



Only Rights Can Stop the Wrongs

NSWP STATEMENT

CEDAW COMMITTEE GENERAL

RECOMMENDATION NO. 38 (2020) ON

TRAFFICKING IN WOMEN AND GIRLS IN

THE CONTEXT OF GLOBAL MIGRATION

As a global network committed to ending exploitation and abuse, NSWP strongly condemns the regressive and misinformed measures promoted within the CEDAW Committee’s General Recommendation on Trafficking in Women and Girls in the Context of Global Migration. Rooted in fundamental feminist and abolitionist ideology which conflates sex work with trafficking and exploitation, this General Recommendation ignores the voices and lived experiences of sex workers worldwide to reassert a flawed policy agenda which is neither rights- nor evidence-based.

One of the most problematic features of this General Recommendation is its failure to distinguish between trafficking, sexual exploitation, and sex work. By habitually linking these three distinct phenomena, along with the poorly defined concept of “the exploitation of prostitution,” this General Recommendation reinforces erroneous connotations of sex work and trafficking which fuel harmful legislation, policies and practices, including an overly broad application of anti-trafficking measures.

These connotations are exacerbated by the CEDAW Committee’s references to the 1949 [Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others](#), an obsolete framework which defines prostitution as being “incompatible with the dignity and worth of the human person,” and which disregards sex workers’ bodily autonomy and consent. The CEDAW Committee’s decision to reference the 1949 Convention is not



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only an affront to human rights – as it unequivocally denies sex workers’ agency and dignity – but is also a step backwards in the anti-trafficking approach and women’s rights.

Rooted in these misconceptions, the GR also promotes a range of harmful and ineffective anti-trafficking interventions aligned with ‘End Demand’ approaches. Measures to “discourage the demand that fosters exploitation and leads to trafficking” (para 61) and to investigate and prosecute perpetrators of trafficking (including on the demand side) (para 63a) are disproportionately enforced in spaces occupied by sex workers. In countries that have adopted ‘End Demand’ legislation, sex workers – not clients or traffickers – incur the majority of profiling, surveillance, and policing.¹ Promoting further penalisation through anti-trafficking legislation (para 112c) will only exacerbate sex workers’ vulnerability to these human rights violations, contradicting the Committee’s claimed intentions of protecting all women.

Strengthening anti-trafficking efforts requires a reinvigorated, coordinated willingness of States and other actors to see trafficking through a broader lens, and to meaningfully engage with affected communities. The CEDAW Committee’s blatant disregard for sex workers’ voices and lived experiences is both inexcusable and counterproductive, serving as an important reminder of the continued need for advocacy and inclusion.

¹ NSWP, 2018, “[Policy Brief: The Impact of ‘End Demand’ Legislation on Women Sex Workers.](#)”