



18 February 2019

Submission to the CEDAW Committee relating to the general recommendation on “Trafficking in Women and Girls in the Context of Global Migration”

The Women’s International League for Peace and Freedom (WILPF) welcomes the opportunity to contribute to the CEDAW Committee’s elaboration of a general recommendation on trafficking of women and girls in the context of global migration. In this written submission, WILPF highlights the need for the Committee to address the critical impact that foreign military bases and military interventions have on trafficking of women and girls. We submit that in developing this general recommendation, it is essential that the Committee reflects on what happens when human rights violations and foreign militarism intersect.

1. The impact of foreign military bases on trafficking of women and girls

A foreign military presence, especially where there is low employment and high levels of migration, can exacerbate the risks of trafficking and forced prostitution. In many contexts in which they operate, foreign military bases provide a steady market for women, girls, and men and boys who are forced into sex work for many reasons including due to trafficking. Time and again, from Bosnia and Herzegovina to Japan, to Djibouti, foreign militaries have perpetrated sexual violence with impunity. In Bosnia and Herzegovina after the conflict, it emerged that UN peacekeepers and US military contractors were directly engaged in trafficking women and girls for sexual exploitation. In Japan, US soldiers have been charged with sexual assault and rape of women and girls off-base. In Djibouti, foreign soldiers, including those of the USA and France, have been found engaged in illegal sexual activities with women and girls.¹

Demilitarisation and an end to foreign military bases are required to end such violations.

All States must fulfil their extraterritorial obligations in relation to their militaries or other presence in a third country. The CEDAW Committee has developed extensively the issue of States Parties’ extraterritorial obligations in relation to human rights. It is important that this general recommendation continues to uphold and clarify further the application of this legal obligation and that, therefore, it addresses states’ extraterritorial obligations in relation to their military presences in other countries.

¹ See, for example, Madeleine Rees “Investigating Foreign Military Bases and Sexual Violence in Djibouti” at: https://www.huffingtonpost.com/entry/investigating-foreign-military-bases-and-sexual-violence_us_59cb5c4de4b028e6bb0a66df ; and WILPF (2017) *Remote Warfare and Sexual Violence in Djibouti*, available at https://wilpf.org/wp-content/uploads/2017/09/2017_RemoteWarfareAndSexualViolenceInDjibouti.pdf

Thus, WILPF recommends that the CEDAW Committee take into account the presence of foreign military bases in its recommendations to States Parties relating to trafficking in women and girls. In particular, the Committee should recommend that all States Parties with a military presence in another country:

- Ensure training so that all troops are aware of the crimes related to having sex with a trafficked person and in all cases of sex with minors;
- Place all civilian contractors working on military bases under the same obligations and regulations as military personnel through status of forces agreements² which enable prosecution in the host country;
- Ensure independent and effective investigation and accountability mechanisms are in place preferably in the country where the base is located and with the cooperation of the host government, and ensure that survivors of trafficking have effective, accessible and gender-sensitive access to justice; and
- Provide information to migrants, asylum seekers and refugees, who are particularly at risk of trafficking, as to the extent of trafficking and the risk of forced labour, forced prostitution, and sexual exploitation and abuse in areas with foreign military bases, as well as on their rights to obtain legal documentation, protection and advice on legal recourse if they have been victims of trafficking and/or forced labour.

Moreover, the CEDAW Committee should urge all States Parties to:

- Work with international organisations and civil society to conduct gender-sensitive research into the laws regulating the conduct of military and contracting personnel on foreign military bases as they pertain to trafficking and sexual exploitation, including the mechanisms for investigation into any company subcontracted for services for military bases ; and include the numbers, disaggregated by sex, of workers employed by these companies; the conduct of military personnel and contractors employed at the military bases; the regulations of their conduct abroad placed upon them by their home governments; and the mechanisms to hold them to account for violations of these laws.

2. Impact of military intervention

The impact of military interventions lasts far longer than the military operation itself. This is the case, for example, when military intervention is accompanied by provision of funding or other support to armed groups. Following the military intervention in Libya in 2011, support provided by the UK and other European states to non-state actors contributed to, among other things, a shift in power structures, which has had a disproportionately negative impact on women and girls, not least by creating an enabling environment for trafficking.

² Status of forces agreements are agreements that governments sign with each other when one has a military presence in another.

Through a combination of political pressure, financial incentives and military assistance, the EU has tried to induce transit countries in the Sahel to close their borders to Europe-bound migrants.³ European states have been counting on their allies across the Mediterranean to support their aggressive border control policies. Several countries, notably Italy with backing from the EU,⁴ have been outsourcing their border control to Libya by funding immigration detention centres under the pretext that such centres deter trafficking.⁵ However, evidence shows that these centres have been accommodating human rights abuses, torture, including torture of children, and gender based violence.⁶ Deterring trafficking should be done through addressing its root causes rather than through aggressive and inhumane measures that foster human rights violations. In 2017, Amnesty International reported that Italy had increasingly engaged in co-operation with local authorities and tribal leaders and informal groups in Libya, not all under the control of the Government of National Accord to halt the flow of refugees and migrants to Europe.⁷

The Committee should urge all State Parties to:

- Refrain from using measures that breach human rights, such as migrant detention centres, to allegedly deter trafficking;
- Counter trafficking by addressing its root causes and to manage migration by providing safe and dignified access routes for those fleeing conflict and persecution so that resorting to human traffickers is not their only option to seek safety;
- Address the root causes of forced displacement, including armed conflict, arms proliferation, poverty, and environmental degradation and promote alternatives to militarised security policies.

3. Additional issues

WILPF would also be happy to provide CEDAW Committee members with recommendations relating to other aspects that are strictly linked to trafficking of women and girls, such as the need to address structural gender inequalities, to curb arms proliferation, and promote women's political participation as a key avenue of prevention of human trafficking.

³ See, for example, Villa, M., Grijters, R. and Steinhilper, E. (2018) 'Outsourcing European Border Control: Recent Trends in Departures, Deaths and Search and Rescue Activities in the Central Mediterranean'. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/09/outsourcing>

⁴ See, for example, Amnesty International 'Between the Devil and the Deep Blue Sea: Europe Fails Refugees and Migrants in the Central Mediterranean.' Available at: <https://www.amnesty.org/en/documents/eur30/8906/2018/en/>

⁵ See, for example, Amnesty International 'EU leaders must fix "broken system" that leaves people adrift at sea'. Available at: <https://www.amnesty.org/en/latest/news/2019/01/eu-leaders-must-fix-broken-system-that-leaves-people-adrift-at-sea/>

⁶ "Libya: child refugees abused in UK-funded detention centres" *The Guardian*, 20.11.2018

<https://www.theguardian.com/world/2018/nov/20/child-refugees-facing-abuse-in-libyan-detention-centres>

⁷ Amnesty International Libya's Dark Web of Collusion: Abuses Against Europe-bound Refugees and Migrants. Available at: <https://www.amnesty.org/en/documents/mde19/7561/2017/en/>