



TO: CEDAW Committee
CC: High Commissioner for Human Rights

18 February 2019
Brussels, Belgium

Submission by the European Network of Migrant Women (ENOMW) to the CEDAW Committee on Trafficking in and the Exploitation of Prostitution of Women and Girls in the Context of Global Migration, 72nd Session

We thank the CEDAW Committee for the opportunity to submit our observations and recommendations for the attention of the Committee and in the framework of drafting of a General Recommendation on Article 6 of the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW).

EUROPEAN NETWORK OF MIGRANT WOMEN (ENOMW) is the only pan-European migrant-women-led platform that directly represents the opinion of migrant and refugee women at the EU and international level. The network membership include the migrant, refugee and ethnic minority girls and women of Arab, African, Asian, Latin American and Eastern European descent and is made of more than 50 migrant women grass-root and advocacy NGOs.

ENOMW VISION: Equal rights and fair treatment for migrant and refugee women and girls of different ethnic backgrounds living in Europe

ENOMW MISSION: To prevent and combat discrimination and to promote the rights and interests of migrant and refugee women in Europe through coordinated advocacy, exchange of information, capacity building, projects and events, and to represent the interests of migrant women at international, European and national level.

ENOMW REPORT ON THB: EUROPE-AFRICA CRISIS WE DON'T WANT TO NAME: ORGANISED SEXUAL EXPLOITATION OF WOMEN AND GIRLS¹

Substantive Remarks on the Concept Note:

Scope of Recommendations:

ENOMW is seriously concerned with the limitations preemptively set to contextualise the discussion and the Recommendation “to respond to the current realities of unprecedented global migration flows”.

As migrant and refugee women, we have the direct experience and recognise the complex reality of the current “migration crisis”, in which women and girls are exposed to the heightened risks of trafficking, exploitation and violence, including the risks of abduction and murder. It is for this reason that we believe that limiting the General Recommendation on Article 6 to the context of, and/or responses to, “migration”, is grossly insufficient to address the root-causes of trafficking in women which arise not from ‘migration’ but the patriarchal discrimination against women, sex role stereotypes, and male violence, manifested universally, in and beyond the context of migration.

¹ <http://www.migrantwomennetwork.org/wp-content/uploads/2017/10/ENOMW-EUROPE-AFRICA-CRISIS-FINAL-1.pdf>

We believe that contextualising trafficking in women through the lens of migration will divert the onus away from the perpetrators of this highly gendered crime and do an injustice to migrant and refugee women, who, first of all, need, expect and demand to be recognised as subject to protection and afforded the rights under the international instruments on women's rights and not migration management/regulation/control.

Terminology, Definitions and Sources

As a population directly and disproportionately affected by trafficking for sexual and labour exploitation, we are seriously alarmed by the use of the term “forced prostitution” in the Concept Note; this term places the sexual exploitation of and violence against women on a par with “sectors of employment” such as domestic, care or agricultural work, characterising prostitution as a form of “labour” and implying that it can be *chosen, when not forced*. We find such a categorisation of prostitution completely unacceptable, defying the purpose of the very Article 6 that the Recommendation addresses, and violating the spirit of the Convention as a whole.

ENOMW reminds the CEDAW Committee as well as the OHCHR that, within the United Nations governing principles, in particular its *Policy on Zero-Tolerance on Sexual Exploitation and Abuse Throughout the United Nations System*, and accompanying it the *United Nations Action on sexual exploitation and abuse*², it is an obligation of all UN agencies to abstain from minimising harms inherent to the sex trade transactions. We note that the use of the term “*forced prostitution*” undermines the UN internal protocols that explicitly “*forbid sexual relationships with prostitutes*”³ as well as “*exchange of money, employment, goods or services for sex*”⁴ and “*condoning permissive environment for it*”⁵. Furthermore it brings into question the intention and the coherence of the overall UN Policies on sexual exploitation - the human rights violation in which the UN missions have been numerous implicated, described by the UN Security Council members as “the cancer in the United Nations system”⁶

Finally, we note with dismay that holding consultations with and referencing the sources authored by the lobbyist groups with direct interests in the profits generated by the sex trade is against the *high moral standing and competence* of the Members of the Committee, stipulated in the Article 17 of CEDAW, as well as in breach of the UN commitments and protocols listed above. In the words of the UN Secretary-General António Guterres the United Nations should “*not let anyone cover up these crimes [of sexual exploitation] with the UN flag*”.⁷

Complementary Legal Regimes:

ENOMW is alarmed that the Concept Note states that the Recommendation “will not broach the policy on prostitution” and the Complementary Legal Regimes listed in the Concept Note omit the laws and policies on prostitution. Even more problematic is that at the same time the Concept Note uses the term “forced prostitution” that implicitly promotes the legal regimes on prostitution in which sexual exploitation of women is categorised as a “form of employment”, based on a highly problematic distinction between the *freely chosen / forced prostitution*.

In the context of Complementary Legal Regimes, ENOMW reminds the CEDAW Committee that the exclusion of the legal frameworks on prostitution, in particular, the relation between such frameworks and the scope of THB along with the impact on its victims, is in itself, a breach of the Article 6 which explicitly recognises the *links between trafficking and prostitution*, and, therefore, also recognises that the laws and policies on prostitution have a direct impact on the scope and prevalence of trafficking. In addition to CEDAW's Art. 6 the link between THB and prostitution is recognised in various other

² <https://undocs.org/A/RES/71/278>

³ UN Charter and derived from it UN Peacekeeping Code of Conduct - <http://www.un.org/en/peacekeeping/issues/cdu>

⁴ UN Secretary General Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse

⁵ Letter from Secretary General Addressed to the President of the Security Council, February 2005, <https://cdu.unlb.org/Portals/0/PdfFiles/PolicyDocJ.pdf>

⁶ <http://www.un.org/press/en/2016/sc12277.doc.htm>

⁷ <https://www.un.org/preventing-sexual-exploitation-and-abuse/>

international instruments, in particular the UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949, the 1995 Beijing Platform for Action and the Palermo Protocol. At the European and EU level, this link is recognised in the 2011 EC Directive on Trafficking, Council of Europe's Convention on Trafficking, and a number of key Resolutions by the European Parliament⁸.

Assessing and comparing the legal regimes on prostitution is fundamental to preventing and combatting trafficking in women. In this regard, the countries that have introduced the Nordic Model on Prostitution (Sweden, Norway, France, and, most recently, Israel, among others) that decriminalise the victims of prostitution and trafficking, provide them with support and integration measures, while criminalising the buyers of sexual acts and all third party exploiters, show a steady decrease in the rates of trafficking in women, while also having a positive normative effects on the attitudes of men and boys with regards to sexual objectification and exploitation of women.⁹ At the same time the research carried out in the countries that fully decriminalised all aspects of the sex-trade including pimping / facilitation of prostitution and the purchase of "services" from the prostituted persons and/or legalised/regulated these aspects of the sex trade (the Netherlands, Germany, New Zealand, among others) continuously demonstrates that such legal regimes are directly correlated with the increase in trafficking of women for sexual exploitation as well as the normalisation of this crime and other forms of violence and discrimination against women, including the sexual harassment, sexual abuse, rape and sexual objectification of women and girls.¹⁰ The rates of women murdered in prostitution in New Zealand, Germany and the Netherlands that fully decriminalise sex trade¹¹ is evidence that prostitution, in itself, is a system that promotes male violence against women.

GENERAL COMMENTS:

Migration and Violence against Women and Girls, including Trafficking

Europe is a destination for women and girls seeking migration or international protection due to violence, armed conflicts or political crises or in order to escape poverty and serious violations of human rights. The inequalities between women and men in terms of access to resources, property, education, protection, justice, the labour market and decision-making have an impact on women's migration experiences both in countries of origin and destination. Although migrant, refugee and asylum-seeking women and girls represent a diverse group both as regards their nationality, age, legal and social status, professional and personal situation, and also as to the reasons they leave their countries, they are often in vulnerable situations and are overexposed to different forms of sex- and gender-based violence, including trafficking, at various stages in the migratory and asylum process.

Since 2010, and in particular since 2015, Europe has experienced new migration and asylum flows following wars, conflicts, natural and man-made disasters in Africa, the Middle East, South and Central Asia, and South America. Women who often used to arrive in Europe under family reunification policies, increasingly migrate and seek asylum independently. While searching for safety and a better life, they become the victims of trafficking, forced marriages, gender-based and sexual violence and abuse. The risks are particularly high for female unaccompanied minors, pregnant women or those with small children.

Of particular concern is the situation of females in the refugee camps and "hot spots" where they are subjected to severe and grave forms of VAWG exacerbated by the lack of sanitary facilities, sex-segregated

⁸ EP Resolution on the situation of women refugees and asylum seekers in the EU (INI 2015) (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2016-0024+0+DOC+XML+V0//EN>)

EP resolution on sexual exploitation and prostitution and its impact on gender equality (INI 2013) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2014-0071+0+DOC+XML+V0//EN>

⁹ See the evaluation of the effects of Sex Purchase Ban in Sweden in relation to rates of murder, trafficking and social norms: <http://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>

¹⁰ According to the 2016 USA State Report on THB, In Germany, "Most sex trafficking victims are exploited in bars, brothels, and apartments" while in the Netherlands, "vulnerable Dutch girls are enticed into prostitution by male traffickers ('lover-boys')".

¹¹ See rates of prostitutes' murders in Germany, The Netherlands and New Zealand: <http://sexindustry-kills.de/doku.php?id=prostitutionmurders:start>

spaces and safe spaces. In some facilities the risk of gendered abuse of women is so high that refugee women take precautionary measures by not leaving their tents and wearing baby-diapers during the night.¹²

In the refugee facilities, as well as en route, individuals and criminal gangs repeatedly target women and girls, with the purpose of recruiting them into prostitution¹³. In Europe alone there are at least 5.000 missing refugee girls, while the ratio between girls and boys among the accounted unaccompanied minors is 1 to 10, indicating that migrant/refugee girls are the group most vulnerable to abduction, trafficking and exploitation, including prostitution and on-line pornographic abuse, as well as murder¹⁴.

As regards to asylum process, there are large differences between European countries in the asylum policies, procedures and practices. For example, not all countries recognise women as members of a particular social group within the meaning of the 1951 *Refugee Convention* as adopted under respective national laws. Sexual violence and specific forms of harm disproportionately affecting women such as trafficking, forced marriage and female genital mutilation are not always regarded as persecution giving rise to a justiciable asylum claim.

Intimate Dimension of Trafficking in Women and Girls

As defined in the Palermo Protocol and other international instruments concerning this crime, trafficking (with all its forms including exploitation in prostitution, forced and child marriage, domestic labour, begging and other criminal activities, as well as organ trafficking), does not need to involve the transportation of a victim across international borders, even though it often does. It may take place within a single neighbourhood, as is the case with many migrant women prostituted in the parameters of the same town.

Based on the evidence collected through our membership, many of whom assist the victims of trafficking on a daily basis, very often the perpetrators of trafficking are close family members, including spouses, brothers, fathers of migrant women, as well as the intimate partners who gradually lure, coerce and groom migrant girls and women into the system of trafficking for the purposes of sexual exploitation in prostitution.

This *intimate dimension* of trafficking in women has one observable link with *migration/migrant status*, i.e. specific vulnerabilities of migrant women. Among them are ethnic/racial discrimination, social exclusion, low socio-economic status, absence or low access to labour market, undocumented status, language barriers, to name but a few. However, similar vulnerabilities are also shared by other groups of women, such as homeless women, girls from foster homes and orphanages, women prisoners, women with disabilities, especially mentally impaired women, impoverished women, as well as the women with the history of addiction and/or sexual and domestic abuse.

Legal “Firewall” as a measure to protect female victims of trafficking exploited in prostitution

“Firewall”¹⁵ is a legal mechanism enforced at a state level, that delinks the immigration control policies from those on fundamental rights, thus preventing limiting the access of persons with irregular status from accessing protection and exercising fundamental rights, such as right to safety, protection or health. In the context of women trafficked into prostitution or for the purposes of labour exploitation, and often in an undocumented status, such “firewall” asks the state authorities (police, labour authorities, hospitals) to 1) not report undocumented migrants when they access protection or health services 2) not deny them access to such protection or services because of undocumented status.

¹² “Vulnerable and Abandoned”, Oxfam Report, January 2019 - https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/file_attachments/2019-01_greece_media_briefing_final.pdf

¹³ EU-Turkey Deal is failing refugee women and girls, Women’s Refugee Commission, August 2016; #Women’s Voices, joint report by EWL, WRC and ENOMW, 2016 (<http://www.migrantwomennetwork.org/wp-content/uploads/2017/02/womensvoicesFINAL.pdf>)

¹⁴ https://www.coe.int/en/web/portal/-/more-must-be-done-to-help-women-and-girl-refugees-and-migrants-conference-in-athens?fbclid=IwAR2m0oHosbIPMU7Z7_dWoQH0W0ETIwiGIMnFs6xwEhz9IUdhqXAgUr4yUvM

¹⁵ In the CoE/EC ECRI GENERAL POLICY RECOMMENDATION NO. 16 ON SAFEGUARDING IRREGULARLY PRESENT MIGRANTS FROM DISCRIMINATION ADOPTED ON 16 MARCH 2016 the “firewall” is described as “effective measures to prevent state and private sector actors from effectively denying human rights to irregularly present migrants by clearly prohibiting the sharing of the personal data of, or other information about, persons suspected of irregular presence or work, with the immigration authorities for purposes of immigration control and enforcement” <https://reliefweb.int/sites/reliefweb.int/files/resources/REC-16-2016-016-ENG.pdf>

*The French Law on Prostitution of 3 April 2016*¹⁶ that clearly asks the police and migration authorities to *not detain or deport* migrant women trafficked into and/or exploited in the system of prostitution, including those with irregular status, can be considered as one of the best practices of “legal firewall” in Europe. The law obliges the state authorities to inform the victims about their rights to protection, assistance by specialist services, support to exit the system of prostitution and route to integration and employment, granting the victims with a six months regular status with a possibility of renewal.

Trafficking in Women, Prostitution and Sexual Harassment

The market of the Sex-Trade / Prostitution is the environment where trafficking in women and girls for sexual exploitation takes place. This is recognised by the Beijing Platform for Action, the Palermo Protocol and the CEDAW itself. As stated by the United Nations Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, prostitution “usually satisfies the legal elements for the definition of trafficking”.¹⁷

The attempts to disconnect prostitution from trafficking as well as to reformulate prostitution as “work” are particularly dangerous for the women in the regions with large sex markets and high rates of poverty. According to the reports, in countries like India it is “*difficult to ascertain whether a sex worker is presently a victim of trafficking, was a victim of trafficking and choose to remain engaged in sex work*”¹⁸ and “*the economic boom has increased the demand for sexual services...leading to a resultant increase in the supply of the trafficked victims*”¹⁹

While reaffirming the *links between Trafficking and Prostitution*, it is equally important to draw the links and identify *common roots among Trafficking, Prostitution, Sexual Harassment*. These types of violation of women’s rights lie on a continuum of male sexual violence, reinforced by the sex-role stereotypes expressed in male sexual entitlement and demand for women’s sexuality.

This link is recognised by the Commission on the Status of Women (CSW)²⁰ and the United Nations General Assembly’s Resolution on Sexual Harassment²¹, that emphasises “*the importance of combating trafficking in persons in order to prevent and eliminate all forms of violence against women and girls, including sexual harassment*”. The Resolution also states that the sexual harassment is a “form of violence and a violation and abuse of human rights that is likely to result in physical, psychological, sexual, economic or social harm or suffering” and “*leads to a hostile environment, which has a further negative impact on women and girls in the enjoyment of their rights and equal opportunities, has negative physical and mental health consequences for the victims*”.

Prostitution, in itself, exemplifies such *hostile environment* where the very act of *sexual harassment* constitutes an intrinsic part of the environment and of every “transaction” that takes place in it, whereas trafficking for the purposes of exploitation in prostitution acts as a vehicle transporting the women into this *hostile environment*. Whether a woman is trafficked, forced, coerced or decides to consent to such an environment out of economic necessity, prostitution – in all its forms – lies on the continuum of *unwanted sexual experience* and as such constitutes a form of Violence against Women.

Acknowledging this link is paramount in designing the measures against trafficking in women, particularly, in the contexts where the Sex Trade has been fully decriminalised and/or regulated. If indeed the sexual harassment laws were applied in such context(s), it would require the immediate shut-down of the the Sex

¹⁶ <http://www.fondationscelles.org/en/prostitution/the-french-law>

¹⁷ United Nations, Committee on Human Rights. (2006). Report of the Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children. 9 U.N. Doc. E/CN.4/2006/62.

¹⁸ India’s Human Trafficking Laws and Policies and the UN Trafficking Protocol: Achieving Clarity

¹⁹ Human Trafficking in India: Dynamics, Current Efforts and Intervention Opportunities for the Asia Foundation”, 2010

²⁰ Commission resolution 61/1 of 24 March 2017 on preventing and eliminating sexual harassment in the workplace, *Official Records of the Economic and Social Council, 2017, Supplement No. 7 (E/2017/27)*, chap. I, sect. A.

²¹ Resolution A/RES/73/148 on Intensification of efforts to prevent and eliminate all forms of violence against women and girls: sexual harassment, adopted by the General Assembly on 17 December 2018

Trade outlets as violating sexual harassment policies and incompatible with the basic principle of a workplace free from sexual violence.

Sex Trafficking in Women in the Context of Eradicating Traditional Harmful Practices

ENOMW draws the attention of the CEDAW Committee to the fact that despite the evidence²² that in many societies women still “choose” to be subjected to Female Genital Mutilation (FGM) for economic and/or cultural reasons, FGM has been internationally recognised as a form of VAW. Similarly to other “traditional” systems of violence, such as racist segregation and discrimination against sexual minorities, the system of prostitution into which girls and women are trafficked, is not inevitable and can be addressed through comprehensive policy-provisions, targeted investment and change in the social norms. Any policy on trafficking that fails to adopt this approach and, instead, seeks to combat trafficking by making the sex trade *more bearable* for women²³, betrays the spirit of every international commitment dedicated not to tolerating but eradicating traditional harmful practices, customs and systems.

Trafficking and Forced Marriage

There is an observable link between trafficking in girls and women and child and forced marriage on the increase in the context of migration and refugee flows. Based on the evidence collected from our members, the incidents of trafficking in young migrant women for the purposes of exploitation in forced/child marriage range from girls and women being transported into Europe to be married by force or coercion, to the cases when young migrant women are forcefully or by deceit transported to the country of origin with the purpose of forced marriage, to the cases when under-age migrant and refugee girls are married off through religious ceremonies, in and outside of the refugee camps. There are also identified cases of trafficking where the female victims have been trafficked into prostitution and subsequently also forced into a marriage while being sexually exploited.²⁴ Additionally, as is the case with grooming and coercing into prostitution, in forced marriages sexual exploitation is often introduced gradually, as means of control of a spouse and as a part of the “marriage package”.²⁵

What should be considered in the context of trafficking for forced marriage, is that unlike other forms of trafficking in women, such as trafficking for domestic work that often contains an element of sexual violence, both trafficking for sexual exploitation and trafficking for forced marriage have sexual violence as their *core component*, placing these two forms of trafficking firmly on the continuum of violence against women as opposed to other forms of trafficking.

As emphasised in the European Institute of Gender Equality (EIGE) in its report on the Gendered Dimensions of Trafficking “*It is the self-perceived right to intimate sexual contact in the context of unequal gendered power relations, that links trafficking for sexual exploitation and trafficking for forced marriage and sets them apart from other forms of trafficking which may or may not contain the elements of intimate sexual(ised) violence.*”²⁶

²² “In countries where a high percentage of women and girls have had FGM, an equally high proportion of the female population think the practice should continue... with support for FGM generally stronger among women and girls from poorer backgrounds.” (“Addressing FGM in Development Projects and Programmes” <http://www.medinstgenderstudies.org/wp-content/uploads/AddressingFGMmanual.pdf>)

²³ see for example the change in German law from 02.09.16 that introduces compulsory use of condoms and self-reporting by prostitutes (http://www.bundesrat.de/SharedDocs/drucksachen/2016/0401-0500/457-16.pdf?__blob=publicationFile&v=1), widely criticised by the Human Rights organisation as ineffective for protecting women

²⁴ Anti-Slavery International, Trafficking for Forced Criminal Activities and Begging in Europe: Explanatory Study and Good Practice Examples, 2014

²⁵ Protecting victims: An analysis of the anti-trafficking directive from the perspective of a victim of gender-based violence, EIGE Report, 2018, <https://eige.europa.eu/rdc/eige-publications/gender-specific-measures-anti-trafficking-actions-report>

²⁶ Protecting victims: An analysis of the anti-trafficking directive from the perspective of a victim of gender-based violence, EIGE Report, 2018, <https://eige.europa.eu/rdc/eige-publications/gender-specific-measures-anti-trafficking-actions-report>

Trafficking and Labour Exploitation in Domestic Work

Many states in Europe do not have laws regulating and/or controlling domestic work, in particular, when it is done by the Third Country Nationals (TCN). Instead Domestic work as a sector of labour is often regulated by the ministries of interior/migration departments and corresponding migration policies. This situation significantly increases the risks of exploitation and trafficking of female migrant domestic workers.

Additional problem is the barrier to identification and referral of victims trafficked for domestic work. Specifically, the duty and the rights of labour inspections to assess a work-place of domestic workers, particularly those with a *live-in status* (residing in the house of the employer) are curtailed by the laws on the *privacy of household*. This means that the potential victims of trafficking and labour exploitation cannot be identified and/or referred to by the labour authorities. In other sectors of empowerment, specifically in agriculture, farming and seasonal hotel work, among the numerous cases of labour exploitation and violation of the rights of workers, there are also a considerable number of suspected but not identified and/or brought to justice cases trafficking.

However, contrary to the popular discourse on labour trafficking, particularly the one promoted by such UN Agencies as International Labour Organisation (ILO), in the European context, the overwhelming majority of violations of women's rights within these sectors, constitute the cases of labour exploitation, often in severe and multiple forms, with far fewer cases of trafficking, in which a victim has to be harboured and transported, by means of threat or deception, and with an abuse of power and vulnerability, and with the purpose of exploitation.²⁷ The widespread violation and abuse of the labour rights, as well as the right to safety, dignified housing, health and free movement, of domestic and agricultural female workers, arise from the lack of labour regulations and the management of such sectors under migration / seasonal workers policies. By extension, the unregulated, exploitative and highly discriminative environment of these sectors creates a potential for abuse of this environment by traffickers.

It also needs to be emphasised that in the various sectors of labour where migrant women are vulnerable to exploitation and/or trafficking such exploitation almost always intersects with the sexual abuse of these women, highlighting the gendered dimension violence to which they become subjected. Thus, in our experience, almost all the case of identified domestic workers victims of trafficking and labour exploitation contain the element of sexual harassment, abuse and violence. These gendered abuses of sexual character are almost never reported by the victims, due to the fear of retaliation and deportation, distrust in police authorities and the victim blaming culture surrounding the sexual crimes.

Trafficking in Women in the Context of Sustainable Development Goals (SDGs)

The UN Sustainable Development Goals (SDG) include three goals that specifically address human trafficking: Goal 5 – Gender Equality (target 5.2); Goal 8 – Decent Work and Economic Growth (target 8.7); and Goal 16 – Peace, Justice and Strong Institutions (target 16.2). These three targets need to be understood in the context of “sustainable development” as defined by the United Nations, i.e. the “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. In line with this understanding all the measures aimed at achieving SDG 5.2, SDG 8.7, and SDG 16.2 should be assessed against the rights and freedoms of girls and women of future generations.

In the context of global sexual exploitation of women and the trafficking for its purposes, this means that it is a duty and a moral obligation of the CEDAW Committee to critically assess the reality and the consequences of the sex trade as compromising the ability of every future generation of women to meet their safety, dignity and equality needs. All the anti-trafficking measures, therefore, in relation to SDGs, should be first of all aimed at eradicating the root-causes of this crime, among which the two primary measures are *discouraging the culture of male demand for women's bodies* and *granting the women full economic and sexual-reproductive rights* to achieve autonomy and independence.

Finally, in the context of SDGs and trafficking, it should be considered that any attempts to normalise prostitution as “work” for vulnerable women will drive donors and CSO away from prevention/support/exit programmes for women exploited in prostitution and hinder the overall uptake of SDG 5, as the root-causes

²⁷ <https://eige.europa.eu/rdc/eige-publications/gender-specific-measures-anti-trafficking-actions-report>

of sex inequality underlying the sex-trade and trafficking will no longer be viewed as a problem that needs to be solved.

SPECIFIC RECOMMENDATIONS:

1. Full Scope of the Article 6 of CEDAW

We call on the CEDAW Committee in drafting the General Recommendation to express the commitment to its mission and *obligation to monitor the implementation of the Convention on the Elimination of All Forms of Discrimination against Women*, as mandated in the Article 17 of CEDAW, and, to reference the *Article 6* in its entirety, including the “*exploitation of the prostitution of women*”, in the title of the General Recommendation and throughout the entire document.

2. Application of International Human Rights Standards

We call on the CEDAW Committee in developing its Recommendation to remain within the international frameworks on THB, Human Rights and, in particular, the rights of Women and Girls. In line with the existing instruments we expect the General Recommendations to avoid using the terms that are non-legal and/or is in violation of the international law, such as e.g. “forced/enforced prostitution”, “forced sexual exploitation”, “forced exploitation”, “sex work”, “child/youth prostitution”, “child/youth sex work”.

3. Application of Framework on Women’s Human Rights

We urge the CEDAW Committee in developing its Recommendation to apply the Women’s Rights and Gender Equality perspective and analysis, consistently and cohesively, throughout the entire document. This should include developing the Recommendation rooted in the context and based on the foundations of the CEDAW Convention in its entirety, accompanied by all available international and regional instruments, protocols and commitments on the rights of Girls and Women. The Recommendation should be consistently aligned with the international framework on Women’s Rights, sex- and age-disaggregated approach, identifying and addressing the root causes of violence and exploitation and placing the burden of responsibility away from the victims onto the perpetrators and the patriarchal systems.

4. References and Sources

We strongly urge the CEDAW Committee to pay specific attention to the sources and references used in the Recommendations and to ensure that in the process of drafting the Committee does *not* quote, refer to or use as “evidence” the documents authored by the lobbyist groups with invested interests in upholding the industry of sexual exploitation and/or maintaining and/or increasing financial profits of the Sex Trade.

5. Disaggregated Approach to Trafficking in Human Beings

We urge the CEDAW Committee to maintain and affirm the importance of *disaggregated approach to trafficking* in designing policies and actions aimed at preventing, combatting and eliminating this crime. This, among others, should include the correct application of the *intersectionality framework* by explicitly stating that such framework should always be based on, firstly, disaggregating the data and measures, by sex. The analysis of scope, extend and prevalence of trafficking should always be disaggregated by the form of trafficking, with a clear distinction between trafficking for sexual exploitation VS labour exploitation.

6. Ratification of UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949

We urge on the CEDAW Committee in its General Recommendation to call on the States who have not yet signed and/or ratified *UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949* to do so as a matter of priority in order to substantiate the international legal framework and a collective effort of the international community to prevent, combat and eradicate trafficking in girls and women.

7. Recognition of System of Prostitution as the Environment and Purpose of Trafficking in Women

We urge the CEDAW Committee in its Recommendation to clearly recognise prostitution as a form of systemic, structural and intimate male violence, into which girls and women are trafficked and within which no woman can be safe regardless what legal and material forms this system takes.

8. Commitment to Eradicating Prostitution as a Harmful Tradition

We urge the CEDAW Committee to recognise prostitution as one of the traditional harmful practices, along with FGM, forced marriage and breast ironing, damaging to women, their physical, sexual, psychological and material well-being, as well as harmful to men and communities, and incompatible with the human dignity and gender equality enshrined in the universal human rights instruments.

9. Decriminalisation of all persons exploited in the system of prostitution

We urge the CEDAW Committee in its Recommendation to call on the States to decriminalise all persons trafficked, coerced, lured, groomed and exploited in the system of prostitution / sex trade, accompanied by the allocation of funds and creation of feasible, sustainable and long-term exit and rehabilitation programmes for the victims. In the case of undocumented migrant women, such measures should include granting the victims an independent legal status and rights to employment.

10. Recognition of Buyers of Sexual Acts as Perpetrators of Violence

We call on the CEDAW Committee in its General Recommendation to call on the States to recognise the buyers of paid sexual acts and all the users of women and girls exploited in prostitution as perpetrators of violence and discrimination against women, regardless the degree of force or coercion used against these women and regardless whether the acts or attempts of purchasing sexual acts were committed knowingly or unknowingly. We also call upon the CEDAW Committee to promote measures discouraging male demand for paid sex, including punitive sanctions, educational and awareness-raising programmes among men.

11. Women's Rights Based Sexuality Education

We strongly encourage the CEDAW Committee to include in its General Recommendation the Comprehensive Sexual Relationships Education with a particular emphasis on 1. Empowering authentic non-performative sexuality & sexual autonomy of ALL women; 2. De-centralising male sexuality and *discouraging male sexual entitlement*; 3. Deconstructing patriarchal myths that promote prostitution as work and economic activity for women; 4. Educating on the harms of sex-trade to both women and men, within and outside prostitution

12. Research on the impact of sex trafficking and exploitation in prostitution

It is important that the CEDAW Committee in its General Recommendation includes the research and data-collection, along with encouraging the states to allocate funds for such research, on a) The psycho-somatic, sexuality and economic losses inflicted on women trafficked and/or exploited in prostitution; b) The central role of sex buyers, their attitudes and behaviour towards women; c) The central role of third party profiteers of trafficking and prostitution, including individuals, groups and states. d) The economic and social losses inflicted on communities through all forms of trafficking, and, specifically, for prostitution, at a personal, familial and communal levels, in psychological, sexual, physical domains.

13. Labour Laws on Domestic Work

In the context of labour trafficking, we call on the CEDAW Committee to urge the States to ratify and correctly implement the ILO Convention 189 on Domestic Workers. At the national level States should take appropriate measures to extend the labour codes and policies onto domestic work sector and to ensure that the rights of domestic workers are protected by the appropriate labour standards, reporting mechanisms and freedom of labour mobility. The laws on "privacy of household" should not curtail the rights of labour inspection to access and assess the work-place of domestic workers

14. Non-Refoulement of Trafficking Victims

We urge the CEDAW Committee to reinforce the international legal principle of *non-refoulement*, which provides that no state shall return (*refouler*), under any circumstances, a refugee to a country where her life or freedom would be at risk of (re)trafficking, (re)victimisation and sexual exploitation. Protecting the victims of trafficking against arbitrary detention and protection of the most vulnerable are equally important.

15. Integration of sex-equality and non-discrimination dimension in all migration and integration policies

We urge the CEDAW Committee to support the systematic integration of the sex-based approach and sex equality dimension in policies and measures regarding migration, asylum and integration, in order to secure the human rights and fundamental freedoms of migrant, refugee and asylum-seeking women and girls. This should include Flexible Migration and Labour Policies that facilitate 1) *legal & safe* ways for women to migrate; 2) women's access to *dignified employment*; 3) acquiring and exercising economic *skills &*

qualifications; 4) disconnecting women's legal status from their rights to employment, justice, health and care