****

**Submission by the Swedish Women’s Lobby to the CEDAW Committee on the Draft General Recommendation on Trafficking in Women and Girls in the Context of Global Migration**

Dear Honorable CEDAW Committee Members,

The Swedish Women’s Lobby thank the Committee for recalling its mandate to assist States parties to fulfil their obligations under CEDAW in combatting trafficking in women and girls. As the Committee states in the General Recommendation on TWGCGM, States parties have failed in effectively addressing trafficking, sexual exploitation, and exploitation of prostitution in women and girls. The General Recommendation can serve as an important tool in assisting States parties to uphold their obligations under Article 6 of CEDAW.

However, The Swedish Women’s Lobby are deeply concerned that the Draft Recommendation does not address prostitution and the amalgamation of different forms of trafficking in women and girls. The CEDAW Convention Article 6 demands that States shall take all appropriate measures to suppress all forms of trafficking *and the exploitation of prostitution of women*. Thus, the issue of exploitation of prostitution must be given as much attention as trafficking within the Recommendation.

## The Swedish Women’s Lobby call on the Committee toseparate trafficking for sexual exploitation from other forms of trafficking; to include a reference to the *UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* and to address pornography and its link to trafficking and exploitation of prostitution. The Swedish Women's Lobby further call on the Committee to address surrogacy motherhood and trafficking in women for reproductive services in the General Recommendation as this is an increasing form of trafficking in women.

**The General Recommendation must address the exploitation of prostitution of women**

As CEDAW Convention article 6 mandates the legal obligation of States to suppress all forms of traffic in women *and the exploitation of prostitution of women*, the Swedish Women’s Lobby are concerned that the draft recommendation solely focus on trafficking and does not adress *exploitation of prostitution of women.* The Swedish Women’s Lobby call on the Committee to add *“exploitation of prostitution,**”* in the title of the General Recommendation and in the paragraphs as noted below.

The Swedish Women’s Lobby call on the Committee to clarify that the recommendations mentioning “labour”, “supply chains” "work" and "services" are not applicable in the context of trafficking for sexual exploitation.

**Include legislative measures targeting the demand for trafficking and exploitation of prostitution**

The Swedish Women’s Lobby welcome the focus on the demand as root cause of trafficking in women and girls. Yet, we are concerned that the Committee only recommends legislative measures targeting *”*users of trafficked goods and services”, and notlegislative measures targeting the demand for sexual services and the sex trade.

The experiences from Sweden is that the most important tool in combatting trafficking in women for sexual exploitation is to target the demand for prostitution by penalizing sex buyers; to provide comprehensive services to women and girls in prostitution and offer them viable exit strategies to leave the sex trade.[[1]](#footnote-2)

The General Recommendation on TWGCGM must not only assist States parties in accelerating their efforts to fully implement CEDAW Article 6. It must also remind States parties that sexual violence and sexual access to women’s bodies are the most pervasive manifestations of inequality between women and men. No State can realize women’s human rights and equality between the sexes while upholding a system of and demand for prostitution.

**Title of General Recommendation**:

“General Recommendation on Trafficking ***and the exploitation of prostitution*** in the Context of Global Migration.”

**Section 1 Introduction**

**3.** “It affirms States parties’ obligation of due diligence to prevent, investigate, prosecute and punish trafficking in women and girls ***and exploitation of prostitution***, to protect victims as well as to provide reparations.”

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

**12.** In addition to suppressing trafficking, Art. 6 **mandates** the legal obligation of States parties to “take all appropriate measures, including legislation, to suppress all forms of . . . ***exploitation of prostitution*** of women.”

**14.** “the Committee acknowledges that trafficking in women and girls is unequivocally a phenomenon rooted in **gender-based discrimination** and inequality and constitutes gender-based violence against women, **add sex-discrimination, in accordance with CEDAW art 1.**

**15**. “Trafficking in ***and the exploitation of prostitution of*** women and girls may amount to torture or cruel, inhuman or degrading treatment.[[2]](#footnote-3)

**18**. “Women are not a homogenous group and their experiences as trafficking victims, ***and as victims of the exploitation of prostitution***, are diverse.”

**19**. **“**Identifying, addressing and eliminating the root causes and discouraging the demand that fosters all forms of exploitation of women and girls through trafficking ***and the******exploitation of prostitution…”:***

**20**. “Trafficking in women is rooted…, including the demand for sexual exploitation ***including of prostitution, the destination of sex trafficking.”***

**20.**Trafficking in women is rooted in gender-based discrimination, gender-based structural inequality, **add sex-discrimination, in accordance with CEDAW art 1.**

“and the demand for cheap and/or forced labour, ***including*** the demand for sexual exploitation.

Replace with “and the demand for cheap and/or forced labour, ***and*** the demand for sexual exploitation.

**22**. **“…**as well as the lure of massive financial gains ***from the exploitation of prostitution*** with few risks due to the impunity enjoyed by its perpetrators.”

**25. c)** Collecting and publishing data on trafficking in women and girls, and specifically on:

**Add Collecting and publishing data on the sex trade and the exploitation of prostitution.**

**27.** “Discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to human trafficking“**, *replace children with girls***.

**Paragraph 27 need to address trafficking for the purpose of sexual exploitation. Paragraphs addressing** “**goods and services**“**, need to be specify that this is separated from trafficking for sexual exploitation as exploitation of prostitution never can be considered a service.**

**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; replace with ***including in particular those aimed at potential buyers of sexual acts.***

**b)** Where applicable, instituting penal legislation to sanction the users of goods and services that result from trafficking in persons; **replace with *instituting penal legislation to sanction the purchase of sexual acts****;*  
  
**30 (a)** ii: “Coordinate the initiatives and activities of actors at the local, regional and national levels, including government agencies, national human rights institutions, and **women’s rights organizations**, engaged in combatting trafficking in women and girls ***and the exploitation of prostitution of women*;”**

32. Ensure women’s meaningful participation in trafficking prevention efforts:

a).The expertise and voices of women and girl victims of trafficking must be included and accounted for at all stages of efforts to prevent and combat trafficking, including training, programme and research design, development, implementation, monitoring and evaluation, as well as legislative and policy drafting replace ***“victims of trafficking”*** with **“*survivors of trafficking and prostitution”.***

**56 (a)**:“Awareness Raising: “Disseminate information on safe migration, the nexus between human trafficking and labor migration, ***sex trafficking and the sex trade***, the rights of migrant women workers and of victims of trafficking ***and exploitation of prostitution*** under the Convention, the UN Trafficking Protocol, national laws and available remedies for violations of those rights;”

**58 (a)**: “Introduce, strengthen, and enforce employment legislation designed to protect all migrant workers… to minimize the opportunities for exploitation, ***including the exploitation of prostitution.***

**58. Employment and labour framework**

**Clarify that paragraph 58 does not apply in the context of trafficking for sexual exploitation.**

**62.** **Address trafficking in corporate supply chains:**

**Clarify that paragraph 62 does not apply in the context of trafficking for sexual exploitation.**

**65 (a)**:“Ensure coordination between States parties to address the nexus between human trafficking, ***the exploitation of prostitution***, and international labor migration;”

**68 (k)**: “Adopt a zero-tolerance policy on trafficking, ***exploitation of prostitution,*** and sexual exploitation and abuse, based on international human rights standards”

**70.** The Committee affirms that discrimination against women is inextricably linked to other factors in their lives including being a victim of trafficking ***and the exploitation of prostitution***.[[3]](#footnote-4)Trafficking victims are in need of immediate support services, including access to information on their rights, medical, psychological and legal services available to them and how to access them.[[4]](#footnote-5) Yet they often face restricted access to essential services, both in the country in which they are identified and in their community of origin.[[5]](#footnote-6) The provision of long term, needs-based, comprehensive victim-centred assistance and protection measures are often lacking in anti-trafficking responses ***and responses to women victims of the exploitation of prostitution.****”*

**72.** l/Commit to providing individualized support and assistance to trafficked women **and women exploited in prostitution** in the country in which they are identified that is respectful of the cultural identity of the victims;

**73**.“Ensure that trafficked women and girls, ***and those exploited in prostitution***, are accorded all of their human rights”

**78**. **“**The Committee notes the high level of impunity enjoyed by perpetrators of trafficking ***and of exploitation of prostitution*** and draws a link to the gender-related factors underpinning [trafficking in women] ***and their exploitation in prostitution***, which, as recognized in general recommendation No. 35 (2017), contribute to the explicit or implicit social acceptance of gender-based violence against women, often still considered a private matter, and to the widespread impunity in that regard.”

**80**.“…Furthermore, victims of trafficking may be subject to prosecution for acts they were forced to commit as part of their exploitation, ***including in prostitution***.”

**84**.“Ensure access to justice for all trafficking victims ***and victims of the exploitation of prostitution*,** including forcibly displaced and migrant women, including those in an irregular situation:”

**85.** “The Committee acknowledges the complexity and the high level of skill required to investigate and prosecute allegations of trafficking in women and girls, ***and of their exploitation in prostitution***, that often implicate a criminal network operating transnationally.”

**86**.“The Committee condemns the use of anti-trafficking interventions ***or the criminalization of women exploited in prostitution***  to justify violence against specific groups of women, particularly in the case of violent raids and entrapment operations by law enforcement authorities conducted with a view to dismantling trafficking networks, ***provided, however, that law enforcement must duly target, prosecute and punish traffickers, and other third party exploiters.***”

**88(a)**:“Ensure the timely prosecution and adequate punishment of trafficking in women and girls*,* ***of the exploitation of the prostitution of others***, and related offences”

**90**:“…Ensure that the sanctions imposed on all convicted perpetrators of trafficking, ***of exploiting the prostitution of others*,** and related crimes are commensurate**.**”

**94**:“Victims of trafficking ***and exploitation in prostitution*** often encounter significant difficulties in claiming compensation and other forms of reparation for damages and harms suffered.”

**Stockholm May 15, 2020**

**The Swedish Women’s Lobby**

**About the Swedish Women’s Lobby**

The Swedish Women’s Lobby is an umbrella organization for the women’s movement in Sweden. We gather 47 member organizations working to fulfil women’s human rights on the basis of the CEDAW Convention and Beijing Declaration and Platform for Action. Read more about the organisation [here](https://sverigeskvinnolobby.se/en/membership/).

1. https://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/ [↑](#footnote-ref-2)
2. General recommendation No. 35 (2017) (CEDAW/C/GC/35), Paras. 16-17. The Committee has set out that a gender-sensitive approach is required to determine when an act of gender-based violence against women amounts to torture or cruel, inhuman or degrading treatment. This requires an understanding of the level of pain and suffering experienced by women. The purpose and intent requirements for classifying such acts as torture are satisfied when acts or omissions are gender-specific or perpetrated against a person on the basis of sex. [↑](#footnote-ref-3)
3. General Recommendation No. 35 (2017) (CEDAW/C/GC/35), para. 12. [↑](#footnote-ref-4)
4. General recommendation No. 31 (2014) (CEDAW/C/GC/31-CRC/C/GC/18), para. 82. [↑](#footnote-ref-5)
5. A/71/303 (2016), para. 35. [↑](#footnote-ref-6)