**Submission of comments to the CEDAW Committee on Trafficking in Women and Girls**

**in the Context of Global Migration**

*Differenza Donna (hereinafter DD) is a feminist organization of women based in Rome, Italy which since 1989 pursues the aim to fight, prevent and overcome all forms of violence against women, including trafficking in women and girls for sexual exploitation and other forms of exploitation. DD was granted special consultative Status by ECOSOC in 2016 and is active on both a national and international level, running women’s shelters and several help-desks which target survivors of all forms of GBV, including THB for sexual exploitation. Since 1992, when the first Italian central-south shelter for women victims of gender violence was established in Rome, the “Anti-violence shelter of Rome’s Province,” DD has received more than 30.000 women of which 50% migrants and asylum seekers and more than 1000 women survivors of human trafficking. DD runs specific programs for THB survivors, promotes legal reforms, supports the full access to justice of women and girls who are victims of THB and encourages the development and dissemination of good practices of recognition of survivors of victims of THB. DD is also involved in legal strategic litigation concerning EU and Italian immigration policies which compress women and girls’ rights to be protected by THB and related violations, including the violation of the non-refoulement principle.*

**I. Introduction**

§2. DD suggests to add at the end of the paragraph: «and prevent the safe national and international safe paths of mobility of women and girls».

II. §6. DD proposes to include at the end of the paragraph: and thus personalized assesment, protection and assistance programmes.

**III. Legal framework**

§8. DD recommends including women to: particularly in the case of girls

§8. Instead of a general reference to a “position of vulnerability”, DD recommends the directly mention of political, economic, social and cultural factors which relegate women and girls in a subjugated and marginal position in origin, transit and destination countries.

DD, also suggests to mention how women and girls often suffer overlapping types of SGBV and exploitation.

§9. DD recommends using the term survivor, which emphasizes agency and resilience, along with the term victim which is related to the legal terminology.

§10. DD stresses the need of acknowledging that nowadays smuggling and trafficking in persons are strongly increased by national, regional and transnational States cooperation aiming at preventing migration flows, with a disproportional serious impact on women and girls’ human rights.

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

**trafficking**

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

§12. DD invites to reconsider the use of the term “abuse”, which is a word rarely used in the CEDAW corpus, because it means the improper usage or treatment of a thing, concept which implies a proper usage or treatment. DD considers such terminology, more appropriate in a psychological context, not consistent with international definitions of SGBV.

DD underlines the serious risk factors concerning not only poor women and girls living in remote areas, but also those who live in large urban agglomerations, deprived of education, forced into survival activities and living in unprotected large-family contexts that encourage their labour and sexual exploitation in the country of origin, encourage forced marriages as sources of economic resources for the family, support insecure migration projects because they are a source of income for the family.

§13. DD suggests to stress the interconnection between pathways of human trafficking and the legal and political limitations to safe and legal pathways of transnational migrations, including the criminalization of migration and externalization of borders’ control to third states or informal coalition of public and private security forces. In these contexts, women and girls are exposed to serious harms and violations, including systematic rape and sexual violence.

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

**women**

§ 14. DD suggests to expressly acknowledge that trafficking in women and girls and its consequences constitutes also a form of gender-based persecution.

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

§17. DD suggests to include among obligations that make up the principle of due diligence, also the obligation of ensuring that international cooperation actions and programs in all areas are strictly monitored to prevent any impact on the fundamental rights of women and girls.

**e. Root causes of trafficking in women and girls and discouraging the**

**demand that fosters their exploitation through trafficking**

§ 20. DD recommends to recognize that women and girls continue to be the prime targets of traffickers, especially for the purpose of sexual exploitation also because the demand is nourished by a widespread masculine and sexist perspective, fed by a market that profits from this logic, that rejects a commitment to re-build social relations based on the recognition of the other as a subject and is fed by a logic of objectification and rapacious exploitation of the most vulnerable, in particular women and girls.

§25-§c. DD suggests the collection of data on the number of girls and women survivors of trafficking in Hotspots, first and second level reception centers.

§35. DD proposes to mention among gross human rights violations rape, sexual violence, torture, mutilation.

§45.a National authorities should adopt and implement gender sensitive guidelines and guarantee women asylum seekers' access to the asylum protection system. Authorities should take measures to ensure and monitor appropriate short timing from the lodge of the asylum claim and the hearing session. The same attention should be paid to the timing between the hearing session and the decision making.

Women victims of trafficking in Italy often report to DD how their asylum-seeking process took 2 or 3 years before it was completed. Time appears to be very problematic especially in relation to the period when the asylum claim is lodged, the asylum hearing and the decision regarding their request for International Protection. Often women and girls victims of trafficking are requested to attend two or even three asylum interviews. This very long duration of the asylum process leaves women with elevated fears about their future and great frustration and prevents them from accessing fundamental services such as residency, healthcare, care services for their minor children, vocational training, professional training courses, employment.

§45-§b. DD recommends to include immigration status to: regardless of country of origin or mode of entry into the State party.

§55 DD proposes to include vocational training and professional training courses in the paragraph.

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

**a. Victim identification**

§V- §a. DD suggests to reconsider the use of the term “identification”.

The term identification, in fact, is increasingly used in policy documents, guidelines and in general in the public discourse on human trafficking, particularly since attention has been drawn to the mixed nature of migration flows and the need to consider that most asylum seekers, as well as labour migrants, are also victims of smuggling and trafficking.

The word identification, however, brings with it an approach based on bureaucratic procedures which, in practical application, consolidates a rigid and bureaucratic approach to the individual case management.

Moreover, the progressive development of indicators useful to the so-called identification procedure is increasingly likely to place the burden of providing indicators on the beneficiaries of protective and assistance measures.

Legally, it is more correct to promote the term "recognition" of victims: in fact, they are bearers of subjective rights that do not derive from or are not made up of the final outcome of procedures, but they are original and only wait to be recognized through merely declaratory legal acts of pre-existing status.

Emphasizing the activity of recognition, moreover, underlines the responsibility of those are in charge for examining individual cases to comply with national and international legal principles and obligations, regardless of criteria and standards produced in non-legislative forums.

§67. DD proposes to add: Women survivors of trafficking should be provided with gender-specific medical assistance and detailed information on how to access National Health Systems. Information should clearly explain all the procedures related to National Health Systems. In order to overcome language barriers when women seek medical treatment, cultural mediators’ assistance should be provided. Survivors of THB lacking economic resources should be entitled to free medical assistance.

DD reports a general lack of gender sensitive medical procedures related to women and girls survivors of trafficking. Moreover, information regarding the access to National Healthcare Systems seem to be highly confusing to the victims who often also lack the monetary resources to seek specialistic medical assistance.

**b. Victim assistance and protection**

§70. DD recommends designing assistance and protection measures which consider the full and permanent participation of women and girls who are beneficiaries of the measures, in order to promote pathways of empowerment and overcoming THB where survivors can be protagonists and autonomous decision-makers about their lives and their choices.

Moreover, it is necessary to underline that any assistence of social and labour integration must aim at overcoming the still widespread welfare approach that limits the prospects of individual realization of survivors to employment positions that are still subordinate. In fact, vocational training provided to survivors leads to jobs only in the field of personal care and assistance, cleaning, not considering qualifying training and the individual skills and desires of women and girls.

§72. DD suggests to include: Accomodation centres should guarantee a safe and gender violence-free environment for women. They should not be overcrowded and grant women access to gender-specific medical, psychological and legal assistance. Accommodation centres should not be remotely located and they should avoid isolation and ghettoization of the survivors.

During many years of work detecting and assisting women survivors of trafficking DD has observed how in Italy women are exposed to further violence when accommodated in first and second level reception centers, many of which are often located outside city centers and thus making it very difficult for the victims to access education, healthcare, legal and psychological assistance, employment. Many survivors have reported how they often had to share the accommodation along with their traffickers.

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