**Comments on CEDAW DRAFT General recommendation on Trafficking in**

**Women and Girls in the Context of Global Migration**

**by
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i. **Paragraph 12 Regarding the Role of technology in the recruitment of victims**.

1.
 State Parties to the present convention should mandate guidelines for social media and technology companies that are subject to the laws of their jurisdictions.
 Social media companies such as Facebook, Twitter, Snapchat and Tiktok should be mandated to have robust counter-trafficking policies.

Using the latest AI technology is it is possible to scan a human trafficker’s behavior online and detect if they are using a fake profile to lure persons into situations of exploitation. If a social media company suspects an account is being used to facilitate trafficking and other exploitation a report should be made to a police department with jurisdiction.

2. Social media can also be a potential tool to help victims of trafficking connect to law enforcement and service providers for potentially lifesaving help. Social media data analytics may also be useful in identifying victims of trafficking e.g. GPS location data could be used to show all at-risk women and girls who have been moved from their country of origin and have not returned home.

3. Technology companies now have the revenue of small countries so there is a moral responsibility for these actors to abide by international human rights norms. Facebook has a total userbase of over 2.5 billion people , more than the population of any one nation.

4. State parties to the conventions especially the United States and China should mandate guidelines for their social media companies to comply with.
5. Given the enormous impact of social media companies internationally these companies should be encouraged to have representatives that work with CEDAW and other human rights bodies on major issues such as human trafficking.

 ii. **Paragraph 29. H)** “  **a clear time frame for establishing specialized tribunals to effectively prosecute and adequately punish traffickers “**
6. This is an excellent suggestion and should be near the top of priority for developing countries. My experience within the Caribbean is that prosecutions for many crimes take between 8 to 10 years and perpetrators of human trafficking may be out on bail for that amount of time and have opportunity to revictimize a survivor of trafficking who brought the case against them.

 7. To date, Trinidad and Tobago has no convictions for human trafficking due to the very long delay in our criminal justice system.

 8. Tribunals for the conviction of trafficking should be rights-based and shield survivors of trafficking from the highly adversarial aspects of criminal justice. This will require an entirely new legislative framework and different rules of evidence. An international model should be standardized and offered as best practice to developing countries

 9. The procedural rules for Criminal Courts in the Commonwealth Caribbean require that a witness or “Virtual Complainant” be willing to continue with the case for the entire process. It is very difficult to get a conviction without the victim of trafficking giving evidence in court and allowing themselves to be cross-examined by defence attorneys for the accused trafficking perpetrator.

 10. .Ideally, the survivor of trafficking should be able to give witness statements and record video testimony and have these tendered into evidence. Cross-examination perhaps could be done via video link to spare the victims the horrors of the court process where Criminal Defense attorneys pride themselves on being heartless in their pursuit for their client’s best interest.

iii. Regarding Paragraph 31” **Adopt, adequately finance, implement, and regularly review a comprehensive national plan of action to prevent and combat human trafficking, ensuring it is in line with this general recommendation and that it:**

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11. Recommendation A minimum budget should be set as a guideline for counter-trafficking **funding e.g. a percentage of GDP, e.g. 0.0005%**  . This will prevent governments from paying lip service to counter-trafficking efforts on paper as many seem to do around the world. Counter trafficking efforts in Trinidad and Tobago and also in Jamaica are underfunded compared to other criminal justice and national security initiatives.

 12. The suspicion amongst civil society leaders such as myself is that the governments in many Caribbean countries try not to work too much against human trafficking to prevent upsetting organized crime leaders that may retaliate with violence.

 13. Regards **“national plan of action to prevent and combat trafficking** “There is a need for the creation of a counter-trafficking ecosystem where government agencies and civil society work hand in hand.

I.e. A department of attorneys who work with criminal prosecutors and the police, with their own budget and specialized training. This will help prevent an additional burden on State Prosecutors and Attorney Generals offices and ensure counter-trafficking work gets the priority it deserves.

14. Trinidad and Tobago needs more State Prosecutors and it is recommended that an entirely new department in the Director of Public Prosecution’s office be opened to have a team of specialized attorneys who prosecute Human Trafficking matters. These attorneys can also provide legal support to the other arms of government and civil society whose attorneys may lack specialized Human Trafficking training.

 15. Other nations should also consider ensuring that their respective Public Prosecutor’s Department has sufficient resources to deal with Human trafficking cases and consider adopting a model where a specialized Counter Trafficking department handles both prosecution and works within a Counter Trafficking ecosystem to support civil society, the police and other arms of government. Considering that highly specialized legal training in Human Trafficking is still rare in the developing world such a specialist department is necessary.