

**General Recommendation on Trafficking in Women and Girls
in the Context of Global Migration:**

**Submission to the United Nations Committee on the
Elimination of Discrimination Against Women**

**Submitted by the Global Campaign for Equal Nationality Rights**

May 2020

 *The* [*Global Campaign for Equal Nationality Rights*](https://equalnationalityrights.org) *works to end gender discrimination in nationality laws through its coalition of national and international organizations, activists, and UN partner agencies.[[1]](#footnote-1)*

Approximately [50 countries](https://equalnationalityrights.org/the-issue/the-problem) have nationality laws that deny women equal rights with men, in violation of international human rights law. [Twenty-five](https://equalnationalityrights.org/the-issue/the-problem) of these countries deny women the right to confer nationality on their children on an equal basis with men. Others deny women equal rights to confer nationality on spouses, or to acquire, change, or retain their own nationality.

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**Rationale for the following recommendations[[2]](#footnote-2):**Gender discrimination in nationality laws is a primary cause of statelessness and undermines women’s equal status within society and the family. Stateless women and girls often face significant barriers to assessing education, formal employment, healthcare, social services and freedom of movement. These hardships combined with their lack of legal status result in stateless women and girls facing an increased risk of human trafficking. Even if not left stateless, those denied access to their mother’s nationality due to gender discrimination in the nationality law, including when that country is their country of birth and residence, also face an increased risk of trafficking, as a result of their vulnerable status in that country. In contexts of displacement and with increased migration globally, gender-discriminatory nationality laws impact even greater portions of affected countries’ populations.

**Recommendations:**

Paragraph 12

Requested change – addition:

“The Committee identifies the higher risk faced by women and girls subjected to multiple and intersecting forms of discrimination, particularly women and girls in poverty, living in remote areas, forcibly displaced women and girls, ~~and~~ women and girl migrants, and stateless women and girls.”

Paragraph 14

Requested change – addition:

“In its general recommendation No. 19 (1992) on violence against women, the Committee clarified that discrimination against women included gender-based violence the prohibition of which has evolved into a principle of customary international law. Recognizing the gender-specificity of the forms of trafficking in women and girls and its consequences, including harms suffered, the Committee acknowledges that trafficking in women and girls is unequivocally a phenomenon rooted in gender-based discrimination and inequality in law and practice and constitutes gender-based violence against women.”

Paragraph 24

Requested change – addition:

“Women and girls living in rural and remote areas, indigenous women and girls, those with an irregular migration status, as well as stateless women and girls and those at risk of statelessness who experience social, political and economic exclusion face specific risks of being trafficked. A root cause of statelessness, gender discrimination in nationality laws exacerbates women and girls’ vulnerability, including economic insecurity and inhibited freedom of movement, putting them at increased risk of being trafficked. Nationality law provisions that discriminate against women, in violation of CEDAW Article 9, also heighten the risk of statelessness amongst the children of female victims of trafficking….”

Paragraph 26

Requested change – addition:

Address the root causes of trafficking by:

1. Identifying and ensuring the equal rights and opportunities for women facing multiple forms of discrimination, including by eliminating gender discrimination in all laws;

….

1. Ensuring women and girls’ equal nationality rights and right to legal identity, including by the elimination of gender discrimination in nationality laws.

Paragraph 28

Requested change – addition:

“Women’s rights framework to human development: Take responsibility, in view of the Sustainable Development Goals, to address the root causes of trafficking, in particular: the acceptance and normalization of gender-based violence against women (Goals 5, 11 and 16); the vulnerability of women to poverty (Goal 1); the persistence of laws that discriminate against women (Goal 5);…”

Paragraph 42

Requested change – addition:

1. Address issues of vulnerability that are faced by families and particularly women and girls, including economic insecurity, misconceptions about family pride and girls’ safety, access to education, ~~and~~ livelihoods and legal identity;

Paragraph 54

Requested change – addition:

“The anti-trafficking responses of States parties should be nuanced to address the particular vulnerabilities of both women who migrate within the borders of the territory for which they hold citizenship, or in the case of stateless women the country is which they reside, and those who migrate internationally and are non-citizens in the countries of transit and destination, both documented and undocumented.”

Paragraph 72

Requested change – addition:

1. Adopt targeted laws, policies and programmes to ensure equal rights for women belonging to disadvantaged and marginalized groups, such as forcibly displaced women, migrant and stateless women, by ensuring that they receive adequate assistance, and that they benefit from integration policies as well as family reunification measures.

Paragraph 84

Requested change – addition:

“Ensure access to justice for all trafficking victims, including forcibly displaced, migrant and stateless women, including those in an irregular situation:”

Thank you for your attention to this important issue.

1. The Campaign coalition includes over twenty organizations based in Asia, Africa, Europe, the Middle East and North America. Steering Committee members include Equality Now, Equal Rights Trust, Institute on Statelessness and Inclusion, the UN Office of the High Commissioner for Refugees, Women’s Learning Partnership, and Women’s Refugee Commission. <https://equalnationalityrights.org> [↑](#footnote-ref-1)
2. Global Campaign for Equal Nationality Rights Submission to the CEDAW Committee General Discussion on Trafficking of Women and Girls in the Context of Global Migration, available at: <https://equalnationalityrights.org/images/zdocs/GR-on-TWGCGM---GCENR---ISI-Submission-Final.pdf> [↑](#footnote-ref-2)