

Reporting on the Status of
Trafficking in Women in Accordance
with Article 6 of the Convention
on the Elimination of All Forms of
Discrimination Against Women:

Guidelines on the Interpretation of
the Text of Article 6 of the Convention

July 20, 2012



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the Elimination of All Forms of Discrimination Against Women:
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The Protection Project at The Johns Hopkins University
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Introduction

Article 6 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) reads as follows:

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Article 6 lays the foundation for combating trafficking in women and exploitation of women for the purpose of prostitution and calls upon state parties to adopt all necessary measures to prevent the acts of trafficking and exploitation of prostitution of women.

Consequently, state parties to the Convention, when reporting on Article 6 should cover the status of trafficking in women as well as exploitation of women in prostitution. In doing so, they must refer to all appropriate measures that they have taken including legislative measures.

This publication includes a list of guidelines on interpreting the text of and reporting on Article 6 of the Convention.

Acknowledgments

The Protection Project at the Johns Hopkins University, School of Advanced International Studies, recognizes the invaluable work of the Committee of the Convention on the Elimination of All Forms of Discrimination Against Women in advancing the rights of women around the world, including the rights of victims of trafficking.

I hope you find this publication useful.

Mohamed Mattar

A handwritten signature in black ink, appearing to read 'Mohamed Mattar', with a horizontal line above the first few letters.

Executive Director
The Protection Project

1. Definitions

1.1 “Traffic in Women”

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” (the UN Trafficking Protocol) defines *trafficking in women* to 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;

1.2 “Exploitation of Prostitution of Women”

Article 1 and Article 2 of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others provide that:

Article 1

The Parties to the present Convention agree to punish any person who, to gratify the passions of another:

(1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;

(2) Exploits the prostitution of another person, even with the consent of that person.

Article 2

The Parties to the present Convention further agree to punish any person who:

(1) Keeps or manages, or knowingly finances or takes part in the financing of a brothel;

(2) Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.

In accordance with the *travaux préparatoires* to the UN Trafficking Protocol:

The protocol addresses the exploitation of the prostitution of others and other forms of sexual exploitation only in the context of trafficking in persons. The terms “exploitation of the prostitution of others” or “other forms of sexual exploitation” are not defined in the protocol, which is therefore without prejudice to how States parties address prostitution in their respective domestic laws.

1.3 “All Forms of Traffic in Women”

In accordance with the CEDAW Committee’s General Recommendation No. 19 (1992):

In addition to established forms of trafficking there are new forms of sexual exploitation, such as sex tourism, the recruitment of domestic labour from developing countries to work in developed countries and organized marriages between women from developing countries and foreign nationals.

Article 3 of the Trafficking Protocol defines trafficking in women to mean 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.

These forms of exploitation are identified “at a minimum.” Countries may include other forms of exploitation, such as:

- Giving birth and taking the child away *or* trafficking in women for the purpose of child bearing
- Sex Tourism
- Forced Marriage, Temporary Marriage, Seasonal Marriage, Transactional Marriage, Compensational Marriage, Marriage by Catalogue, and Child Marriage
- Trafficking in children for the purpose of inter-country or domestic adoption
- Pornography
- Trafficking in women for the purpose of labour may include:
 - ▶ Domestic Servitude
 - ▶ Construction Work
 - ▶ Agricultural Labour

- ▶ Sweatshops
- ▶ Forced Begging
- ▶ Criminal Activities
- ▶ Drug Distribution
- ▶ Service Industry
- ▶ Textile Labour
- ▶ Entertainment Industry
- ▶ Armed Conflicts

1.4 “Slavery”

Article 1 of the 1926 Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention defines *slavery* to mean:

the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

1.5 “Practices Similar to Slavery”

- Article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery defines *practices similar to slavery* to include:
 - (a) *Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined;*
 - (b) *Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status;*

(c) *Any institution or practice whereby:*

(i) *A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or*

(ii) *The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or*

(iii) *A woman on the death of her husband is liable to be inherited by another person;*

(d) *Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.*

- In accordance with the *travaux préparatoires* to the UN Trafficking Protocol:

Where illegal adoption amounts to a practice similar to slavery as defined in article 1, paragraph (d), of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery it will also fall within the scope of the protocol.

1.6 “Servitude”

The UN Trafficking Protocol (in an early draft) defines *servitude* to mean:

The Status or condition of dependency of a person who is unlawfully compelled or coerced by another to render any service to the same persons or to others and who has no reasonable alternative but to perform the service. Servitude shall include domestic service and debt bondage.

1.7 “Forced Labour”

Article 2 of the Convention Concerning Forced or Compulsory Labour defines *forced labour* to mean:

All work or service which is exacted from any persons under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Legislation

2.1 Well-drafted and well-implemented legislation is a state's greatest tool in preventing, suppressing, and punishing human rights violations. Legislation also provides victims of human rights violations with an avenue for remedy and legal recourse.

2.2 Legislation may be divided into two main categories: international legislation and domestic legislation. A state should not only be a party to CEDAW but also to related conventions. In addition, a state must take all the necessary measures to implement these conventions. Domestic legislation should be drafted and implemented so that it adequately and effectively gives effect to the international mandates defined by these international conventions.

2.3 Consequently, assessing the states' legislative measures should typically include the status of ratification and implementation of international legal instruments that are relevant to trafficking in women:

2.3.1 Is the State a party to the Optional Protocol to CEDAW?

- The Optional Protocol to CEDAW provides remedies for women at the international level in circumstances where they are denied access to justice at the domestic level and after they exhaust all domestic remedies.
- The only reported communication in which Article 6 was asserted as basis for complaint was Communication No. 15/2007. In this communication, a Chinese woman allegedly was trafficked to The Netherlands for the purpose of prostitution and she was refused a residency status despite the Dutch Law allowing victims of trafficking to obtain a residency permit.

2.3.2 Is the State a party to the UN Trafficking Protocol, Supplementing the United Nations Convention Against Transnational Organized Crime?

- Article 2 of the UN Trafficking Protocol states its purposes as follows:
(a) To prevent and combat trafficking in persons, paying particular attention to women and children; (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and (c) To promote cooperation among States Parties in order to meet those objectives.

2.3.3 Is the State a party to regional conventions including the African Charter on Human and Peoples' Rights, the American Convention on Human Rights the Arab Charter on Human Rights, or the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms?

- According to the African Charter on Peoples' and Humans Rights, Article 5 provides that:

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

- According to the American Convention on Human Rights, Article 6 provides that:

1. No one shall be subject to slavery or to involuntary servitude, which are prohibited in all their forms, as are the slave trade and traffic in women.

2. No one shall be required to perform forced or compulsory labor...

- According to the Arab Charter on Human Rights, Article 9 provides that:

No one shall be subjected to medical or scientific experimentation or to the use of his organs without his free consent and full awareness of the consequences and provided that ethical, humanitarian and professional rules are followed and medical procedures are observed to ensure his personal safety pursuant to the relevant domestic laws in force in each State party. Trafficking in human organs is prohibited in all circumstances.

- According to the Arab Charter on Human Rights, Article 10 provides that:

1. All forms of slavery and trafficking in human beings are prohibited and are punishable by law. No one shall be held in slavery and servitude under any circumstances.

2. Forced labor, trafficking in human beings for the purposes of prostitution or sexual exploitation, the exploitation of the prostitution of others or any other form of exploitation or the exploitation of children in armed conflict are prohibited.

- According to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, Article 4 provides that:

1. No one shall be held in slavery or servitude.

2. *No one shall be required to perform forced or compulsory labour.*

3. *For the purpose of this article the term forced or compulsory labour shall not include:*

any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention; any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;

2.3.4 Is the State a party to a specific regional legal instrument addressing combating trafficking in women?

- The Council of Europe Convention on Action Against Trafficking in Human Beings
- Inter-American Convention on International Traffic in Minors
- SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution
- The Arab Strategy on Combating Human Trafficking

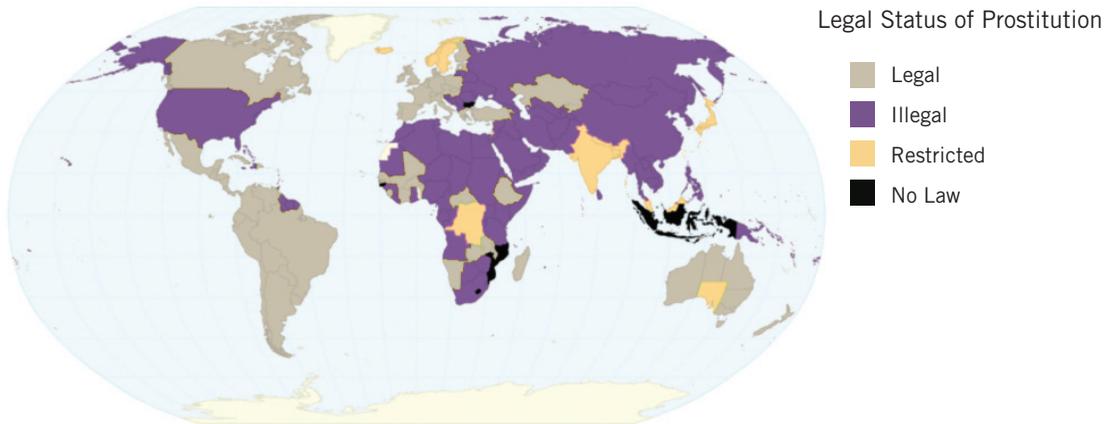
2.3.5 Is the State a party to international conventions that are related to the UN Trafficking Protocol?

- International Labour Organization Conventions, especially ILO 29 (Forced Labour Convention), ILO 105 (Abolition of Forced Labour Convention), ILO 138 (Minimum Age Convention), ILO 181 (Private Employment Agencies Convention), ILO 182 (Worst Forms of Child Labour Convention), ILO 189 (Decent Work for Domestic Workers)
- International Labour Organization Equal Remuneration Convention No. 100
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)

2.4 Additionally, assessing the states' legislative measures should also include the status of domestic legislation as follows:

2.4.1 Does the State have legislation explicitly addressing exploitation or prostitution of women?

- If so, is prostitution legal, illegal, or restricted?



Source: ChartsBin statistics collector team 2010, *The Legal Status of Prostitution by Country*, ChartsBin.com, viewed 13th July, 2012, <<http://chartsbin.com/view/snb>>.

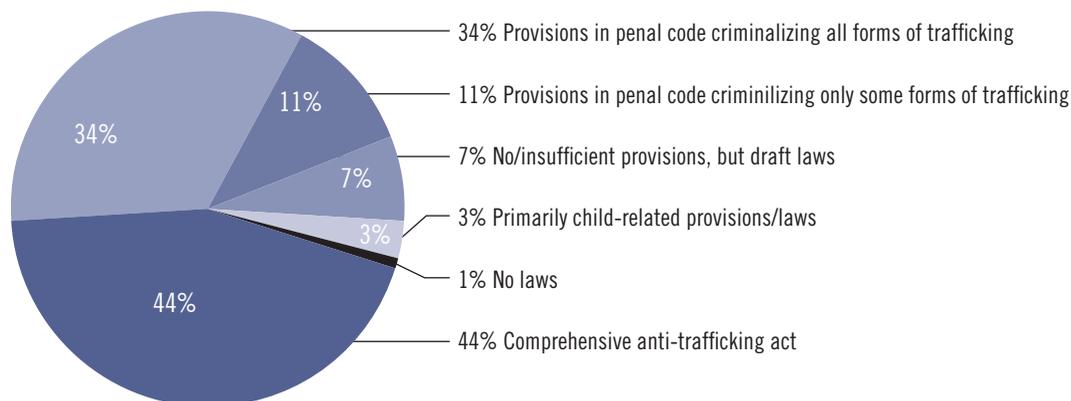
2.4.2 In assessing the legislative measures to combat exploitation of prostitution of women, the following should be taken into consideration:

- Whether the penal code criminalizes prostitution-related activities, such as “facilitating of prostitution,” “enticement to prostitution,” “keeping a brothel”;
- Whether the penal code enhances the penalty for pimping, procuring, and pandering (the 3 Ps of Prostitution);
- Whether the penal code prohibits prostitution of children;

2.4.3 Does the State have legislation specifically addressing trafficking in women?

- Currently, the status of trafficking in persons legislation is as follows:
- 81 countries have a comprehensive anti-trafficking legislation
- 64 countries have provisions in their penal code all forms of trafficking
- 21 countries have provisions in their penal code criminalizing only some forms of trafficking

- 13 countries have no or insufficient laws, but draft laws
- 5 countries have primarily child-related anti-trafficking laws
- 2 countries lack anti-trafficking laws



Source: *The Protection Project Review of the US State Department Trafficking in Persons Report 2012*

2.4.4 The following are issues to be considered when assessing the anti-trafficking law of a country:

- Whether the anti-trafficking law criminalizes all forms of trafficking including sex trafficking, labour trafficking, and other forms of trafficking as outlined above;
- Whether the anti-trafficking law explicitly provides that the consent of a victim of trafficking is irrelevant in all cases of trafficking;
- Whether the anti-trafficking law adopts an expansive view of what constitutes coercion to include not only physical or legal coercion, but psychological coercion as well;
- Whether the anti-trafficking law provides for an effective penalty that is comparable with the gravity of the crime of trafficking in women;
- Whether the anti-trafficking law provides for an enhanced penalty when the trafficked person is a female minor, pregnant woman, a woman with disabilities or other causes or conditions of vulnerability;
- Whether the anti-trafficking law considers rape or other sex crimes committed against a victim of trafficking as an aggravated circumstance that enhances the penalty for the crime of trafficking in women;

- Whether the anti-trafficking law considers violence against women as an aggravated circumstance and enhances the penalty in such a case especially when the act of violence results in permanent disability or death;
- Whether the anti-trafficking law addresses corruption in relation to trafficking, defining abuse of office as an illegal means that may give rise to trafficking and providing for an enhanced penalty if a public official is facilitating or committing the act of trafficking;
- Whether the anti-trafficking law explicitly criminalizes the withholding of travel documents or other forms of identification of foreign women;
- Whether the anti-trafficking law explicitly prohibits trafficking within the country as well as trafficking across borders;
- Whether the anti-trafficking law calls for international cooperation to address the transnational nature of the crime of trafficking in women, especially extraterritoriality, extradition, and exchange of information (3 Ex's of Combating Transnational Crime);
- Whether the anti-trafficking law provides for liability of the legal person including the corporate person, such as a travel agency, an employment agency, a recruitment agency, an advertising agency, a match-making organization, or other institutions that are engaged in trafficking in women;
- Whether the anti-trafficking law provides for liability of the customer, the client, or the purchaser of sexual services when received from a victim of trafficking with the knowledge that she is a victim of trafficking; thus addressing the demand side of trafficking in women
- Whether the government is taking the necessary action to ensure full, adequate and effective prosecution of cases of trafficking in women in accordance with the anti-trafficking law;
- Whether victims of trafficking have access to justice to seek adequate remedies for damages that they may have suffered as a result of trafficking and whether the victim may receive compensation for such damages through mandatory restitution, civil actions, confiscation of assets, or state funds;
- Whether trafficking-related laws, especially labour laws, family laws, immigration laws, laws prohibiting violence against women, education and health laws, etc. provide for preventive measures that assist in combating trafficking in women;

- Whether the anti-trafficking law allows NGOs to work freely and openly with the various agencies of the government in carrying out preventive and protective measures to assist victims of trafficking;
- Whether the anti-trafficking laws provide for NGOs to assist law enforcement officials in their investigation and prosecution of trafficking in women.

2.4.5 If the State does have legislation specifically addressing trafficking in women, does the domestic legislation adopt a victim-centered approach?

- Whether the government considers a trafficked woman as a victim who is entitled to basic human rights and whether a trafficked victim is defined in accordance with the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Article B (18):

A victim of a crime is defined as a person who has “suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of his/her fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.

- Whether the government considers derivative victims, in defining the trafficking victim, to be entitled to basic human rights as defined by the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power Article A (2):

The term “derivative victim” includes, where appropriate, the immediate family or dependant(s) of the direct victim and persons who have suffered to assist victims in distress or to prevent victimization.

- Whether the government has an identification mechanism whereby it identifies victims of trafficking so that they may be enrolled in any government service programs;
- Whether the government penalizes victims of trafficking for unlawful acts committed incident to or because of the act of trafficking itself regardless of whether these unlawful acts constitute violations of labour law, immigration law, anti-prostitution law, etc.;
- Whether the government provides for the principle of non-punishment of victims of trafficking for unlawful acts that victims were coerced to commit or committed incident to or because of the act of trafficking itself;

- Whether the government requires cooperation of a victim of trafficking to obtain benefits and be entitled to basic human rights and whether the provision of these benefits and rights is contingent upon the victim's testimony before a court;
- Whether the government provides victims of trafficking with assistance, protection, and care including medical and psychological care, shelters, job training, and other means of social integration;
- Whether the government enhances the penalty in cases of a vulnerable victim of trafficking and whether the vulnerable victim enhancement doctrine is applied;
- Whether the government allows for mitigated sanctions if the perpetrator of crime of trafficking in women voluntarily frees the victim or takes other acts that deserve mitigation;
- Whether the government explicitly addresses causes of vulnerability especially poverty, underdevelopment, and lack of equal opportunity;
- Whether the government provides for immigration relief as an alternative to the removal of foreign victims of trafficking and whether this relief includes a permanent residency status;
- Whether the government provides for the necessary safeguards to encourage victims of trafficking to participate in the investigation and prosecution of the crime of trafficking in women;
- Whether the government includes victims of trafficking in witness protection programs to ensure that they are not intimidated or become subject to threats or retaliation.

3: Other Appropriate Measures Beyond Legislation

3.1 Taking the Appropriate Measures in Cooperation with NGOs and Other Elements of Civil Society

In reporting on the status of exploitation of women in prostitution and other forms of trafficking in women, governments should demonstrate a degree of cooperation with NGOs and other elements of civil society.

The UN Trafficking Protocol requires such cooperation, whether the government is taking protective or preventive measures, Article 6 (3) provides that:

Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society...

Similarly, Article 9 (3) of the UN Trafficking Protocol states that:

Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

3.2 Appropriate measures may include:

- Drafting a National Action Plan to combat trafficking in women;
- Reporting on the status of trafficking in women and exploitation of prostitution of women whether via a national rapporteur, a government ministry, or National Committee, or an NGO shadow or alternative report;
- Responding to the concluding observations made by the UN Committee on the Convention on the Elimination of All Forms of Discrimination Against Women and other related UN Committees as well as recommendations of the Special Rapporteur on Trafficking in Persons, Especially in Women and Children
- Conducting research and fact-finding missions that constitute the basis for a database;
- Cooperating with corporations and other forms of enterprises in a 3P-Approach: Private-Private Partnerships;
- Establishing an inter-agency task force that addresses all aspects of the problem of trafficking in women;

- Including women in any specialized police units or courts that are entrusted with the task of investigating and prosecuting cases of trafficking in women
- Gender-sensitive training on the various aspects of the phenomenon of trafficking based upon an understanding of a victim-centered approach.

3.3 Adopting a comprehensive 5Ps Approach to Combat Trafficking in Women: Prevention, Protection, Provision of Services, Prosecution (Punishment), Participation (Partnership)

3.3.1 Preventive measures may include the alleviation of factors contributing to the vulnerability of women and children, inclusive of:

- Economic initiatives to combat poverty and underdevelopment
- Social initiatives to combat lack of equal opportunity
- Security and Control of Documents
- Border Measures
- Research
- Information and Mass Media Campaigns
- Bilateral and Multilateral Cooperation

3.3.2 Protective Measures may include:

- Physical, Psychological and Social Recovery
- Physical Safety
- Protecting the Privacy and Confidentiality of Victims' Identity
- Repatriation Efforts
- Residency Status
- Information on Court Proceedings
- Compensation for Damages

3.3.3 Provision of Services may include:

- Housing
- Counseling
- Medical and Psychological Assistance
- Information on Legal rights
- Employment and Educational Training

3.3.4 Prosecution of cases of trafficking in women may include:

- Criminalization of the act of exploitation of women in prostitution and other forms of trafficking in women
- Providing for serious penalties that serve the functions of deterrence and punishment

3.3.5 Participation may require the engagement of the five elements of civil society:

- A: Academic Institutions
- C: Corporations
- M: Media
- N: NGOs
- R: Religious Institutions

4. Linking Article 6 to other Articles of CEDAW

4.1 Trafficking in women is a form of violence that constitutes a form of discrimination (CEDAW, Article 1):

The term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women...

- Trafficking in women is a form of violence against women which constitutes a form of discrimination in accordance with The CEDAW Committee Recommendation No. 19 (1992):

The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.

- Violence against women is defined under the UN Declaration on the Elimination of Violence Against Women (1993):

Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution

- Victims of exploitation of prostitution are particularly vulnerable to violence that may contribute to trafficking in women. As stated by General Recommendation No. 19 (1992):

Poverty and unemployment force many women, including young girls, into prostitution. Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them. They need the equal protection of laws against rape and other forms of violence.

4.2 Early marriage, a harmful traditional practice is a form of trafficking in women (CEDAW, Article 2):

To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

- United Nations Office of the High Commissioner of Human Rights, Fact Sheet No. 23 *harmful traditional practices include female genital mutilation (FGM); forced feeding of women; early marriage; the various taboos or practices which prevent women from controlling their own fertility; nutritional taboos and traditional birth practices; son preference and its implications for the status of the girl child; female infanticide; early pregnancy; and dowry price.*

4.3 Lack of equal opportunity contributes to the infrastructure of trafficking in women (CEDAW, Article 3):

States Parties shall take all appropriate measure to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

- Article 9 of the UN Trafficking Protocol provides that *States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.*

4.4 Special measures taken in favor of women minimize women's vulnerability to trafficking (CEDAW, Article 4):

Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination

- Special measures may include actions designed to enhance women's status as valid participants in all facets of society.
- A woman who is marginalized may become more vulnerable to be subject to trafficking

4.5 Changing the Societal Perception of Women and Removing Sex Role Stereotyping and Prejudice (CEDAW, Article 5):

States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women

- Societal perceptions of women as inferior or limited to their role within the family contribute to their vulnerability to exploitation of prostitution and trafficking

4.6 Appropriate measures to enhance educational opportunities for women to reduce their vulnerability to trafficking (CEDAW, Article 10):

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education

- Women who lack education and vocational skills may be more susceptible to trafficking

4.7 Appropriate measures taken to provide women with employment opportunities thereby minimizing their vulnerability to trafficking (CEDAW, Article 11):

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights

- Women with opportunities for employment may be able to minimize their vulnerability to migration or other instances of marginalization that may result in exploitation of prostitution and trafficking

4.8 Appropriate measures taken to combat trafficking in women as an element in a strategy to minimize global health risks (CEDAW, Article 12):

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services

- Victims of trafficking are more susceptible to global health risks (especially HIV/AIDS) that may affect their physical, psychological, and mental health
- Victims of trafficking should be entitled to comprehensive medical care and should have broad access to health care services

4.9 Women in rural areas may be more vulnerable to trafficking (CEDAW, Article 14):

States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas

- Special attention should be devoted to women in rural areas in any Action Plan or Strategy to combat trafficking in women

4.10 Trafficking in women constitutes an interference with family relations in violation of international family law (CEDAW, Article 16):

States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations

- Trafficking in women violates the basic principles of international family law including consent to marriage, age of marriage, registration of marriage, equality during marriage, and equality in the dissolution of marriage

5: Challenges in Reporting

5.1 According to Article 18(2) of CEDAW, *“Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.”*

5.2 The following are some of the difficulties that countries may face in reporting on the status of exploitation of prostitution and other forms of trafficking in women:

- Whether the State provides adequate data and statistics on investigations and prosecutions of trafficking in women and the scope of the problem of trafficking in women including the profile of the trafficker and the legal status of the trafficked women, their nationalities, locations of exploitation, etc.;
- Whether the State has a monitoring and evaluating mechanism to assess government efforts to combat the problem of trafficking in women;
- Whether the government allows civil society freedom to participate in government programs to prevent trafficking in women and assist them;
- Whether the political situation, including transitions in government, war, natural disaster, and other unforeseeable circumstances, presents obstacles for the government in identifying the various aspects of the problem of trafficking in women;
- Whether lack of financial resources contributes to the inability of the government to carry out the actions required to combat the problem of trafficking in women.

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of Advanced International Studies

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