Comments on the Draft General Recommendation ontrafficking in women and girls in the context of global migration.

By Norwegian Church Aid (NCA)

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NCA welcomes the elaboration of a General Recommendation on Trafficking in Women and Girls in the Context of Global Migration by the Committee on the Elimination of Discrimination against Women (CEDAW). We applaud your efforts to date and the extensive work conducted by all parties.

Bellow, are NCA’s suggested comments for your consideration:

1. **Para 8:** remove from sentence2,reference to ***the culture of impunity*** as one of the most commonmeans used to commit the trafficking crime.

Reason**-** “Culture of impunity” is not a recognised means of trafficking in the Trafficking Protocol.

1. **Para 25.F**

Insert new subsection v**- *Modify and improve laws surrounding undocumented persons to ensure their right to access services***

Reason- Women and girls that are stateless or lacking documentation are at an increased vulnerability, especially pertaining to access to services including legal and health

1. **Para 26****. b** Should include:

Providing women and girls in situations of disadvantage, ***especially those without identification documentation or stateless***, with access to basic services, including education, information, health care and employment opportunities;

Reason- reiterating the above

1. **Remove from Title IV. *discouraging the demand that fosters exploitation through trafficking***

Reason- “Demand” is a root cause of trafficking (see, for example, OHCHR, Recommended Principles and Guidelines, Guideline 7, p. 9, [[1]](#footnote-1)“Strategies aimed at preventing trafficking should take into account demand as a root cause.”), Demand should be included under root causes and not placed alongside them.

1. **Remove from title section IV e. *discourage the demand that fosters their exploitation through trafficking***

Reason- Again, reiterating the above – demand is a root cause.

1. **Para 27 should be incorporated into Para 26 by inserting a new sub section g)**

g.) Discouraging the demand that fosters all forms of exploitation of persons, especially women and children, that leads to human trafficking by-

Reason- As stated above, demand is a root cause. Therefore para 27 should be placed under root causes in Para 26 and not as a standalone paragraph

1. **Creation of a new paragraph explaining demand**

A paragraph should be inserted to explain what demand is before the committee outlines suggested ways to discourage it. This should encompass the commentary to the Recommended Principles and Guidelines and at a minimum, include discriminatory attitudes and belief, including cultural attitudes. [[2]](#footnote-2)

1. **Para 29.** **g** Should include, ***access to necessary health services***
2. **Para 29** should include new subsection L, on the ***best interest on the child and adolescents***.

Reason- This recommendation is for women and girls and so this section should include the condition that all legislation adopted and enacted, must be in the best interest of the child and adolescents*.*

1. **Para 30 a) i.**  should be re-written as follows:

Integrate gender-specific provisions into the national plan of action to combat human trafficking, ***ensuring***the meaningful participation ***and inclusion*** of civil society; *and* ***communities’ members that are vulnerable to trafficking (example stateless women and girls, those lacking identification documentation)*.**

Reason- Community involvement is fundamental in achieving global rights, justice and gender equality.

1. **Para 31 Include new sub section i.**

***i.)******ensure that trafficked persons including communities’ members that are vulnerable to trafficking participate meaningfully in the regular review to assess the impact of the national action plan*.**

Reason- reiterating the above, Community involvement is fundamental in achieving global rights, justice and gender equality.

1. **Para 32.a rewritten to included** voices of those in ***communities vulnerable to human trafficking*** must be included and accounted for.

Reason- reiterating the above

1. **Para 32.b Allocate resources to ensure that human rights and women’s rights non-governmental organizations are well informed, adequately consulted and play an active role in the initial and subsequent development of anti-trafficking strategies[[3]](#footnote-3)and continuing implementation of the Convention[[4]](#footnote-4) and the UN Trafficking Protocol**

This section should emphasise the importance of localisation by inserting. ***Include community led organizations in order to empower them and to acknowledge their critical role in prevention of human trafficking*.**

1. **Insert in Para 68**

**a)** Should include*,* ***Do no harm approach****.*

**d)** Ensure adequate protection and support for both victims of trafficking and for presumed victims while identification processes are carried out

This should also include ***adequate assistance***. This is included in 68.c

**e)** Introduce proactive inspections ***and criminal investigations*** for the identification of trafficking victims in workplaces and recruitment agencies

1. ***Para 72*** *-* **Strengthen the unconditional assistance and protection provided to victims of trafficking**

This should include ***support-*** Language should be consistent throughout. Paragraph 68 c and d should also mention- assistance, support and protection.

1. **Para 72.c** This should be re written-

Adopt a gender-sensitive, ***victims-centred, trauma informed*** policy and procedure manual

1. Office of the High Commissioner for Human Rights, Recommended Principles and Guidelines on Human Rights and Human Trafficking, Guideline 7, p. 9, E/2002/68/Add.1, 2002 [↑](#footnote-ref-1)
2. OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking Commentary section 4.3 [↑](#footnote-ref-2)
3. General recommendation No. 28 (2010) (CEDAW/C/GC/28), para. 27. [↑](#footnote-ref-3)
4. para. 18, CEDAW/C/NLD/CO/6 [↑](#footnote-ref-4)