Draft General Recommendation on trafficking in women and girls in the context of global migration : **Comments from the Fondation Scelles**

*20. Trafficking in women is rooted in gender-based discrimination, gender-based structural inequality and the feminisation of poverty compounded by growing global inequalities and the demand for cheap and/or forced labour, including the demand for sexual exploitation. Women and girls continue to be the prime targets of traffickers, especially for the purpose of sexual exploitation, due to pervasive and persistent gender inequality resulting in an economic, social, and legal status that is lower in comparison than that which is enjoyed by men and boys.*

**20. Suggestion for edit**

Article 6 of the CEDAW states: *States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.* In the general recommendation the term ‘prostitution’ is virtually absent, while ‘sexual exploitation’ is used throughout. The expression seems too large and consequently vague. There is also a problem with including ‘sexual exploitation’ under ‘labour’ as the sentence ‘the demand for cheap and/or forced labour, including the demand for sexual exploitation’ does.

It shall be replaced with ‘the demand for cheap and/or forced labour and the demand for prostitution’.

1. *Discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to human trafficking by:*
2. *Adopting or strengthening legislative and other measures to implement prevention techniques through educational, social or cultural measures, including in particular those targeted toward potential users of trafficked goods or services;*
3. *Where applicable, instituting penal legislation to sanction the users of goods and services that result from trafficking in persons;*
4. *Instituting regulations, policies and procedures for public agencies and private businesses to identify and remove goods and services that result from trafficking in persons from their supply chains;*
5. *Investigating, prosecuting and convicting all perpetrators involved in the trafficking of persons, including those on the demand side.*

**27. Suggestion for edit**

This section could benefit by specifying trafficking for the purposes of sexual exploitation in prostitution. Tackling the demand should not be limited to the users of ‘goods and services’ but it should also include the *abusers* of the persons themselves – persons that are turned into goods through their exploitation in prostitution.

See below recommended edits in red:

Discourage the demand that fosters all forms of exploitation of persons, in particular in prostitution, especially women and children, that leads to human trafficking by:

a) Adopting or strengthening legislative and other measures to implement prevention techniques through educational, social or cultural measures, including in particular those targeted toward potential users of trafficked goods or services or abusers of victims of trafficking;

b) Where applicable, instituting penal legislation to sanction the users of goods and services that result from trafficking in persons and abusers of victims of trafficking;

c) Instituting regulations, policies and procedures for public agencies and private businesses to identify and remove goods and services that result from trafficking in persons from their supply chains and enable the social and professional reinsertion of victims of trafficking;

d) Investigating prosecuting and convicting all perpetrators involved in the trafficking of persons, including those on the demand side. This should also apply to the demand for prostitution.

1. *Early identification and protection of presumed victims of human trafficking:*

*j) Empower communities through support and consultation to build strong allies for anti-trafficking efforts, including faith-based actors, who could provide critical information about trafficked women. These community-led systems should be established at locations and among groups where there may be trafficked women; including sites where forcibly displaced women and migrants are accommodated, registered or detained.*

**28. j) Question**

Why is there a special emphasis on faith-based actors, when we know that:

1. Religious institutions tend to discriminate against women;

2. Faith-based actors are not accountable to the state in secular countries, that is most countries — they thus cannot be involved the way state officials could be?

1. *Adverse collateral effects of anti-trafficking efforts*
2. *Ensure that anti-trafficking legislation and directives are not misused by authorities to impose increased restrictions on communities or falsely arrest and charge innocent people, particularly women from disadvantaged groups and women in prostitution;*
3. *Ensure that raids conducted by law enforcement authorities with a view to dismantling trafficking networks do not justify or result in criminal prosecution or other coercive measures, including gender-based violence, abuse and harassment, against any group of women;*
4. *Ensure that no group of women is targeted for investigation or prosecution, discrimination, stigmatisation, or suffers from the lack of rights and protections, under the guise of combatting trafficking, including violations of their rights to movement, assembly, health and safety, to dignity and livelihood;*
5. *Discontinue anti-trafficking measures that involve the apprehension, detention and involuntary rehabilitation of women, which are often experienced as antagonistic and traumatic;*
6. *Ensure that anti-trafficking efforts are not used as a means to deport migrant women with an irregular immigration status.*

**92. Questions**

**92. a)** Why does ‘prostitution’ only appear when discussing adverse collateral effects of anti-trafficking efforts?

**d)** Can discontinuing ‘involuntary rehabilitation’ of women could it mean that exit programmes for women in prostitution as implemented in Sweden or France have to be stopped?

**Further recommendation**

The General recommendation on Trafficking in Women and Girls in the Context of Global Migration should be applicable even in the digital sphere, that is when the exploitation of women and girls is online, and when trafficking takes place through the use of present and future technologies.