Draft General Recommendation on TWGC

The NGO Committee to Stop Trafficking in Persons, a coalition of non-governmental organizations affiliated with the United Nations in New York, highly commends the draft CEDAW General recommendation on Trafficking in Women and Girls in the Context of Global Migration.

This very comprehensive document augments the purpose of the Convention put forward forty years ago this year, that the realization of women’s equal rights, as enshrined in the Universal Declaration of Human Rights, requires a gendered lens be applied to the delineation of human rights norms and standards that will hold states accountable for creating the conditions necessary to achieve equality and non-discrimination for women.

Under international law, trafficking is both a criminal offense and a human rights violation. In reality, implementation of the norms and standards to prevent, protect and punish perpetrators of trafficking, particularly at the national level, has been a complex, lengthy and erratic process. Article 6 of the Convention and subsequent general recommendations adopted, as well as this excellent draft recommendation, offer the CEDAW Committee additional levers through the regular review of country reports to strengthen legal and policy commitments to end trafficking and promote women’s equal rights. The draft general recommendation delineates well concrete actions needed to address the root causes, including demand to stop trafficking.

As the draft outlines, women and girls who migrate within their country of origin and across borders often are deprived of equal protection under the law and are vulnerable to violence of many forms, including trafficking, because of their precarious circumstances. As noted, a disproportionate number women and girls are found in the informal sector where they may be exposed to severe human rights violations and where there is little or no regulation or enforcement and absence protective measures. Similarly, migrants who are non-citizens in a country are often not afforded rights. The draft elaborates how these and other circumstances must be resolved to provide legal protections and policies for migrant women and girls.

This draft General recommendation will be an important tool for expanding the understanding of and commitment by member states to meeting ever-evolving needs relating to women’s universal human rights by addressing trafficking as well as global migration. CEDAW must continue to be the standard bearer for promoting equality and non-discrimination for women and girls. Civil society, both women and men, have a critical role in using CEDAW as a crucial mechanism for advocating with their government toward the actualization of universal women’s rights.