



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration

#### Contents

	<i>Page</i>
I. Introduction . . . . .	2
II. Objectives and scope . . . . .	2
III. Legal framework . . . . .	3
IV. Root causes of trafficking in women and girls . . . . .	5
A. Socioeconomic injustice . . . . .	5
B. Discrimination in migration and asylum regimes . . . . .	6
C. Demand that fosters exploitation and leads to trafficking . . . . .	7
D. Situations of conflict and humanitarian emergencies . . . . .	8
E. Use of digital technology in trafficking . . . . .	8
V. Assistance and protection for women and girls who are victims of trafficking . . . . .	9
A. Victim identification . . . . .	9
B. Victim assistance and protection . . . . .	9
VI. Access for victims to justice . . . . .	9
A. Remedies for victims of trafficking . . . . .	10
B. Investigations, prosecutions and punishment of perpetrators . . . . .	10
VII. Recommendations . . . . .	10
A. Addressing the root causes of trafficking in women and girls . . . . .	10
B. Upholding victims' rights . . . . .	16
C. Gender-sensitive court proceedings . . . . .	21
D. Data collection and legislative, policy and institutional frameworks . . . . .	21
E. Dissemination and reporting . . . . .	23
F. Treaty ratification or accession . . . . .	23



## I. Introduction

1. Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women sets out the legal obligation of States parties to take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women. Despite the plethora of existing legal and policy frameworks to combat trafficking at the national, regional and international levels, women and girls continue to comprise the majority of detected victims of trafficking across the world, and perpetrators enjoy widespread impunity.

2. In the view of the Committee, the situation persists due to a lack of appreciation of the gender dimensions of trafficking overall and, in particular, of the trafficking of women and girls who are exposed to various types of exploitation, including sexual exploitation. A gender analysis of the crime reveals that its root causes lie in sex-based discrimination, including the failure to address the prevailing economic and patriarchal structures and the adverse and gender-differentiated impact of the labour, migration and asylum regimes of States parties that create the situations of vulnerability leading to women and girls being trafficked.

3. Globally dominant economic policies further exacerbate large-scale economic inequality between States and between individuals, which manifests as labour exploitation, including denial by corporations, public procurement officials and employers of an obligation to ensure that there are no trafficked persons in their supply or production chains. Globalized macroeconomic and political factors, including the privatization of public goods, deregulated labour markets, the shrinking of the welfare State, and austerity measures forming part of structural adjustment policies and as an aid conditionality, often exacerbate unemployment and poverty and produce economic injustices that have a disproportionate impact on women. Often accompanied by other economic policies, such as reduction in government spending on social services and the privatization of public goods and services, regressive tax shifts and labour market reforms all severely hamper States' abilities to implement social policies that form the basis for dismantling structural inequalities, including gender inequalities and violations of women's human rights in various spheres. Reduced social expenditure further shifts the responsibilities for basic social services from the Government to women. Those factors reinforce, and are perpetuated by, discriminatory cultural and social norms that engender the oppression of various groups of women.

## II. Objectives and scope

4. Mandated under article 21 of the Convention to develop general recommendations with the aim of clarifying the obligation of States parties to combat discrimination against women and girls, the Committee advances that a life free from being trafficked must be recognized as a human right and appropriate conditions must be created for that right to be fully enjoyed by women and girls. States parties must pursue all appropriate means to eradicate trafficking and exploitation of prostitution to ensure that laws, systems, regulations and funding are in place to make the realization of that right effective, rather than illusory. The provisions of the Convention are mutually reinforcing so as to provide complete protection. The present general recommendation links article 6 of the Convention with all other articles of the Convention and the existing jurisprudence of the Committee.

5. The present general recommendation contextualizes the implementation of the obligations of States parties to combat all forms of trafficking, as stipulated in article 6 of the Convention, in the context of global migration. Pathways of trafficking

in persons often align with mixed migration flows. The Committee highlights the particular vulnerability of smuggled women and girls to being trafficked and underlines the conditions created by restrictive migration and asylum regimes that push migrants towards irregular pathways.

6. In the present general recommendation, the Committee affirms that it is a priority duty of States, both individually and collectively, to prevent women and girls from exposure to the risk of being trafficked. States are also obliged to discourage the demand that fosters exploitation and leads to trafficking. It has set out practical guidance on implementing anti-trafficking interventions that are based on an approach incorporating a gender and intersectional perspective, with the focus placed on realizing the human rights of women and girls as a strategic priority for achieving sustainable development. It recalls the obligations of States parties under international law, including the jurisprudence of the Committee, to identify, assist and protect survivors of trafficking, to prevent their revictimization and to ensure their access to justice and the punishment of perpetrators.

7. The Committee acknowledges that the causes, consequences and experiences of trafficking differ for young girls, for adolescent girls and for adult women. It highlights the additional vulnerability of girls due to the intersecting characteristics of sex and age, recalling that children who are victims of trafficking are entitled to enhanced substantive and procedural protections under international law. The Committee encourages States parties to address the full spectrum of those differences, ensuring age-appropriate and child-centred anti-trafficking response measures, where appropriate.

### **III. Legal framework**

8. Article 6 of the Convention is based on article 8 of the Declaration on the Elimination of Discrimination against Women, which provides that all appropriate measures, including legislation, be taken to combat all forms of trafficking in women and exploitation of prostitution of women. International law on the question was codified and developed in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. This legal basis requires that article 6 be read as an indivisible provision, which links trafficking and sexual exploitation.

9. While trafficking is defined as a criminal offence in international law, the primary obligation of States parties is to address trafficking in a way that respects, protects and fulfils the human rights of persons, in particular those belonging to marginalized groups, as set out in the core United Nations human rights treaties, drawing from the Universal Declaration of Human Rights. The Recommended Principles and Guidelines on Human Rights and Human Trafficking elaborated by the Office of the United Nations High Commissioner for Human Rights in 2002, and the commentary thereon elaborated in 2010, provide an important soft law framework for integrating a human rights-based approach into all anti-trafficking interventions.

10. The Committee affirms that discrimination against women and girls includes gender-based violence, the prohibition of which has evolved into a principle of customary international law. Recognizing the gender-specific nature of the various forms of trafficking in women and girls and their consequences, including with regard to harms suffered, the Committee acknowledges that trafficking and exploitation of prostitution in women and girls is unequivocally a phenomenon rooted in structural, sex-based discrimination, constituting gender-based violence, and is often exacerbated in the contexts of displacement, migration, the increased globalization of economic activities, including global supply chains, the extractive and offshore industries,

increased militarism, foreign occupation, armed conflict, violent extremism and terrorism.

11. The internationally accepted legal definition of trafficking in persons is set out in article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime:

(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

12. The Committee emphasizes that the realities of trafficking in women and girls extend beyond the scope of the Trafficking in Persons Protocol, such as in the recent trends and role of information and communications technology, social media and messaging applications in the recruitment of women and girls and their exploitation. It acknowledges that the definition of trafficking in persons extends beyond situations in which physical violence has been used or the victim has been deprived of personal liberty. Its examination of the reports of States parties has revealed that the abuse of a position of vulnerability and the abuse of power are the most common means used to commit the crime of trafficking and that victims are often subjected to multiple forms of exploitation.

13. Combating trafficking in women and girls in the context of global migration requires the engagement of the larger protection framework stemming from international humanitarian law, refugee law, criminal law, labour law and international private law, the conventions against statelessness, slavery and the slave trade and international human rights law instruments. The Convention reinforces and complements the regional and international law regime for victims of trafficking, in particular in cases in which explicit gender equality provisions are absent from international agreements. The Committee recognizes that women and girls retain the concurrent protection of those legal instruments.

14. Trafficking and sexual exploitation in women and girls is a human rights violation and can be a threat to international peace and security. The positive obligation of States parties to prohibit trafficking is reinforced by international criminal law, including the Rome Statute of the International Criminal Court, in which enslavement, sexual slavery and enforced prostitution are recognized as crimes that may fall within the jurisdiction of the Court.

15. Obligations flowing to non-State actors to respect the prohibition of trafficking also arise from the peremptory norm (*jus cogens*) prohibiting slavery, the slave trade and torture, and the Committee notes that, in certain cases, trafficking in women and girls may amount to such rights violations.

16. Strategic global action by States to combat trafficking, especially in women and girls, must happen within the commitments set out in the Global Compact for Safe, Orderly and Regular Migration and the 2030 Agenda for Sustainable Development, as well as in the context of the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons and Security Council resolutions.

17. States parties bear a legal obligation to respect and ensure the rights set out in the Convention to anyone within their power or effective control, even if not situated within their respective territories. The direct obligation of States parties to prevent, investigate, prosecute and punish acts of trafficking in women and girls and offer redress to victims extends to the acts or omissions of all perpetrators, including private persons, family members and intimate partners, State-mandated actors and officials, organizations and businesses, as well as non-State actors, including armed terrorist groups.

#### **IV. Root causes of trafficking in women and girls**

18. Identifying, addressing and eliminating the following root causes are key elements of the obligation of States parties to prevent trafficking and sexual exploitation in women and girls in the context of global migration: (a) the systemic gender-based discrimination that creates the economic and social injustices experienced disproportionately by women and girls; (b) situations of conflict and humanitarian emergencies, including the consequent displacement; (c) discrimination in migration and asylum regimes; and (d) the demand that fosters exploitation and leads to trafficking.

19. Criminal law alone is unable to address or redress the crime of trafficking, due to the uneven harmonization of laws, including the definition of trafficking, both between countries and within countries, the complexity of the financial operations and the powerlessness of justice systems, which are often corrupt, underfunded and underresourced, to fight against powerful trafficking networks. An effective anti-trafficking response ensuring that women and girls are able to exercise their fundamental rights must therefore engage all substantive provisions of the Convention and be read within the international human rights treaty framework.

##### **A. Socioeconomic injustice**

20. Trafficking in women and girls is rooted in sex-based and gender-based discrimination, gender-based structural inequality and the feminization of poverty. The women and girls who are most vulnerable to being trafficked are those belonging to marginalized groups, such as women and girls living in rural and remote areas, those belonging to indigenous and ethnic minority communities, women and girls with disabilities, women and girls with an irregular migration status, as well as those who are displaced, stateless or at risk of statelessness, refugee and asylum-seeking women and girls, including those whose claims have been rejected, women and girls living in or coming from conflict or post-conflict settings and girls without care or in alternative care, and their life experiences are marked by serious rights deprivation. Members of those groups often experience social, political and economic exclusion, resulting in their being more likely to be impoverished, uneducated or undereducated, unregistered or undocumented and unemployed or underemployed, to carry the burden of household and childcare responsibilities, to face restricted access to State benefits, protection and services, to experience intimate partner and domestic violence, abuse and neglect in the family environment, to be in care institutions and to be subjected to child, forced and servile marriage or deprivations due to widowhood. Such situations can be aggravated by the additional burden of an impairment or severe illness that is a consequence of trafficking, including sexual exploitation.

21. Women and girls continue to be the prime targets of traffickers for specific forms of exploitation, owing to the pervasive and persistent gender and age inequalities that

result in an economic, social and legal status of women and girls that is lower in comparison with that which is enjoyed by men and boys. Violations of all rights under the Convention may be found at the root of trafficking in women and girls and must be addressed as part of a transformative approach that empowers women and girls by promoting gender equality and their civil, political, economic, social and cultural rights, in line with Sustainable Development Goals 1, 3, 4–5, 8, 10–11, 13 and 16.

## **B. Discrimination in migration and asylum regimes**

22. Migration is a constitutive element of modern society and can be empowering for women if they are able to migrate and work in conditions in which their dignity is respected. Although it presents new social and economic opportunities for many women, migration may also place their human rights and security at risk, in particular if they are compelled to travel through irregular channels and/or it results in an irregular migration situation. Women and girls face an increased risk of being trafficked at all stages of the migration cycle – in transit, in reception and accommodation facilities, at borders and in destination countries. Upon return, they may experience reprisals and revictimization.

23. Although States have a sovereign prerogative to manage their borders and regulate migration, they must do so in full compliance with their obligations as parties to the human rights treaties that they have ratified or to which they have acceded. That includes transparency and accountability in the ways in which States govern migration and provide safe pathways guaranteeing the human rights of women throughout all stages of migration.

24. Sex-specific or discriminatory migration and asylum policies establishing measures such as increased border control, refusal of entry, pushbacks, expulsion or detention limit the movement of women and girls fleeing from crises and conflict zones. They heighten their vulnerability to all forms of exploitation, in particular at points of transit, not least of which due to an increased need to use the services of people smugglers or other types of underground or criminal networks in order to move, both internally as well as internationally to evade border controls. Girls who are unaccompanied or separated from their families or other support structures due to displacement are particularly vulnerable to being trafficked.

25. The Committee reaffirms that displacement has specific gender dimensions and that the Convention applies at every stage of the displacement cycle – during flight, in settlement and upon return. It has recognized that gender-based violence against women and girls is one of the major forms of persecution experienced by women and girls that may be grounds for granting refugee status and asylum and/or residence permits on humanitarian grounds. Trafficking in women and girls breaches specific provisions of the Convention relating to the Status of Refugees and should therefore be recognized as legitimate grounds for international protection in law and in practice, in specific cases. Furthermore, refugee women and girls are highly vulnerable to trafficking and are in need of international protection, especially against refoulement.

26. Gender-neutral provisions in States' migration policies contribute to limiting access for women to safe and regular migration pathways and to regular and decent job opportunities in transit and destination countries. The ability for women to migrate is further restricted by gender-based stereotypes, discriminatory laws, discrimination and exploitation in recruitment, lack of available decent work and limited reliable information on migration. Migrant women also face indirect discrimination from migration laws that have prerequisites such as a mandatory minimum income in order to obtain a visa. Given that women are often employed in

low-wage and insecure employment, it is difficult for some women to satisfy such criteria.

27. Visa regimes may be responsible for creating an economic and legal dependency on an employer or spouse, creating the conditions for exploitation and for such sponsors to operate with impunity. The temporary or seasonal work in which migrant women are often engaged may not offer pathways to more regular, long-term or permanent employment and often does not offer unemployment protection, health care or access to other gender-responsive social protection and essential services. Sex-specific migration bans or restrictions, designed to protect women from trafficking, notably often heighten the risk of women becoming victims of trafficking, given that they are then obliged to seek alternative ways to migrate.

28. A disproportionate number of migrant women are engaged in informal and precarious employment, in particular in sectors categorized as “low-skilled”, such as care, domestic and manufacturing services. In those sectors, sex-specific migration rules and policies intersect with racial discrimination to perpetuate sex-based stereotypes about what constitutes so-called “women’s work” and discrimination against women. Such gender-segregated labour markets do not offer decent and safe working conditions, because they are either part of the unregulated informal economy or, where regulated, they provide fewer protections than sectors meeting national standards. Migrant women, in particular domestic and farm workers, may be confined to their place of work and have little access to information about their rights and entitlements, thereby exposing them to the risk of severe human rights violations.

### **C. Demand that fosters exploitation and leads to trafficking**

29. Strategies aimed at preventing trafficking must take into account demand as a root cause. Failure to recognize the demand is acknowledged as one of the barriers to States addressing trafficking in persons. Demand in the context of trafficking is often shaped by desire for financial gain, discriminatory attitudes, including cultural attitudes, and beliefs. Women may be preferred for certain forms of exploitation because they are perceived as being weak and less likely to assert themselves or to claim the rights to which they are entitled. Members of certain ethnic or racial groups may be targeted for trafficking-related exploitation on the basis of such racist or culturally discriminatory assumptions as those relating to their sexuality, servility or work capacity. The need to address demand for certain forms of trafficking is particularly urgent.

30. Sexual exploitation persists due to the failure of States parties to effectively discourage the demand that fosters exploitation and leads to trafficking. Persistent norms and stereotypes regarding male domination and the need to assert male control or power, enforce patriarchal gender roles and male sexual entitlement, coercion and control, which drive the demand for the sexual exploitation of women and girls. Massive financial gains with few risks owing to impunity are still widespread. Under article 9 (5) of the Trafficking in Persons Protocol, States should adopt or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking. The need to address the demand that fosters sexual exploitation is especially important in the context of digital technology, which exposes potential victims to an increased risk of being trafficked.

31. In the context of labour as a form of trafficking in women and girls, demand for trafficking persists due to an insufficient regulatory environment. Where workers are organized, where labour standards for wages, working hours and conditions and health and safety are monitored and enforced and where economic and social rights,

as well as changes to tax laws so that States can finance the public services that women need, are adequately implemented, the demand for the labour or services of trafficked persons is markedly lower.

32. Medical advancements in organ transplantation give critically ill individuals a chance of survival. However, the dramatic scarcity of human organs and the failure to address the legal responsibility of those in the demand and supply chains encourage unregulated and often enforced organ removals.

#### **D. Situations of conflict and humanitarian emergencies**

33. The obligations of States parties do not cease in the context of states of emergency resulting from conflict, political events, health crises or natural disasters. Women and girls face an increased vulnerability to gender-based violence, including trafficking, when they are not able to meet their basic livelihood needs or confront economic desperation, which is often exacerbated in such contexts.

34. Trafficking in women and girls is exacerbated during and after situations of conflict and humanitarian emergencies, owing to displacement, the breakdown of political, economic and social structures, instability and insufficient governance, including the absence of the rule of law, increased militarism, the availability of small arms, the weakening or loosening of community and family ties, the high incidence of widowhood and the “normalization” of gender-based violence, including conflict-related sexual violence, as an aggravating factor of pre-existing structural, gender-based discrimination against women and girls.

35. Financial flows to certain terrorist groups remain a critical component of trafficking, especially sexual exploitation. During humanitarian emergencies, Governments are often required to divert resources, including policing and social services, making it easier for traffickers to hide their operations and rendering victims increasingly invisible, as well as making it more difficult for victims to seek protection, services, assistance and support.

#### **E. Use of digital technology in trafficking**

36. Digital technologies offer new possibilities for having a positive impact on society. At the same time, they pose new security challenges at both the individual and State levels. The use of electronic currencies offers tools for hiding personal information, such as the identification of the parties involved in the transaction and their location, and allow for making anonymous payments, without even disclosing the purpose of the transaction, all of which facilitates trafficking. Demand channels, through social media, the dark web and messaging platforms, provide easy access to potential victims, thereby increasing their vulnerability.

37. The use of digital technology for trafficking poses special problems during global pandemics. In the context of the coronavirus disease (COVID-19) pandemic, State parties face a growth in trafficking in cyberspace, including increases in recruitment for sexual exploitation online, in demand for child sexual abuse material and in technology-facilitated child sex trafficking.



## **V. Assistance and protection for women and girls who are victims of trafficking**

### **A. Victim identification**

38. International human rights law imposes positive obligations on States to identify victims of trafficking, a duty placed firmly on States, irrespective of the lack of self-identification by a victim. Victims are often hidden in non-public areas, such as private residences, isolated factories and farms and brothels. Front-line professionals often lack the required training to adequately understand, identify and appropriately respond to all types of victims, including survivors of sexual exploitation, and to intersecting forms of exploitation. In mixed migration flow hotspots, appropriate and confidential spaces for carrying out identification by trained staff and interpreters, who can promptly assess indicators of vulnerability and provide adequate support, are lacking. Survivors are often reluctant to self-identify or to disclose who has trafficked them for fear of retaliation, owing to lack of information on the crime and where to report it and to fear of engaging with authorities, including fear of being detained, prosecuted, punished and deported.

### **B. Victim assistance and protection**

39. Victims of trafficking have a special status and a right to special assistance and protection measures provided by the State. Long-term, needs-based, comprehensive, victim-centred assistance and protection measures are often lacking in anti-trafficking response measures due to poor victim identification and an insufficient definition of trafficking in national law and implementation thereof.

40. Victims of trafficking are in need of high-quality support services with immediate availability, which must be inclusive and accessible, include access to information on their rights, the medical, psychological, social and legal services available to them and how to acquire access to them, as well as to safe and appropriate accommodations. However, they often face restricted access to essential services, both in the place in which they are identified and in their place of origin, for the following reasons: cost and language of the delivery of services; lack of gender or cultural sensitivity and trauma-informed practices; failure of first responders to conduct appropriate risk assessments and referrals; fear of being forced into a rehabilitation programme or cooperating with law enforcement authorities in the prosecution of traffickers; and fear of prosecution for crimes committed as a consequence of having been trafficked or for immigration offences. Adequate assistance must be provided to women and girls with disabilities, who are particularly vulnerable to being trafficked.

41. States parties are obligated to protect victims of trafficking in persons, especially women and children, from revictimization, which includes guaranteeing victims of trafficking protection against forcible return.

## **VI. Access for victims to justice**

42. Trafficked women and girls, including those who do not hold an immigration status, must be ensured access to justice on the basis of equality and non-discrimination, including the prosecution of their perpetrators and the provision of remedies. However, existing justice systems may be more likely to violate women's rights than to protect them, including by subjecting victims to criminalization, stigmatization, revictimization, harassment and possible retribution.

## **A. Remedies for victims of trafficking**

43. Article 2 (b) of the Convention obligates States parties to provide appropriate and effective remedies, including restitution, recovery, compensation, satisfaction and guarantees of non-repetition, to women whose rights under the Convention have been violated. Victims of trafficking often encounter significant difficulties in claiming compensation and other forms of reparation, including damages, for the harm suffered, including in cases in which: it is made conditional upon cooperation with law enforcement authorities; victims do not have access to high-quality, gender-sensitive, trauma-informed legal aid and representation; residency permits are tied to criminal justice processes and repatriation occurs prior to seeking or obtaining civil remedies; the victim bears the burden of proof in civil claims; survivors of trafficking are not identified as victims of a crime for the purpose of reparations owed under law; and monetary compensation is unavailable or the proceeds of crimes are not redistributed to victims.

## **B. Investigations, prosecutions and punishment of perpetrators**

44. Obstacles to prosecution include the lack of special court procedures to accommodate victims' needs, deficiencies in the quality of justice systems, including gender bias and victim-blaming rhetoric in courts, resulting in discriminatory judgments or decisions, explicit or implicit social acceptance of gender-based violence against women, delays and excessive length of proceedings, corruption of State officials and their implication in crime, and ignorance of the demand for all forms of exploitation, including sexual exploitation.

45. The Committee acknowledges the complexity and the high level of skill required to investigate and prosecute allegations of trafficking in women and girls that may implicate criminal networks operating transnationally. The transnational nature of trafficking in persons and migration requires cooperation by all affected countries and their participation in an effective and appropriate international response to protect the rights of victims. States parties have a duty to accept and facilitate the voluntary return of their nationals who are trafficked abroad.

46. The Committee condemns the use of anti-trafficking interventions to justify violence against specific groups of women, in particular in the case of violent raids and entrapment operations by law enforcement authorities conducted with a view to dismantling trafficking networks.

# **VII. Recommendations**

## **A. Addressing the root causes of trafficking in women and girls**

**47. States parties must work towards the mobilization of public resources and the strengthening of public services in areas that support the achievement of gender equality and the promotion of the human rights of women and girls and sustainable development, in order to reduce the risk factors that lead to trafficking. Full achievement of the Sustainable Development Goals is essential in order to address the factors that heighten the risks of trafficking, in particular achieving gender equality and empowering women and girls, promoting peace, justice and strong institutions, reducing inequalities, ending poverty in all its forms, ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for women and girls, ensuring healthy lives and promoting the well-being of women and girls of all ages, ensuring decent work**

and economic participation for women and girls and promoting climate change measures in gender equality policies.

1. Socioeconomic injustice

48. Ensure the full, effective and meaningful participation of women and girls, especially victims of trafficking, those at risk of being trafficked and communities affected by trafficking and/or anti-trafficking measures, in all levels of decision-making and at all stages of efforts to prevent and combat trafficking, in the design of human rights-based, gender-sensitive response measures, including in the development, implementation, monitoring and evaluation of anti-trafficking legislation, policy and programmes, the continuing implementation of the Convention and the Trafficking in Persons Protocol and as an essential component of the peacemaking, stabilization and reconstruction processes, in line with Security Council resolution [1325 \(2000\)](#) and the follow-up resolutions.

49. Adopt a transformative approach, promoting gender equality and the empowerment of women, in order to dismantle the structural and systemic conditions that deprive women and girls of their fundamental rights, the consequence of which places them in situations of vulnerability to all forms of trafficking and sexual exploitation.

50. Reduce the risk of trafficking by eradicating the pervasive and persistent gender inequality that results in an economic, social and legal status of women and girls that is lower in comparison with that which is enjoyed by men and boys, by adopting economic and public policies that prevent a lack of sustainable livelihood options and basic living standards for women and girls.

51. Eliminate social structures which limit women's autonomy and access to key resources, which in turn increases their risk of being lured by promises of a means of escape from impoverished circumstances, including lower access to education and vocational training opportunities, asset and land ownership and credit, the low participation of women in decision-making, unequal pay, child and forced marriage, the pervasiveness of patriarchal gender roles, the concentration of women in insecure and vulnerable work and their lack of decent work opportunities.

52. Enact legislation to protect women and provide effective assistance to victims of domestic abuse, review family law, address sociocultural practices, including intrafamily arrangements, that increase the exposure of women and girls to trafficking and sexual exploitation.

53. Eradicate patriarchal norms and values formalized in legislation, including family laws, which facilitate trafficking for child and forced marriage. Measures must be adopted that prevent families from agreeing to the indefinite or temporary "marriage" of their daughter in exchange for financial gain. Take into consideration the fact that so-called "women shortages" due to family planning policies in some countries have exacerbated the situation.

54. Strengthen the implementation of a labour rights framework, as follows:

(a) Introduce, strengthen and enforce employment legislation designed to protect all women workers, including migrant workers, irrespective of their documentation status, level of skill or the sector in which they work, whether they are in the formal or informal economy and the duration of their employment, and to minimize the opportunities for exploitation by providing very clear protections, including regarding localized living wage requirements, overtime pay, health and safety and social protections, decent working conditions

and equal pay for work of equal value, in particular in unregulated, informal or unmonitored economic sectors that rely on migrant labour;

(b) Ensure adequate resourcing and increase the number and strengthen the capacity, mandate and investigative powers of labour inspectors to undertake gender-responsive, safe, ethical and confidential inspections and to systematically recognize and report breaches of labour laws and presumed cases of trafficking in women and girls uncovered during both routine and unscheduled inspections, in particular in highly feminized sectors, and inspections of migrant workers' seasonal and informal workplaces and accommodations, agricultural farms and, where appropriate, private households;

(c) Establish firewalls between labour inspections, victims' use of public services, including health-care services, and other monitoring mechanisms and immigration and/or criminal law enforcement for illegal labour, in order to enable reporting of presumed trafficking in the context of such reporting mechanisms;

(d) Encourage businesses to establish safe and anonymous grievance mechanisms for all workers, in cooperation with workers' representatives, that are gender-sensitive, to ensure that their labour rights are upheld and that they can access those rights without fear of retaliation;

(e) Enforce adequate legal sanctions against employers engaging in abusive employment and labour practices;

(f) Provide assistance and training to businesses to ensure compliance with human rights and labour standards, targeting in particular industries known to be hubs, entry points or channels for trafficking.

55. Provide special economic and social support to disadvantaged groups of women and girls, such as those in extreme poverty in both rural and urban areas, those belonging to stigmatized and racialized groups, sexual abuse survivors and women with disabilities.

## 2. Promoting a safe migration framework

56. Establish a gender-responsive and safe migration framework to protect migrant women and girls, including those with an irregular migration status, from violations of their human rights at every stage of migration by:

(a) Supporting increased access to pathways for safe and regular migration to avoid exploitation, including sexual exploitation, considering the specific needs of women and their children and ensuring the rights of the migrant populations within such pathways to protected formal employment opportunities and legal paths to education and vocational training, in both their countries of origin and destination;

(b) Facilitating the independent attainment of official identification and travel documents for the safe passage of women wishing to emigrate, without requiring them to obtain permission from a spouse or male guardian;

(c) Applying a robust gender analysis to all migration policies and programmes, including those relevant to employment, labour rights, detention, the provision of passports, visas and residence permits and bilateral and multilateral agreements, such as readmission agreements;

(d) Increasing access to family reunification, with a focus on psychosocial and economic dependency, including in consideration of the various types of families;

(e) Upholding the rights of children, guaranteeing their right to be heard and considering unaccompanied girls as especially vulnerable and requiring additional protection.

57. In line with the Global Compact for Safe, Orderly and Regular Migration, the Committee encourages States parties to:

(a) Participate in regional processes and sign bilateral agreements with destination countries for employment, to ensure coordination between States parties to strengthen cooperation on the regulation of working conditions in compliance with international labour and human rights standards, which ensure the protection and promotion of the rights of women migrant workers;

(b) Ensure that representatives of workers are involved in the development of such agreements;

(c) Establish mechanisms in the country of destination to address violations of the rights of women migrant workers during employment, in particular to report exploitation and claim unpaid wages and benefits;

(d) Ensure that diplomatic missions, labour and economic attachés and consular officials are trained on responding to cases of trafficked women migrant workers.

58. Ensure that visa schemes do not discriminate against women or facilitate or result in their trafficking, through the following measures:

(a) Remove any restrictions that are placed on the employment of women in specific job categories or that exclude female-dominated occupations from visa schemes;

(b) Repeal requirements for workers to undergo mandatory testing for pregnancy and eliminate deportation on the grounds of pregnancy or diagnosis of HIV;

(c) Revise the conditions for granting residence permits to women, to mitigate the consequences of dependency on their spouses.

59. Regulate and monitor labour recruiters, intermediaries and employment agencies, as follows:

(a) Support the commitment to move to ethical recruitment measures, such as through the Fair Recruitment Initiative of the International Labour Organization and the Know Before You Go campaign of the International Organization for Migration, and to provide services for prospective migrant workers, including by involving the consular networks of countries of origin;

(b) Establish an enforcement mechanism to ensure that the same contracts are used in the destination country and in workers' countries of origin;

(c) Invalidate contracts in which undue pressure was applied to the worker during the process of recruitment;

(d) Prosecute and punish the engagement in exploitative recruitment processes, including acts of violence, coercion, abuse of power, deception or exploitation, such as the intentional provision of misleading information and documentation, the confiscation of passports, other identity documents or work permits by any person other than the document holder or law enforcement authorities, the charging of illegal recruitment fees to workers, requiring a deposit, and charging for the issuance of visas, passports, transportation tickets or participation in predeparture training programmes.

60. Mitigate the risks of dependency and vulnerability of women migrant workers in relation to their employers, as follows:

(a) End discriminatory conditionalities in recruitment, including the practice of making the migration status of workers conditional on the sponsorship or guardianship of a specific employer, as is the case with “tied visas”;

(b) Enforce the right for migrants to seek alternative employers and sectors of employment without seeking their existing employer’s permission or leaving the country;

(c) Discontinue the practice of security bond conditions on employers of migrant workers to ensure that they “control and supervise” their foreign employee;

(d) Ensure that employer-provided accommodations and food are reasonably priced and that costs are not automatically deducted from the worker’s pay;

(e) Facilitate the inclusion of women migrant workers in the labour market and provide training programmes for improving their skills.

**3. Demand that fosters exploitation and leads to trafficking**

61. Discourage the demand that fosters exploitation of prostitution and leads to trafficking in persons.

62. Implement educational, social or cultural measures aimed at targeting potential users.

63. Prevent and address trafficking in all business operations and public procurement and corporate supply chains by:

(a) Investigating, prosecuting and convicting all perpetrators involved in trafficking in persons, including those on the demand side;

(b) Providing in law a civil cause of action, in both the country of operation and the country of incorporation, for workers in global supply chains who suffer harm due to the non-fulfilment of mandatory due diligence laws;

(c) Encouraging businesses and public agencies to ensure that a dedicated regulatory body in which workers and their representatives are represented has the power and resources to proactively investigate and monitor compliance with mandatory due diligence laws and to sanction non-compliant entities;

(d) Conducting, and/or funding, awareness-raising campaigns to inform consumers and customers of products and services that may involve exploitative labour, including unethical recruitment practices and slave labour, and of where to report suspicions of criminal activity.

64. Discourage the demand for organ trafficking through the effective regulation of altruistic organ matching organizations, addressing, as much as possible, donor wait times, monitor hospitals for illegal transplantations and for the identification of clandestine, makeshift operating rooms and spread awareness of the health risks related to trafficked transplant organs.

**4. Situations of conflict and humanitarian emergencies**

65. Integrate into conflict and disaster-risk reduction, preparedness and response plans the existing and emerging factors that place women and girls at

risk of trafficking, including sexual exploitation, ensuring that they are provided with comprehensive protection and assistance.

66. Address issues of vulnerability that members of displaced families experience, including economic insecurity, access to high-quality education, livelihoods and legal identity documentation, stereotypes about gender roles, harmful masculinities and unequal power relations and perceptions about family honour, as well as the particular vulnerability of displaced girls to being trafficked for sexual purposes.

67. Prevent trafficking and sexual exploitation in all accommodation facilities for displaced women and girls, including by training facility staff to identify potential victims, and ensure the security of women and girls by establishing single-sex accommodations and facilities, having police officers patrol the area, including female officers, ensuring adequate lighting and access to sanitary facilities and establishing resource centres for women and girls in their vicinity.

68. Adopt a policy of zero tolerance of trafficking, sexual exploitation, forced labour, slavery and slavery-like practices, based on international human rights standards, which addresses groups such as the national armed forces, peacekeeping forces, border police, immigration officials, humanitarian actors and other staff members of international organizations and international civil society organizations.

69. Ensure access to complaint procedures and redress mechanisms in cases of human rights violations.

70. Address the gendered impact of international transfers of arms, especially small and illicit arms, including through the ratification and implementation of the Arms Trade Treaty.

## 5. Use of digital technology in trafficking

71. Call for social media and messaging platform companies to take responsibility for exposing women and girls to trafficking and sexual exploitation through use of their services. Require that such companies define the relevant controls to mitigate those risks and put into place the appropriate governance structure and procedures that will allow them to be reactive in their response and provide the necessary level of information to the relevant authorities. Require that such companies also use their existing capabilities in big data, artificial intelligence and analytics to identify any pattern that could lead to trafficking and the identification of the involved parties, including on the demand side.

72. States parties should call for the existing digital technology companies to increase transparency. At the same time, States parties should aim to initiate and create, for example as part of central banking systems, platforms for the use of electronic currencies that are based on disclosed user information, including beneficial owner, ordering customer and services or goods related to the transaction. Ensure that anti-money-laundering laws are effectively implemented in order to disincentivize the use of electronic currencies based on user anonymity.

73. Initiate the proactive identification of the production of online sexual abuse material during the COVID-19 pandemic and afterwards, cooperate with technology companies in creating automated tools to detect online recruitment and identify traffickers and strengthen partnerships between the public and private sectors to address pandemic-related increases in the incidence of the crime.

74. Call for information-sharing between digital interactive platforms in order to facilitate international cooperation in combating trafficking and sexual exploitation and assist with law enforcement efforts. Improve data collection, ensure that data is up to date and provide for reliable information-sharing.

**6. Raising awareness**

75. Provide accurate information to members of the public, targeting in particular women and girls in disadvantaged situations, those living in remote and border areas and migrant women and girls en route or in a destination context, about their rights and the means of and reasons for avoiding human traffickers, including through evidence-informed, accessible communication campaigns based on a clear understanding of community risk factors and the barriers faced by community members in protecting themselves and others from trafficking, in particular in the context of migration, so that they can identify and report potential traffickers and gain access to service providers when they feel vulnerable to trafficking or exploitation.

**B. Upholding victims' rights**

**1. Victim identification**

76. Address the adverse collateral effects of anti-trafficking efforts by ensuring that innocent women and girls are not arbitrarily arrested, abused or falsely charged, in particular women belonging to marginalized groups and women in prostitution, including through any raids conducted by law enforcement authorities with a view to dismantling trafficking networks.

77. Create national guidelines that are updated on a regular basis for the early identification and referral of, and the provision of services to, victims or presumed victims, that are benchmarked against international standards and that integrate a rights-based, victim-centred, age-appropriate, gender-sensitive and trauma-informed approach, which is uniformly applicable at international borders and throughout the territory of the State party by all relevant State and non-State actors.

78. The identification of victims or presumed victims and their referral to assistance services are to be performed by multidisciplinary teams, including professionals from all relevant fields, the composition of which can be adapted to the circumstances of the case, and should not be exclusively led by law enforcement or immigration authorities or be linked to the initiation or outcome of criminal proceedings, but based on the personal and social vulnerabilities of the victims and potential victims.

79. Provide updated and consistent training to professionals from all relevant fields on the causes, consequences and incidence of trafficking in women and girls and the various forms of exploitation of women and girls and on the content and effective implementation of national guidelines on victim identification, the provision of services and referral systems to facilitate the safe, confidential and non-discriminatory screening and referral of victims, including non-nationals, after obtaining their informed consent.

80. Strengthen the capacities of health-care systems for the early identification of and intervention for women and girls who are at risk of being trafficked and victims of trafficking, irrespective of migration status, ensuring confidential and safe access to free health care, based on trauma-informed and survivor-centred care, as informed by international standards.



81. Collaborate with civil society organizations, including through strengthening their human, technical and financial resources, to ensure that victims of trafficking are identified, assisted and protected at an early stage, including through the operation of mobile units, and the availability of safe disclosure procedures and safe spaces, targeting in particular sites where displaced and migrant women and girls are accommodated, registered or detained.

82. Assess the impact of the national legal and policy framework, in particular with respect to the application of immigration, asylum, labour, health, education and social protection frameworks on victims of trafficking, to ensure that they do not adversely affect victim identification, assistance, protection, social inclusion and reintegration and do not increase the vulnerability of women and girls to trafficking, re-trafficking, detention, forced return or other harms.

83. Address disincentives for victims to seek assistance, including by establishing a firewall between immigration enforcement, the criminal justice system and all care and support services and ensuring that victims of and those vulnerable to trafficking can safely go to the authorities, without fear of negative consequences, such as prosecution, punishment, detention or deportation for immigration, labour or other offences related to their being a victim of trafficking.

## 2. Application of other protection frameworks

84. Improve cross-border collaboration, coordination and knowledge exchange among border control, law enforcement, child protection and social protection authorities and non-governmental organizations, to provide displaced and migrant women and girls with appropriate and sufficient reception facilities and services by incorporating gender-sensitivity and trauma-sensitivity into arrangements for arrivals at land, air and sea borders, including the provision of safe accommodations and adequate treatment, taking into consideration the need for skilled personnel to adequately screen for and identify potential victims of trafficking and ensuring that the necessary measures are in place to respond to the specific protection needs of victims of trafficking, including access to consular protection.

85. Ensure that all governance measures taken at international borders, including those aimed at addressing irregular migration and combating transnational organized crime, are in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsions.

86. Build the capacity of, and facilitate the periodic updating of training for, law enforcement staff, including police, immigration and border control officers, as well as professionals working in and around areas where women and girls who are facing or are at risk of distress migration and displacement are located, on their role in ensuring adequate protection to such women and girls, by establishing procedures to identify possible victims of trafficking, including those suspected of association with or returning from territory under the control of non-State armed groups.

87. Apply a due diligence framework to the risk assessment conducted by multidisciplinary teams for the identification and protection of trafficked women and girls from further rights violations, including by:

(a) Providing access to statelessness status determination procedures and granting legal status and protection to stateless women and girls, including protection against forcible return to their countries of origin;

(b) Developing regular coordination between the asylum procedures and trafficking protection systems, such that when both grounds are recognized, women and girls have access to both refugee status and protection as victims or potential victims of trafficking;

(c) Carrying out screenings of displaced and migrant women and girls suspected of breaches of national labour, immigration or criminal laws and those held in places of deprivation of liberty, in particular in detention centres for undocumented migrants;

(d) Establishing indicators to identify trafficked women and girls, especially sexually exploited women and girls, in areas affected by armed conflict to ensure that victims of trafficking are not inadvertently placed in detention or subject to removal proceedings;

(e) Providing refugees, including victims of trafficking in persons in armed conflict, with the option to document their cases for future legal action so as to hold traffickers accountable.

88. Recognize that, in specific cases, trafficking in women and girls may be considered gender-related persecution, and that consequently victims or potential victims are informed of and effectively enjoy the right of access to fair, efficient, trauma-informed and clear asylum procedures without discrimination or any preconditions, regardless of country of origin or mode of entry into the State party or their participation in criminal proceedings. Interpret the grounds for identifying victims of persecution under the Convention relating to the Status of Refugees, in line with the Guidelines on International Protection of the Office of the United Nations High Commissioner for Refugees: No. 1, on gender-related persecution, No. 7, on victims of trafficking and persons at risk of being trafficked, No. 8, on child asylum claims, and No. 9, on sexual orientation and gender identity.

89. States parties are obligated to protect victims of trafficking, especially women and girls, from revictimization, including by:

(a) Guaranteeing victims of trafficking protection against forcible return to their places of origin in cases in which:

(i) It is not an appropriate, durable solution for victims, due to a fear of being re-trafficked or experiencing stigma, threats, intimidation, violence or retaliation;

(ii) They may face persecution and/or violations of the right to life or the prohibition against torture;

(b) Protecting children born of trafficking from re-victimization and stigmatization, including through clarifying and securing the legal status of undocumented children, providing comprehensive support and ensuring that they are not separated from their mothers.

90. Girls who are at risk of being re-trafficked should not be returned to their country of origin unless it is in line with their best interests and appropriate measures for their protection have been taken, including a risk and security assessment to ensure a safe return, the availability of long-term reintegration support in the country of return, comprising access to health care, education and/or vocational training, and protection from discrimination and re-trafficking.

91. Improve cooperation with receiving States to ensure the voluntary repatriation of citizens and permanent residents who have been trafficked abroad in cases in which they wish to return, facilitated through standardized

processes and effective communication between the authorities and officials involved, ensuring that the receiving country complies with international standards for the protection of and provision of assistance to victims of trafficking.

**3. Non-criminalization and non-conditionality**

92. Based on human rights and humanitarian grounds, provide access to free legal aid, grant, where possible, a reflection and recovery period and a residence permit pending formal identification to enable trafficked women and their dependents to take part in recovery and reintegration measures, which must be inclusive and accessible, not made conditional on their participation in the criminal justice process or the obtaining of a conviction against traffickers, including appropriate individualized, gender-sensitive, child-sensitive and trauma-informed emergency and longer-term access to accommodations, welfare benefits, educational and employment opportunities, high-quality medical care, including sexual and reproductive health services and counselling, the issuance of official identification documents free of charge, family reunification measures and asylum procedures, where relevant. Grant girls who are victims residence permits for an indefinite duration, in line with their best interests, to enable access to a durable solution that is sustainable and secure in the long-term.

93. Provide immediate access to a sufficient number of adequately funded, well-equipped shelters and separate units for victims of sexual violence and enforced prostitution within shelters and crisis centres, which are safe, accessible and appropriate for trafficked women and girls, including women accompanied by children, with specially trained staff that focus on the provision of tailored assistance to victims according to standard operating procedures, ensuring their dignified treatment in a confidential manner.

94. Ensure that assistance services and social inclusion programmes for all women affected by trafficking are provided on an informed and voluntary basis and that neither victims nor their children are forcibly kept or detained in shelters or “rehabilitation” programmes against their will or in compulsory protective detention, including for witness testimony purposes. In the exceptional case that limitations are placed on women’s freedom of movement for security considerations, such limitations should be restricted to the shortest possible duration.

95. Support community-based programmes for the reintegration and social inclusion of women and girls who are victims of trafficking, including access to safe and affordable independent accommodations, the creation of a work quota for victims in State agencies and the inclusion of victims in the list of priority groups for access to social programmes, and access to the redemption of tax debts.

96. Ensure that the principle of the best interests of the child is a primary consideration in decision-making for all girls who are victims of trafficking, including non-nationals, that their right to be heard is respected, that they are guaranteed access to developmentally appropriate and age-appropriate protection and support services that are integrated, interdisciplinary and include individualized case management, to family tracing and to the reunification of unaccompanied and separated children and that children are never criminalized or detained. Carry out age assessments only as a measure of last resort and in a manner that is multidisciplinary, scientifically and culturally appropriate, child-sensitive, gender-sensitive and, for all unaccompanied or separated girls, overseen by a qualified guardian.

97. Counter stereotypical attitudes and discrimination towards women and girls who are victims of trafficking and sexual exploitation, in particular migrants, by providing trauma-informed, gender-sensitivity and child-sensitivity training for individuals tasked with providing assistance and protection services, including to relevant authorities at the local and State levels, child protection agencies, embassy and consular authorities, employers and public and private recruitment agencies and to police officers, border officers, immigration personnel, labour inspectors, social workers and health-care providers.

98. Ensure that all women and girls who are victims of trafficking, without exception, are not subject to arrest, charge, detention, prosecution or penalty or are otherwise punished for irregular entry or stay in countries of transit and destination for the absence of documentation or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as victims of trafficking. The non-punishment principle must:

(a) Be enshrined in legislation and implemented through proper training to ensure that responders are able to identify victims of trafficking for such relief;

(b) Not compel victims to provide evidence or testimony in exchange for immunity from prosecution, redress or services;

(c) Provide recourse for victims of trafficking to clear their criminal records in cases in which they have been convicted of crimes that were committed as a direct consequence of being a victim of trafficking.

#### 4. Right to information about rights and legal assistance

99. Provide all women and girls with accessible information in a format that they can understand about their rights under the Convention and the Optional Protocol thereto, the legal provisions protecting them from trafficking and exploitation and the corresponding remedies for lodging complaints of violations of those rights, how to gain access to them, their entitlements to continued assistance and protection, including through hotlines that are operational around the clock and free legal aid, advice and representation in judicial and quasi-judicial processes in all fields of law.

#### 5. Right to remedy

100. Ensure facilitated access to inclusive, age-sensitive and gender-sensitive complaint mechanisms and justice mechanisms, including through the provision of procedural and age-appropriate accommodations, for all women and girls who are victims of trafficking, including non-citizens, by providing effective channels for seeking protection and redress for violations of their rights through the creation of adequate conditions for lodging complaints without fear of reprisal, arrest, detention or deportation.

101. Ensure that trafficked women and girls have a legally enforceable right to affordable, accessible and timely remedies through the criminal, civil and labour courts and administrative proceedings, including a right to compensation, back pay and other tailored reparations, and ensure that such remedies are not made conditional on confiscation of assets from the traffickers and are guaranteed under the conditions provided for in domestic law for victims. Compensation as a victim of a crime should have no impact on social assistance received by victims or as provided by another State programme.

### **C. Gender-sensitive court proceedings**

102. **Guarantee all trafficked women and girls a fair hearing and due process in administrative and judicial proceedings, including detention and expulsion proceedings, ensuring that they are heard, informed and consulted throughout the hearing and have access to adequate trauma-informed, culturally specific, gender-sensitive and age-sensitive accommodations, support and protection to enable them to testify against their traffickers.**

103. **Safeguard the right to privacy of trafficked girls, ensuring that they are continuously informed and can exercise their right to be heard. Ensure their right to special protection in court proceedings through the provision of specialized, child-sensitive legal assistance to simplify procedures for testifying and prevent additional trauma, including by appointing victim advocates, social workers or legal guardians.**

104. **Fund and support the effective implementation of protection systems for trafficked women and girls, their family members, witnesses and informants, to safeguard against threats and retaliation from trafficking networks, both during and after legal proceedings, including through witness protection programmes, needs-based court procedures and temporary residence permits for non-citizens and their dependents, irrespective of their cooperation in the prosecution.**

105. **Promptly investigate, prosecute and adequately punish both those directly involved in trafficking and those negligent in addressing or preventing trafficking, including alleged corruption of government officials and members of the private sector, ensuring that the sanctions imposed are commensurate with the gravity of the crime and the degree of responsibility of the offender.**

106. **Ensure the effective prosecution and adequate punishment of traffickers of women and girls through the design, implementation and periodic evaluation of multisectoral capacity-building programmes for all court officials and support staff on the trauma-informed age-sensitive, gender-sensitive, culturally sensitive and human rights-based application of anti-trafficking legislation and treatment of victims.**

107. **States parties are encouraged to systematize their criminal justice and judicial cooperation, including harmonizing legal procedures for mutual legal assistance, extradition and the confiscation and return of the proceeds of crime, with countries of origin, transit and destination for trafficking in women and girls.**

108. **Build and adequately resource cross-agency investigative teams to track the financial flows generated by trafficking in women and girls and redistribute any confiscated proceeds of such criminal conduct to victims as compensation for the human rights violations that they have suffered.**

### **D. Data collection and legislative, policy and institutional frameworks**

109. **Establish partnerships between anti-trafficking, migration and development practitioners, international organizations and women-focused and girl-focused civil society stakeholders, including community-based organizations of groups affected by trafficking and/or anti-trafficking measures, to systematically collect, exchange, analyse and publish data, with the objective of developing an understanding of trends in trafficking in women and girls and implementing targeted, evidenced-based strategies for its prevention, enhancing the prompt**

gender-responsive human rights-based and needs-based assistance to victims and ensuring their protection and that they are provided with reparations.

110. Disaggregate data collected on both victims and perpetrators of trafficking by all parameters considered relevant, including sex, age, disability, ethnicity, nationality, immigration status, location, socioeconomic status and form of exploitation, in line with Sustainable Development Goal indicator 16.2.2, where permitted by national law.

111. All measures for data collection, storage, sharing or dissemination must be carried out in a legal and ethical manner, in accordance with international standards on privacy and confidentiality.

112. Adopt and implement comprehensive, victim-centred, child-sensitive and gender-sensitive anti-trafficking legislation that provides a harmonized approach to criminalizing trafficking at all jurisdiction levels, ensuring that it:

(a) Fully complies with international human rights standards, including the Convention, the present general recommendation, the Trafficking in Persons Protocol and applicable regional instruments;

(b) Codifies that victim consent is not a valid defence for trafficking;

(c) Where not already penalized in other national laws, aims to combat trafficking for the purposes of, among other things, child, forced and servile marriage, domestic servitude, debt bondage, serfdom, begging, forced or compulsory labour, slave trading, slavery, sexual exploitation and commercial sexual exploitation, abusive surrogacy practices and the sale of children, trafficking in organs, tissues and cells, including trafficking in human egg cells, and forced criminality;

(d) Addresses contemporary methods of trafficking, such as those using information and communications technologies, including social media;

(e) Promotes asset investigation as a key tool to fight trafficking;

(f) Is developed, implemented, monitored and evaluated to assess its impact, with the active participation of women and girls affected by trafficking in persons.

113. Adopt a result-oriented, evidence-led, gender-responsive, rights-based and victim-centred comprehensive anti-trafficking national plan of action, ensuring that it is:

(a) In compliance with the Office of the United Nations High Commissioner for Human Rights Recommended Principles and Guidelines on Human Rights and Human Trafficking, on migrants in vulnerable situations and on human rights at international borders;

(b) Harmonized with national action plans on gender equality, on combating violence against women, on women and peace and security, on migration and asylum management and on sustainable development;

(c) Adequately funded and regularly assessed.

114. Establish a national referral mechanism with the objective of coordinating the alignment of all relevant national policies to ensure an effective and human rights-based approach to combating trafficking in women and girls, ensuring that it is operationalized by a dedicated and fully funded secretariat responsible for the harmonization of clear information management and coordination structures between relevant local and national authorities, including migration, asylum and labour officials, national human rights institutions, the private sector

and civil society organizations engaged in combating trafficking in women and girls, and developing a common response, including comprehensive standard operating procedures outlining relevant legal obligations, referral procedures, roles and responsibilities.

115. Establish an independent national rapporteur on trafficking in persons to track and report on the progress of transformative anti-trafficking strategies, promoting gender equality and the empowerment of women.

## **E. Dissemination and reporting**

116. The Committee underscores the need to accelerate the implementation of all provisions of the Convention, in line with the 2030 Agenda for Sustainable Development and the recommendations emanating from the 25-year review of the implementation of the Beijing Declaration and Platform for Action, as a means to induce transformative and radical change in the exercise by women of their autonomy and self-determination.

117. The Committee recommends that States parties include information in their periodic reports under the Convention on the strategies implemented to promote and protect the human rights of women and girls in their anti-trafficking response efforts.

118. The United Nations specialized agencies and the special procedures of the Human Rights Council are invited to provide country-specific and region-specific input to the Committee on the situation of trafficking and sexual exploitation in women and girls in the context of global migration and protection and recovery measures taken, as appropriate, in the context of the review of the periodic reports of States parties.

119. States parties are encouraged to include in their reports to other mechanisms information on their strategies to implement a transformative anti-trafficking response that promotes gender equality and the empowerment of women and girls, including in the context of the universal periodic review process of the Human Rights Council, the high-level political forum on sustainable development, the Global Compact for Safe, Orderly and Regular Migration and the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

120. The present general recommendation should be translated into local languages and disseminated widely to all branches of government, civil society, the media, academic institutions, women's, girls' and migrant's rights organizations, the private sector and financial institutions.

## **F. Treaty ratification or accession**

121. States parties are encouraged to ratify or accede to the following instruments:

(a) **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;**

(b) **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;**

- (c) **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;**
- (d) **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;**
- (e) **Labour rights framework for the governance of labour migration and protection of migrant workers of the International Labour Organization:**
  - (i) **Domestic Workers Convention, 2011 (No. 189), and the Domestic Workers Recommendation, 2011 (No. 201);**
  - (ii) **Violence and Harassment Convention, 2019 (No. 190);**
  - (iii) **Forced Labour Convention, 1930 (No. 29) and the Protocol thereto, the Abolition of Forced Labour Convention, 1957 (No. 105), and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203);**
- (f) **Convention relating to the Status of Refugees and the Protocol thereto, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;**
- (g) **Slavery Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;**
- (h) **Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.**

122. States parties are urged to endorse the New York Declaration for Refugees and Migrants, the Global Compact for Safe, Orderly and Regular Migration annexed thereto and the global compact on refugees.

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