



Written submission by CAP international on the CEDAW General Recommendation on Trafficking in Women and Girls in the Context of Global Migration.

CAP international is a coalition of 27 frontline NGOs providing direct support to victims of trafficking for sexual exploitation and prostitution in 22 countries. www.cap-international.org

CAP international submits this contribution in view of the 72nd session of the Committee on the Elimination of Discrimination against Women and of its general discussion on Trafficking in Women and Girls in the Context of Global migration.

According to the Concept Note¹ aimed at preparing this general discussion, the objective of this General Recommendation is to *“uncover **the root causes** of women’s and girls’ increased risk to trafficking and remaining as trafficking victims, in order that these be **identified, recognized and addressed by States Parties**”*.

The Committee is mandated by article 21 of the Convention on the Elimination of All Forms of Discrimination Against Women to develop General Recommendations with the aim of: *“providing **authoritative guidance to States parties** on legislative, policy and other appropriate measures to ensure the **implementation of their obligations under the Convention and its Optional Protocol**”*.

I- In this context, and prior to any further developments, we would like to express **our concern about the exclusion from the scope of this General Recommendation of the States obligation** - under the very same article 6 of the CEDAW convention - to *“**suppress the exploitation of prostitution of women**”*.

- Article 6 is the shortest of all articles of CEDAW: *“States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”*.
- It articulates, in only one sentence and twenty-three words, States obligations to suppress two inseparable crimes: traffic in women and the exploitation of prostitution of women.
- Beyond CEDAW, the inseparable nature of these two crimes is unambiguously established by two universal human rights instruments. The preamble of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949, makes reference to *“prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution”*. The *“exploitation of prostitution of others”* is also the first exploitative purpose of the trafficking crime identified in the Palermo protocol.
- This interconnection has also been stressed recently by UNGA resolution 71/167 on “Trafficking in women and girls” which *“calls upon Governments to take appropriate preventive measures to address the underlying causes as well as risk factors that increase vulnerability to human trafficking, including poverty and gender inequality, particularly gender-based discrimination and violence, and the persistent demand that fosters all forms of trafficking and the goods and services produced as a result of trafficking in persons, as well as other factors that encourage the particular problem of trafficking in women and girls for exploitation, including in prostitution and other forms of commercialized sex”*.

¹ <https://www.ohchr.org/Documents/HRBodies/CEDAW/Trafficking/ConceptNote.pdf>

- In this context, **the decision to truncate Article 6 of CEDAW** in order to focus only on “trafficking in women and girls” is preoccupying. This decision is confirmed by the Concept note which states explicitly that the General recommendation “*will not broach a policy discussion on the theme of prostitution*”.

This decision also leads to a **worrying situation where the main root cause of trafficking in women and girls -the profits generated in the exploitation of prostitution’s “market” by the male demand for paid sex - seems to be excluded from the scope of discussion**, while the article 6 of CEDAW Convention precisely allows to address and tackle this root cause.

- If women and girls from all over the world, and among them the most discriminated groups (migrant, refugees, low castes, minors, victims of armed conflicts, displacement, prior sexual violence etc...), are trafficked, it is **primarily because States parties to the CEDAW convention have not implemented in a satisfactory manner their obligation to suppress the exploitation of prostitution of women**.
- Trafficking in women is not only a human rights violation. It is also one of the most lucrative form of organised crime.
- Women and girls are trafficked internationally and domestically for one main reason: meeting the male demand for paid sex, and thus, generating huge profits for pimps, procurers, brothel owners and traffickers.
- Your Concept note rightfully identifies that “*additional push factors include persisting norms and stereotypes regarding male domination, sexual entitlement, coercion and control which drive the demand for the gender-stereotyped services of trafficking victims, as well as the lure of massive financial gains with few risks due to the high levels of impunity enjoyed by perpetrators*”. But these “high levels of impunity” are directly related to the failure of a majority of States parties, and in particular countries of destination, to combat the exploitation of prostitution of women, which is the destination market of trafficking.
- According to the ILO², trafficking in human beings generates 150 billion USD profits to the traffickers. 66% of these profits (99 billion USD) are generated by the exploitation of prostitution of others. Trafficking in women and girls will never decrease if States parties do not criminalise the exploitation of prostitution of women (pimping, procuring, running of a brothel) and the demand for paid sex.
- Your Concept note also makes reference to UNODC figures showing that “*the majority of trafficking victims are female. Women and girls together comprised 71% of all detected and reported trafficking victims between 2012-2014. The main purposes for which women and girls are trafficked are indicative of the gendered-nature of the crime. During the same period (2012-2014) women and girls made up 96 per cent of detected and reported victims trafficked for sexual exploitation*”.
- It is also established that the overwhelming majority of women trafficked for sexual exploitation end up in the exploitation of prostitution’s “market”. In 2017, the IOM has highlighted that the trafficking for sexual exploitation of Nigerian women and girls to Italy had increased by 600% over the last three years³. NGOs and IOM perfectly know that these women are trafficked to be exploited in prostitution in Europe, where they will have to pay their “naira” (debt).

CAP international is also seriously preoccupied by one violation of UNGA agreed language in the preparatory Concept note. The Concept note does not use the agreed language of “exploitation of prostitution of others” (with the exception of direct quotes from international instruments), but uses

² https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_243201/lang--en/index.htm

³ <https://www.iom.int/news/un-migration-agency-issues-report-arrivals-sexually-exploited-migrants-chiefly-nigeria>

instead the term “forced prostitution”⁴. The only UNGA agreed language in this field is unambiguously “prostitution”, or “sexual exploitation”, or “exploitation of the prostitution of others” (see the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, article 6 of CEDAW, and the Palermo protocol).

CAP international Recommendations for the CEDAW General Recommendation on Trafficking in Women and Girls in the Context of Global Migration.

- 1- Highlighting that women and girls, and among them, the most vulnerable and discriminated groups (migrant, refugees, low castes, minors, victims of armed conflicts, displacement, prior sexual violence, natural disasters etc...) are disproportionately targeted and thus overrepresented in the trafficking in women and girls and the exploitation of prostitution of women and girls.
- 2- Stressing that trafficking in women and girls and its destination crime, the exploitation of prostitution of others, are at the intersection of several forms of oppression (poverty, sexism, racism, colonisation).
- 3- Urging States to recognize that the existence of a male demand for paid sex is the main root cause for the trafficking in women and girls.
- 4- Urging States to recognize that the overwhelming majority of women and girls are trafficked internationally and domestically to be sexually and economically exploited in the prostitution “market”
- 5- Urging States to recognize that the trafficking in women and girls cannot be decreased and suppressed if States do not adopt consistent legislation aimed at suppressing the exploitation of prostitution of women and girls.
- 6- Reminding States obligation under article 6 of CEDAW to eliminate the exploitation of prostitution of women.
- 7- Reminding States that the UN 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is directly binding for States parties to this convention and provides interpretative guidance on how all Parties to the CEDAW convention should implement their obligations under Article 6.
- 8- As a consequence, reminding States that the trafficking in women and girls cannot be decreased and suppressed if States do not criminalise the actions of pimping, procuring and running of a brothel.
- 9- Urging States to adopt the only efficient model to decrease and suppress the trafficking in women and girls: criminalisation of all forms of pimping, procuring and trafficking ; full decriminalisation of victims of prostitution and trafficking ; criminalisation of the purchase of sex ; implementation of nation-wide assistance and exit programmes for victims of prostitution and trafficking.

⁴ Concept Note, para 29: *“With limited job opportunities available for women in countries of origin, transit and host countries, many migrant women end up in informal employment, particularly in the care, domestic and male-driven entertainment sectors, including in forced prostitution”.*

Concept Note, para 30: