**CEDAW: Draft General Recommendation on Trafficking in**

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

## Submission by the UN Special Rapporteur on violence against women, its causes and consequences Dubravka Šimonović

## 12 May 2020

## The UN Special Rapporteur on violence against women, its causes and consequences (SRVAW), commends the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) for its excellent work in elaborating a draft General Recommendation on trafficking in women and girls in the context of global migration. In particular, the Special Rapporteur welcomes the specific references in the text to trafficking in women and girls’ as *a human rights violation and form of gender based violence against women’*.

## Based on the expertise and knowledge gained by the mandate of the SRVAW in this regard, and as a follow up to her previous contribution to the drafting process in February 2019, the Special Rapporteur wishes to submit the following comments on the draft text for consideration by the Committee:

## Section III: Legal framework/ Section IV: Root causes and discouraging the demand that fosters exploitation through trafficking, sub-section (b)

## The Declaration on the Elimination of Violence against Women provides a comprehensive definition of violence against women that includes “trafficking in women". As such, the Special Rapporteur suggests that Articles 1 and 2 of the Declaration be explicitly incorporated into the text of the General Recommendation as an important element of the international legal framework when it comes to confirming that trafficking constitutes gender based violence against women.

## References to the aforementioned articles of the Declaration could be inserted either in an additional paragraph under *Section III, Legal Framework* or under *Section IV (b) trafficking in women and girls constitutes gender based violence against women*.

## Article 1 of the Declaration on the Elimination of Violence against Women defines gender-based violence, as "*any act…that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life*".

## Article 2 (b) of the Declaration provides that: *Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;*

## Section IV, para. 12 and 13:

## To date the mandate of the SRVAW considers trafficking of women and girls as a form of violence against women and girls and recommends thematic and country specific measures at the national and global level for its prevention and elimination. The SRVAW mandate has produced two reports that focus specifically on trafficking of women and has included numerous country specific recommendations in its country visit reports where relevant. In 2000 the then SRVAW produced a specific report on trafficking in women in Bangladesh, Nepal and India ([E/CN.4/2001/73/Add.2](http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/CN.4/2001/73/Add.2&Lang=E)). This was complemented by her annual thematic report on trafficking in women, women’s migration and violence against women, submitted to the Commission on Human Rights at its fifty-fifth session (E/CN.4/2000/68). The Special Rapporteur notes that the aforementioned reports could be referred to as reference guides in the text.

## In her 2018 thematic report on online violence against women (A/HRC/38/47), the Special Rapporteur warned that the use of information and communications technology without adopting a proper human rights-based approach could contribute to an increase in gender-based discrimination and violence against women and girls. In her report she notes that ICT tools are used for trafficking women and girls or as a threat to compel them into trafficking situations[[1]](#footnote-2). The Special Rapporteur notes that reference could be made to the work of the mandate in that regard, and that her report on online violence against women and its specific references to trafficking in women, could be referenced after paragraphs 12 and 13.

1. Paragraph 34 [↑](#footnote-ref-2)