**General Recommendation on Trafficking in**

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

**Committee on the Elimination of Discrimination against Women**

 **Comments by the Sovereign Order of Malta**

Mail before 12 May to **cedaw@ohchr.org** **objet : “Draft General Recommendation on TWGCGM”**

The Sovereign Order of Malta would like to thank the Working Group for the comprehensive *Draft General Recommendation on Trafficking in Women and Girls in the Context of Global Migration* and propose the following comments:

**Paragraph 1**
We would like to add the following sentence at the end of paragraph 1: the special protectionof women and girls is the legitimate objective and scope of the Draft General Recommendation. Nevertheless, the plight of all victims of human trafficking need to be highlighted and it is necessary to reaffirm that any special protection given to women and girls does not diminish in any way the **general protection of all victims of human trafficking**.

**Paragraph 29 or 103**
It would be useful to mention in paragraph 29 b or even 103 the ***Convention of the Council of European Action against Trafficking in Human Beings (2005)***. It does not limit human trafficking to transnational exploitation (Art. 23), it provides well-functioning mechanisms of implementation : the GRETA (Art. 36) and the Committee of States Parties (Art. 37). Moreover, it is open to accession by States which are not Members of the Council of Europe (Art. 43, 1).

**Paragraph 29 c)**

Add the following forms of trafficking: “**removal of organs**”,“**forced criminal activities**” **“sale of children”** as well as“**forced motherhood”** which leads women and children to become victims of the global commodification of the human being for sale (for adoption, sex, pornography, slave labor, organ harvesting).

**Paragraphs 34, 35**
This section rightly mentions the special case of child soldiers. **However, reintegration and rehabilitation of child soldiers should be added and encouraged.**

**Paragraphs 67, 68 g), 83, 84 a), 88 d), 102**

These different sections mention awareness campaigns, nationwide education, access of women to education and information about their rights, legal aid for victims, financial support of independent association/legal professionals/social services as well as the translation of the General Recommendation into local languages. **It might be practical to mention governmental authorities, international and regional organisations, civil society organisations which should be in charge of the implementation of those proposals.**

**Paragraphs 29 j), 56, 32 a), 62 e), 62 g), 65 d), 68 b), 68 k), 72 e), 87**
These sections refer largely to the training of different actors. **Could you specify who could provide these trainings and mention some good practices?**

**Paragraphs 29 j), 56, 32 a), 62 e), 62 g), 65 d), 67, 68 b), 68 g), 68 k), 72 e), 83, 87, 84 a), 88 d), 102** The **inclusion of a variety of actors and entities** in: awareness campaigns, nationwide education, access of women to education and information about their rights, legal aid for victims, financial support of independent association/legal professionals/social services, the translation of the general recommendations into local languages and more importantly, in **training** activities.

These various activities mentioned in the preceding paragraphs could be carried out by:
-**Governments** (Ministries of Education, Health, Foreign Affairs, Defense, Interior, Justice).

-**International organizations**, part of the **UN system**: OHCHR, UNODC, UNHCR, IOM, ILO, UNICEF, UNESCO, UNITAR, UNICRI, International Organization of Tourism, International Maritime Organization, ICAO, ITU, WHO as well as system-wide coordination mechanisms against human trafficking ICAT and UN-ACT.
-**Other international organizations**: GFMD, OECD, INTERPOL, IATA, World Customs Organization (WCO), Inter-Parliamentary Union (IPU), etc.
-**Regional and sub-regional organizations**: African Union, ECOWAS, SADC, ASEAN, Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), Council of Europe, OSCE, Nordic Council, Council of Baltic States Secretariat, OAS, Arab League, Organisation Internationale de la Francophonie, Commonwealth, Non-Aligned Movement, etc.

-**NGOs**

-**Universities or schools**
-**Medias**
-**Think-tanks**

-**Private business**

-**Foundations**

-**International and national professional associations** of medical or legal practitioners

-**Actors, film makers, writers**: victims of modern slavery would need books like a “*Memory of Solferino*” or “*Uncle Tom’s Cabin*” or movies to mobilize contemporary public conscience.

These recommendations should **invoke the role of private business, media, sports, local communities and diasporas**, incentives to “push and pull” all stakeholders to take the issue into account and commit **human and material resources** to implement these recommendations.

**Paragraph 68 j)**

**Faith-based actors (FBOs)**, rightly mentioned in paragraph 68 j, could provide more than critical information about trafficked women. FBOs could **indeed contribute to prevention, protection and rehabilitation** of victims, both by **appeals of leaders** and by **concrete action through local communities and congregations**. On 2 December 2014 at the Casina Pio IV, headquarters of the Pontifical Academy of Sciences and Social Sciences, Catholic, Anglican, Muslim, Hindu, Buddhist, Jewish and Orthodox religious leaders signed a [Joint Declaration of Religious Leaders Against Modern Slavery](http://www.endslavery.va/content/endslavery/en/events/declaration/signed.html) as a public statement of their commitment to work together in spiritual and practical action to eradicate this crime against humanity and restore dignity and freedom to its victims. The “[Interfaith Toolkit on Human Trafficking](https://www.umcjustice.org/documents/44)” is another good example of faith based resources and practices regarding the fight against human trafficking.

**Paragraph 72 k)**

Support community-based programmes for reintegration and social inclusion through self-organized groups of trafficked women (72 k): **The role of survivors in contributing to prevent, protect and rehabilitate victims deserves to be underlined. References to good practices could be useful for all stakeholders, even if only in footnotes.**

**Paragraph 103**

**Ratification of the international law instruments is aptly reminded, and could be complemented: first, add the 1989 Convention on the Rights of the Child (CRC) and both Protocols, including the Optional Protocol on the involvement of children in armed conflict, as well as refugee law instruments (1951 Convention, 1967 Protocol, 1969 African Convention, 1984 Cartagena Declaration).**

Secondly, it will be advisable to add a paragraph to urge Governments and civil society to move forward concretely, in a synergistic way. It is therefore a general mobilization, possibly through coalitions such as those that led to the adoption of the *Ottawa Convention against Anti-Personnel Landmines* (1997), and the *Treaty of Rome* (1998) establishing the International Criminal Court, and others. A broad and in-depth front of multi-stakeholders is needed to try to confront the hydra of human trafficking. On the other side, often, transnational criminal networks are involved in many forms of trafficking, particularly in the sale of weapons and drugs.

**Welcome additions**:

* **Add a paragraph in the section *E****. (Root causes of trafficking in women and girls and discouraging the demand that fosters their exploitation through trafficking)*

**Links between human trafficking, human security of individuals and communities and with national, regional and international security should be stressed out.**

Beyond the 1325 Resolution (S/RES/1325 (2000), the **UN Security Council role** in preventing and combating human trafficking must be brought to the fore. The Security Council repeatedly underscored that certain acts or offenses associated with trafficking in the context of armed conflict - commited by States and non-State actors - might constitute war crimes (S/RES/2331 (2016)) or crimes against humanity or genocide (S/RES/2379 (2017)) and (S/RES/2388 (2017)). Other resolutions such as the S/RES/2493 (2019) on the Women, Peace and Security agenda, the S/RES/2491 (2019) on Libya along with the S/RES/2502 (2019) regarding Congo should be mentioned here.

* **Add a paragraph in the section V, b. Victim assistance and protection
Regarding prostitution the** [**Nordic model**](https://nordicmodelnow.org/what-is-the-nordic-model/) **could be invoked as an example of good practice.** This approach has now been adopted in Sweden in 1999, Norway, Iceland, Northern Ireland, [Canada](https://nordicmodelnow.org/2018/05/14/caught-in-the-crossfire-and-not-by-accident-in-canada-the-legislation-was-just-the-beginning/), Finland, France, [Ireland](https://nordicmodelnow.org/2017/04/14/lessons-from-ireland-on-prostitution/), and most recently, Israel . Please find below examples of legislation, action plans as well as results from countries using this model:
- Prostitution policy in Sweden ([*The Swedish Institute. Prostitution Policy in Sweden. Targeting Demand 2019*](https://sharingsweden.se/app/uploads/2019/02/si_prostitution-in-sweden_a5_final_digi_.pdf))
- Nordic-Council Conference ([*Prostitution in the Nordic Countries. Conference report*, Stockholm, October 16-17 2008](http://norden.diva-portal.org/smash/get/diva2%3A701621/FULLTEXT01.pdf))