; gender issues related to trafficking and the demand side; and an examination of law and policy responses on trafficking in human beings from a gender perspective’ as well as introducing new special measures to identify, protect, and assist women and girls at risk should be reflected in the General Recommendation *Trafficking in Women and Girls in the Context of Global Migration.* And these are goals before the Member States in order to eliminate trafficking which in some cases can be equal to a crime against humanity.