

February 15th 2021

Open Letter to the CEDAW Committee

During CEDAW Session 77, which took place virtually from October 26th to November 5th 2020, the **Women's Rights Committee** adopted the [General Recommendation 38 on Trafficking of Women and Girls in the Context of Global Migration](#)

With regard to the General Recommendation No. 38 (2020) by the CEDAW Committee, we express the following:

- In May 2020, the TAMPEP Network sent comments to the CEDAW Committee in response to the draft recommendation. <https://tampep.eu/tampep-submits-comments-recommendations-to-cedaw-draft-recommendation-on-trafficking-in-women-and-girls-in-the-context-of-global-migration/>

TAMPEP was not the only one: many sex workers'-led organisations and allies' organisations across the world joined the list of comments.

- It is worrisome that, in the process of drafting the General Recommendation, the Committee has failed to listen to the viewpoints of organized female sex workers. The conflation between trafficking and sex work, which negatively affects both the effective implementation of anti-trafficking policies as well as the human rights of female sex workers, is a key issue at stake.
- The Committee should have addressed this conflation in order to more effectively contribute to an outcome that is inclusive of different views on the issue.
- The Committee should promote policies that consider women's autonomy. The hegemonic vision of women as victims reinforces cultural and gender stereotypes. The "rescue and rehabilitation" approach that the Committee is endorsing promotes a form of gender essentialism that does not consider the multiple subjective positions of women in a migration process.
- The "rescue of women" approach is not the solution, but rather constitutes yet another power technique, contributing to the construction of the defenceless victim instead of promoting women's empowerment. In this context, migrant women suffer disproportionately more from the impact of such approach.
- Self-identified sex workers have repeatedly requested to join the meetings that the Committee hosted. Yet, only few were allowed and, even so, their voices were ignored. Therefore, this General Recommendation represent the views and the dogmatic approach of abolitionists that continue to mix up trafficking and sex work. This position does not reflect reality, but rather bias and moral views that infringe the situation of a wide group of women, mainly migrants, who exercise sex work and are in fact criminalized by laws that do not solve the issue they are meant to address.

We ask the CEDAW Committee to listening to the voices of the sex workers' rights movement, the Global Alliance against Trafficking, consider labour rights, migrants' rights and women's movement, in order to move forward to a progressive, cohesive and rights' base response to trafficking and unprotected migration.