



# FEMICIDE

## Volume X

### Contemporary Forms of Enslavement of Women & Girls

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Tenth Edition

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# **FEMICIDE**

## **Contemporary Forms of Enslavement of Women and Girls**

### **Volume X**

## PREFACE

Contemporary slavery exists in all continents and takes many forms. The image that I provided as a cover is entitled BEHOLD and means to draw attention to this horrible reality. It could also be interpreted as STOP, with the two hands raised. Modern-day slavery shames us all and must be halted.

*Edwina Sandys*  
Artist



# FOREWORD

We are honoured to present the tenth volume of FEMICIDE on Contemporary Forms of Enslavement of Women and Girls.

Since 2013 the ACUNS Vienna Liaison Office has worked hard to provide a platform for those who dedicate their resources to fighting gender-related violence against women and girls, including the killing of women (femicide), its most severe manifestation. Hence, over the years FEMICIDE has become an important resource book for international institutions, scholars and practitioners. Connecting the right people has always been at the top of our agenda. We are convinced that it is only by working together that we can end gender-related violence worldwide.

FEMICIDE X reflects this important principle. International organisations, NGOs and independent researchers have come together to help produce this awareness-raising publication on contemporary forms of slavery, which touches upon many important and, sadly, overlooked issues.

In the first part of this Volume important statements give an overview of past actions to eliminate violence against women and what needs to be done in the future. There then follows a collection of reports and articles on modern-day enslavement of women and girls, a practice that is still commonplace in too many parts of this world.

Further, we provide a review of the ACUNS symposium on “Ending Impunity for Gender-related Killing of Women and Girls – State Responsibility and Accountability”, which took place in May 2018. There is then a short preview of our next volume on cyber bullying as a form of violence against women. The last section of FEMICIDE X is dedicated to the efforts and achievements of the civil society to combat femicide.

FEMICIDE X is meant to be a wake-up call and provides a glimmer of hope at the same time. Countless women and girls suffer slavery and other horrible situations every day. However, the hard work being undertaken on so many sides to combat violence against women has not been in vain. Much has changed as a result of this work; many have been saved, and many more will be saved in the future.

*Helena Gabriel*  
*Editor, FEMICIDE X*

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No Estamos Todas is an illustration project to visualize victims of feminicides and transfemicides in Mexico. A collection of their meaningful work complements this tenth volume of FEMICIDE. Further information can be found on [www.noestamostodas.com](http://www.noestamostodas.com).

# PART I

## Important Statements

**“As a world we signed up to the goal of gender equality and the elimination of all forms of violence against all women and girls.”**

**- Phumzile Mlambo-Ngcuka, Executive Director of UN Women, 2016 -**



# STATEMENT BY UN WOMEN NATIONAL COMMITTEE AUSTRIA

**Marcela Muñiz Pivaral**

20 September 2018

Violence against women is a global problem and the world's most pervasive human rights violation.

About one in three women is in danger of being a victim of physical and/or sexual violence throughout her life. While omnipresent, it is not possible to describe violence against women as a fixed and clear-cut phenomenon, as it varies depending on the place, culture, and history. In concrete terms, it means that universal explanations for the causes of violence against women cannot be established, but it is rather necessary to analyze the specific context in which the violence occurs. In addition to the complex nature of violence against women, we have to face the diversity of types of violence, amongst others, rape, forced prostitution, genital mutilation, or enslavement. Among these manifestations of violence, femicide represents the most extreme form, as it culminates in the murder of women directly associated with their gender. Inequality of power between the sexes plays a key role in femicide. Moreover, this inequality is accompanied by a strong misogyny.

The UN Women National Committee Austria (UN Women Nationalkomitee Österreich) has set itself the task of supporting the goals of the 2030 Agenda for Sustainable Development related to women and girls worldwide. Eradicating and preventing violence against women is an essential factor in the achievement of peaceful and sustainable societies. The Committee is linked to the Headquarters of UN Women in New York, and supports the organization through numerous projects and campaigns to promote gender equality, the empowerment of women and the awareness of violence against women worldwide, as well as at national level.

## **Empowerment of Women**

Current knowledge tells us that women risk being murdered because of their gender in places where structural power disparity is at its highest. This structural power disparity, also known as structural violence, arises when in a society one group is treated as inferior and therefore restraint to fulfill its full potential. Women can be victims of such structural violence when society gives men a more privileged position

as women. Under such an environment, men tend to use physical violence in order to retain or confirm the control over their subordinates. Based on this, it does not astonish that a large proportion of femicides are committed by current or former partners.

One possible way to break this structural power disparity is to economically empower women. This can result in a preventive measure against violence. Economic empowerment also has the potential to help women who are already in a violent relationship, to break out of it. By controlling their financial income they become independent, which can lead to empowerment in other areas of women's lives. Taking this into consideration, UN Women has taken action to empower women all over the world. An example is the *Trust Fund To End Violence Against Women*, established in 1996. Since then, the Fund has supported around 462 initiatives in 139 countries, to enable girls and women worldwide to have access to economic, political or agricultural education.

## **Breaking the silence**

Despite the fact that femicide is the ultimate form of gender-based violence and it takes place in every country of the world, the understanding of femicide is limited. Many cases of femicide stay unrecognized and data on femicide are far from reliable. Not to mention the tolerance and banalisation of femicide. Last can be illustrated at its best when we read for example in the newspapers about a "family tragedy with deadly consequences" when instead this act should be named as "femicide". This alone proves that femicide is not a problem that happens to "other" women in faraway countries but is omnipresent, even in Austria. In order to raise awareness about violence against women, UN Women launched in 2015 the "Orange the World Campaign". Every year, between the 25th of November – the International Day for the Elimination of Violence against Women – and the 10th of December – the International Human Rights Day – many buildings throughout the world are illuminated in orange, the colour to say "NO" to violence against women. The UN Women National Committee Austria participates 2018 for the second time in the "Orange the World Campaign." This year a larger number of buildings will

participate in the campaign, which shows a growth in the awareness of the importance of fighting violence against women.

The murdering of women just because they are women is a global issue and therefore everyone's concerns. Only if we all, women and men, act with strength and persistence, there will be a chance to systematically reduce and even eliminate femicide as well as any kind of gender-based violence.

### **Resources**

<http://www.orangetheworld.at>

<http://www2.unwomen.org/-/media/annual%20report/attachments/sections/library/un-women-annual-report-2017-2018-evaw-en.pdf?la=en&vs=2850>

[http://apps.who.int/iris/bitstream/handle/10665/77421/WHO\\_RHR\\_12.38\\_eng.pdf?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf?sequence=1)

<http://www.unwomen.org/en/trust-funds/un-trust-fund-to-end-violence-against-women>

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## STATEMENT BY DUBRAVKA SIMONOVIC

### United Nations Special Rapporteur on violence against women, its causes and consequences

*27<sup>th</sup> Session of the Commission on Crime Prevention and Criminal Justice, 14-18 May 2018*

Chairperson, Excellencies, Distinguished delegates, Ladies and gentlemen,

Let me begin by congratulating you on your election, Chairperson; and thanking the UNODC for facilitating my participation in the 27th session of the Commission on Crime Prevention and Criminal Justice, pursuant to Human Rights Council resolution 32/19. Since I took up my function as UN Special Rapporteur on violence against women, its causes and consequences in August 2015, I have had the privilege to address this august body twice. In light of the complementary role of my mandate and that of the CCPCJ in relation to violence against women and criminal justice, I firmly believe that close cooperation of my mandate with the Commission on areas of common interest can effectively contribute to identify suitable measures to prevent, investigate and prosecute perpetrators of violence against women and provide protection and remedies to women and girls victims, in line with States' obligations under international human rights law and especially the CEDAW convention, the UN Declaration on elimination of violence against women and regional instruments the Belen do Para convention, the Maputo Protocol and the Istanbul Convention. The Doha declaration is also referring to gender mainstreaming in criminal justice system with reference to the UN CEDAW Convention.

I would like to mention a new important instrument developed last year, by the CEDAW Committee - the General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 in which my mandate actively participated. CEDAW General recommendation No. 35 provides a roadmap to States and other stakeholders in how to prevent and end violence against women and girls. As it elaborates on the due diligence obligation of States to prevent and protect women and girls from gender-based violence, General recommendation No. 35 is a particularly useful resource tool for updating laws including criminal laws and National action plans on gender-based violence, as well as for civil society promoting gender equality and fighting deeply rooted gender-based discrimination.

In particular, General recommendation No. 35 calls all

State parties to "Establish a system to regularly collect, analyze and publish statistical data on all forms of gender-based violence against women". The analysis of data should enable the identification of protection failures and serve to improve and further develop preventive measures. This should, if and where necessary, include the establishment or designation of gender-based killing of women observatories with information on gender related killings and attempted killings of women, also referred to as 'femicide' or 'feminicide'. This is in line with General Assembly Resolution A/70/176 on gender-related killings of women and girls elaborated by this Commission that encourages Member States to collect, disaggregate, analyse and report data on gender-related killing of women. This is also in line with my mandate's call for the establishment of "Femicide watch", or a "gender-related killing of women watch/observatories".

In October 2016, I presented a thematic report to the General Assembly (A/71/398) where I recommended modalities for the establishment of femicide watch and/or observatories on gender related killing of women, to collect and analyze data on femicide. I proposed that, in general terms, States should collect data on intentional homicide and out of that data pull out gender related killings of women or femicide data. This should be done under two broad categories that could further include subcategories in line with national realities, namely:

- i) intimate partner femicide/ family related femicide;
- ii) other femicides.

Intimate partner and family related femicides as categories should be based on the relationship between the victim and the perpetrator; and for that reason the specific definition of femicide is not needed for this purpose. In the CCPCJ report for this session under the agenda item 8 on trends in field of criminal justice system, E/CN/15/2018/10, there are data on femicide which covers these two categories. Those data for 14 EU countries show that when the perpetrator is an intimate partner nearly 8 out of 10 victims are women (79%).

I would like to encourage all States to collect such homicide/ femicide data, disaggregated by those

categories and to establish femicide watches/observatories for the analysis of cases. I hope that with joint efforts we will soon have more comparable homicide/ femicide data or femicide rates for all States with the aim to better understand trends, patterns and drives of such violence and to use data and its analysis as a basis for preventive actions.

There are some positive steps that I would like to flag out. Last year, I attended a femicide conference in El Salvador at which the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) presented femicide data in a number of Latin American countries. During country visits conducted by my mandate, I have seen positive steps in a number of States with regard to the collection of data on femicides and establishments of femicides observatories. For example in Argentina, Georgia and Croatia, Ombudspersons have decided to establish femicides watch, while in Australia homicide review panels are also expanding into femicides review panels.

Last month, I conducted an official country visit to Canada where I was informed about some important steps in some provinces for the establishment of observatories on violence against women and femicides. I would also like to salute the launching, earlier this year, of the European Observatory on Femicide at the University of Malta Valletta Campus, which will aim to monitor and supply data and advance research in this field. It is the first such observatory in Europe and is a very welcome step. Lastly, I also participated in the International Judicial Colloquium on Women's Access to Justice in the Context of Sexual Violence, held at Bellagio on 7 and 8 December 2017, which adopted The Bellagio Declaration on States' obligations and role of the judiciary in ensuring access to justice for gender-based violence, including sexual violence in an effective, competent manner and with a gender perspective. The participants recommended that mechanisms be put in place for the collection of judicial data on the number of cases of sexual violence and on related homicide cases or gender-related killing of women per year, disaggregated by the age and sex of the perpetrators, as well as the relationship between the perpetrator and the victim, type of violence, geographical location as well as other relevant factors. Information concerning the prosecution and punishment of perpetrators should also be collected and published.

As I previously stated, adopting and implementing such preventive measures is necessary to identify any shortcomings in legislation or practice and consequent misidentification, concealment and underreporting of gender-related killings. I encourage every State to consider developing such tools to understand better this heinous crime and put an end to this most extreme form of gender-based violence against women. I would also like to encourage implementation of the GA resolution on gender related killing of women and reporting to this Commission each year under this agenda item. This implementation focus was yesterday mentioned by some delegations and based on experience of this mandate I would like to support this focus on the implementation of resolutions and other instruments relevant to this Commission.

Chairperson,

Since my last appearance before the Commission, I have presented two thematic reports to the Human Rights Council and the General Assembly: on a human right based approach to integrated services and protection measures on violence against women, with a focus on shelters and protection orders, and on the adequacy of the international legal framework on violence against women, respectively. In a few days, I will address the Human Rights Council on the issue of information and communication technology facilitated violence against women, better known as online or cyber violence against women, which is a critical topic that is a new and emerging form of ICT facilitated forms of gender-based discrimination and violence against women and girls in the society. I will gladly inform the Commission on my findings during next year's session of the Commission, which will also allow bringing a gender perspective to its work on cybercrime. I am also honoured to have contributed to the launching of the new Guidelines for Combating Sexual Violence and its Consequences in Africa, adopted by the African Commission on Human and Peoples' Rights in May 2017; I have also contributed to the adoption of the Inter-American Model Law On the Prevention, Punishment and Eradication of Violence Against Women in Political Life, adopted by the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) last year. Without doubt, greater collaboration and synergies between my mandate and that of the Commission can achieve a lot with regard to the prevention of violence against women in line with SDG 5 target 2.

## STATEMENT BY PHUMZILE MLAMBO-NGCUKA

**Under Secretary General of the United Nations and Executive Director of UN Women**

*CSW62, 19 March 2018*

Firstly, I want to congratulate and thank everybody for their excellent work and the progress that we have begun to make in this area. We are not there yet but I have to say it is very encouraging to see the partnerships that are emerging.

UN Women has followed in the footsteps of UNICEF and UNFPA who have together been the pathfinders within the UN system for this work. Goal 5, which we all fought for in order to ensure that it includes the end of these harmful practices, has created the momentum for us that was much needed. And because UN Women has a bigger responsibility for ensuring that everybody works on implementing what is reflected in Goal 5, we have given significant attention to both FGM and ending child marriage. We are part of the Phase 2 that is led by UNICEF and UNFPA. We have extended partnerships to men and boys through our HeForShe campaign, encouraging men and boys who are fighting for gender equality to also lead in this area in their own right. It takes a man and a boy and a father and a brother to say: not my sister; not my child, not my cousin, so that this is not a fight that only the girls are waging.

The President of Malawi is one of our HeForShe IMPACT Champions, who is leading from the front. We have also been encouraged by the leadership of First Ladies, not the least the First Lady of Burkina Faso, who has helped make it easy for us to have this conversation with Heads of States. We have partnered with the African Union and continue to look for new ways to partner, including in the compilation of data. This is one of our core responsibilities. We are also hoping that in working with the African Union's Goodwill Ambassador on Ending Child Marriage in ten countries, we will be able to expand and intensify our work.

We are glad that this partnership also brings in the European Union, through the Spotlight Initiative, which I am sure we will hear about from the EU representative, who is here today. Spotlight includes ending harmful practices in Africa as one of the areas that the Initiative is focusing on, in particular, in Africa. We have also been focusing as UN Women on norms and stereotypes that are harmful to women and girls; in that case working with traditional leaders. In Malawi—one of the Chiefs has already annulled some

850 marriages following the passing of the law, making the law apply retrospectively. This is a model that we are hoping to share with many other traditional leaders where the laws have been passed. In Sierra Leone, in the Yoni Chiefdom, the women organized themselves and reached out to us as they say no to both FGM and child marriage. We are glad to have an opportunity to collaborate with them in this.

And of course, we have also looked for collaboration with the media. The Guardian is one of the organizations that we have collaborated with. Through them we have been able to form a good relationship with Jaha Dukureh, a young woman from The Gambia who you will hear from. She is now UN Women's Regional Goodwill Ambassador for Africa on ending child marriage and FGM.

Jaha is a child of both UN Women and UNFPA; UNFPA invested a lot in nurturing Jaha to her current stature, and we have been glad as UN Women also to have the opportunity to work with her. Even more interestingly, Jaha has been nominated for a Nobel Peace Prize. And if that happens—UNICEF, UNFPA—for all of us, this I hope will propel our work to even greater heights.

These are the different dots that we are connecting at UN Women in this work. We hope that when we collate the data to track what difference we have made, we will be able to see how these partnerships are creating the progress we want.

I have to say, for me, ending child marriage and FGM in Africa right now is our “MeToo” movement—just because of the number of people that are coming on board. AU is saying “MeToo”. The Member States are saying “MeToo”. The girls themselves are saying “Me Too”. The EU is saying “MeToo”. Friends of these different countries that are donors and partners are also saying “MeToo”. It is the biggest “MeToo” movement for Africa.



# JOINT STATEMENT BY NATALIA KANEM, PHUMZILE MLAMBO-NGCUKA AND ACHIM STEINER

**Executive Director of the UNFPA, Executive Director of UN Women and Administrator of UNDP**

*A Joint Statement for Human Rights Day, 10 December 2017*

Human beings are born free and equal, both in rights and in dignity. This is the fundamental principle enshrined in the 1948 Universal Declaration of Human Rights.

On 10 December nearly 70 years ago, the United Nations adopted the Universal Declaration of Human Rights, the first international assertion of the “highest aspiration of the common people”, including the “promotion of universal respect for and observance of human rights and fundamental freedoms”, and “... a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want”.

On this Human Rights Day, the last day in the global campaign of 16 Days of Activism Against Gender-Based Violence, we repeat the deep connections between freedom from fear, freedom from want and ending gender-based violence, and we say: It is time to turn the tide of violence against women and end it.

The rising movement by both women and men to end impunity for sexual abuse and build understanding of its enduring consequences has shown us how with awareness comes the determination for change. And with unity of purpose comes the strength to accomplish it.

The Declaration emphasizes inclusiveness of effort, including “every individual and every organ of society” in the work to secure the observance of rights. We acknowledge the value of ordinary citizens doing extraordinary things—women and men—who risk standing up for the protection of rights and access to justice, as well as the civil society and media organizations who amplify these calls and do so much to hold their governments to the highest standards.

All around the world, in every country, women and girls still struggle to exercise their full human rights, even to be seen as full human beings. Violence against women and girls is perhaps the most obvious manifestation of the deep imbalances in power in our societies, and the vulnerabilities and limitations that follow them, especially for the most marginalized, and especially

in crisis contexts, when vulnerabilities are at their peak and protections at their lowest point. Defending women and girls’ rights means understanding and addressing these effects holistically.

Worldwide, 1 in 3 women have experienced physical or sexual violence—most often by an intimate partner. Nearly 750 million women and girls alive today were married before their 18th birthday, and over 200 million have suffered female genital mutilation. More than 70 per cent of all trafficking victims worldwide are women and girls, and 3 out of 4 trafficked women and girls are sexually exploited. This must end.

Today, we, the executive heads of UNDP, UNFPA and UN Women together call for the elimination of violence against women and girls, and the guarantee of all rights, including reproductive rights, for all women everywhere.

We know what must be done. The Declaration asserted the key principles of equality, non-discrimination, participation and accountability to ensure women could enjoy their full human rights. That means working to overturn the more than 155 laws that discriminate against women, and enacting new laws that ensure their equality and empowerment. It means focusing on preventing violence by working with judges, police and men, as well as women’s organizations and youth groups, to dismantle stereotypes and discriminatory attitudes. It means supporting services for survivors of violence, including safe spaces and psychological counselling in humanitarian and fragile contexts. Collectively, we are reaching millions of women and girls, men and boys with the message that sexual and gender-based violence is never acceptable, and it is destructive both to our societies and our individual potential.

The UN is also working together on rights in new ways that cross sectors and offer hope. In September, we helped launch the Spotlight Initiative, a collaborative effort with the European Union to eliminate all forms of violence against women and girls by 2030, in keeping with the Sustainable Development Goals. It has a particular focus on domestic and family violence, sexual

and gender-based violence and harmful practices, femicide, trafficking in human beings and labour exploitation. Through this initiative, we will jointly work with public and private sectors to strengthen laws and ensure their implementation, to transform the social norms that underpin and perpetuate these abuses, and to support women's empowerment.

In calling for equal rights for all people, the Universal Declaration of Human Rights laid the foundation for a world based on equal rights and opportunities for women, men, girls and boys. The 2030 Agenda for Sustainable Development aims to complete that journey in less than 13 years. Its critical concept of leaving no one behind is ultimately a pledge to and for rights holders, and a powerful obligation for duty-bearers. It will take all of us working together to ensure these rights are comprehensively implemented, so that they can be enjoyed by all.

# STATEMENT BY PHUMZILE MLAMBO-NGCUKA

**Under-Secretary-General of the United Nations and Executive Director of UN Women**

*21 October 2016*

Killing women means society pays the ultimate price. UN Women is profoundly concerned by the brutal sexual violence and murder of women and girls that has been recently highlighted by women in Argentina, and which reverberates across Latin America and beyond. This is a form of intimate terror that has become normalized through its sheer scale and acceptance of its inevitability in some places. Yet it is not normal, and it cannot continue. Beyond the appalling personal cost, it reveals deep and damaging failures of society that ultimately have a high price in lost progress for each country.

We join our voice with all those who say “Ni una menos” and call for urgent action at all levels, from government policy-makers to individual change-makers, to prevent any more killing. Violence against women and girls must stop.

First of all, the recent case of femicide of a teenager in Argentina and the killing of a nine-year old girl in Chile must not go unpunished. Globally, impunity from punishment is a key element in perpetuating violence and discrimination against women. If men can treat women as badly as they choose with little or no consequence, it negates all efforts to build a world that is safe for women and girls and in which they can flourish.

Globally, some 60,000 women and girls are killed every year, often as an escalation of domestic violence. National studies in South Africa and Brazil estimate that a woman is killed by her intimate partner every six hours. Home is not a refuge and it is risky for women to report their attackers. Travel outside also carries dangers. Recent studies in Brazil indicate that 85 per cent of women are afraid to go out onto the streets. In Port Moresby, Papua New Guinea, over 90 per cent of women and girls have experienced some form of sexual violence when accessing public transport.

As an international community we have strongly articulated the essential place for a thriving population of women and girls, and the multiple ways in which this is best for us all. From the 2030 Agenda for Sustainable Development adopted in September 2015 to the New Urban Agenda adopted this week, it is clear that we

must both end violence and prevent its recurrence. This takes appropriate laws and policies, safe cities, public transportation, better services and the engagement of men and boys in building a new culture that ends all forms of discrimination against women and girls, and leads to the end of femicide.

Change has to happen at many levels, in both the cultural and physical structures of our societies. We work closely with civil society and the feminist movement, which have been key actors in denouncing violence, driving policy change and proposing solutions. To gather more information and support the ending of impunity, together with the Office of the United Nations High Commissioner for Human Rights (OHCHR), we have developed a model protocol that reveals service gaps. We will use it initially for the investigation of femicide in Latin America, where the number of countries with high rates of femicide is growing. We are aligned with the UN Special Rapporteur on Violence against Women, its Causes and Consequences, who has called for the establishment of a global femicide observatory with an interdisciplinary panel of experts to collect and analyse data on femicides.

There is some encouraging progress: in Latin America, 16 countries—almost half of the countries in the region—have adopted legislation to ensure that femicide is properly investigated and punished.

This needs to be a global trend. It is not one sector’s responsibility, but a collective and concerted effort. We call for recognition by governments of the scale and implications of violence against women and girls, commitment to collect the data with which to quantify it, the provision, not only of services for survivors and victims, but a radical increase in strong judicial action to sustain and achieve case closure and conviction, and creative and constructive efforts to prevent and to punish all violent crimes against women and girls.

As a world last year we signed up to the goal of gender equality and the elimination of all forms of violence against all women and girls. To achieve this is not only the end of a terrible violation of human rights, it is the key to the building of a better, more equal world—a 50-50 Planet.

**NO  
ESTAMOS  
TODAS**



© “Enriqueta, 45 years old” illustrated by Priscila Barbosa

No Estamos Todas is an illustration project to visualize victims of feminicides and transfemicides in Mexico. A collection of their meaningful work complements this tenth volume of FEMICIDE. Further information can be found on [www.noestamostodas.com](http://www.noestamostodas.com).

# **PART II**

## **Contemporary Forms of Enslavement of Women and Girls**

**“Human trafficking and modern slavery is an evil crying out to heaven, an open wound on the body of society.”**

**- Cardinal Vincent Nichols, Archbishop of Westminster, 2018 -**



# CONTEMPORARY ENSLAVEMENT AND WOMEN

An introduction by Ourania Roditi

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Slavery<sup>1</sup> did not officially end with its formal abolition in the 19<sup>th</sup> century; on the contrary it has proved to be a very dynamic phenomenon that has changed forms and structure and that has persisted throughout the world to this very day. According to Anti-Slavery International, an estimated 40.3 million people are subjected to different forms of slavery worldwide. Poverty, underdevelopment, conflict and social exclusion are considered the main contributing factors to slavery, while religious and cultural traditions are also responsible for a number of practices that are nowadays considered tantamount to slavery. Modern slavery thrives under weak rule of law, bad governance and corrupted public officials. It preys on the vulnerable and marginalised, the illiterate, women and those who suffer social discrimination.

Slavery is frequent in impoverished countries and more common than expected in developed ones. Industries such as farming, mining and factories producing goods for domestic consumption or export to more prosperous countries thrive on the labour tens of thousands of people who live in slave-like conditions.<sup>2</sup> It is crucial that we all grasp the extent to which our everyday life and habits are linked to slavery in different parts of the world: according to data provided by the NGO Freedom United, slavery is directly linked to the supply of everyday products, such as shoes, electronics, lipstick and cotton; well-known brands make use of child labour, as does the mining of coltan, one of the minerals necessary for electronic devices. According to the Global Estimates of Modern Slavery<sup>3</sup> in 2017, of the 24.9 million people trapped world-wide in forced labour, 16 million were exploited in the private sector such as domestic work, construction or agriculture; 4.8 million persons in forced sexual exploitation and 4 million in forced labour imposed by state authorities. Women and girls were disproportionately affected by

forced labour, accounting for 99% of victims in the commercial sex industry, and 58% in other sectors.<sup>4</sup> Women and girls were also disproportionately affected by the practice of forced marriage: of the estimated 15.4 million victims world-wide, 88 %, were women and girls and 37 %, of the victims were under 18 at the time of marriage. While additional data are required for certain regions, the accumulated data suggest a prevalence of forced marriage in Africa (4.8 per 1,000), followed by Asia and the Pacific (2.0 victims per 1,000).<sup>5</sup>

One of the reasons why the vast majority of modern-day slavery victims are women is because they are hardest hit by poverty and exclusion: women and, more precisely, girls are more prone to drop out of school; they often also lack autonomy and the right to make informed decisions. They frequently undertake unpaid domestic and care work to contribute to the family's income. As a result they are at greater risk of falling victim to different forms of modern slavery. At the same time, in conflict areas the situation is dramatically exacerbated, as women are often traded as a form of currency, while the latest refugee crisis has also led to high numbers of child marriages amongst displaced communities.

With regard to international standards, there are plenty of provisions against slavery contained in international law, some dating back to the 1815 Declaration Relative to the Universal Abolition of the Slave Trade. References can be found in most international documents; from the Universal Declaration of Human Rights to the International Covenant on Civil and Political Rights and the Rome Statute of the International Criminal Court or the European Convention for the Protection of Human Rights, the American Convention on Human Rights, the African Charter on Human and Peoples' Rights, etc.

Interestingly enough, eliminating slavery was not one of the Sustainable Development Goals (SDGs). The only explicit reference to modern slavery can be found in SDG 8.7: *Take immediate and effective measures*

1 For the purpose of this document, and since there is no internationally agreed definition of slavery, 'modern slavery' will be seen as a system that encompasses a number of practices, such as human trafficking, forced labour, debt bondage, forced marriage and others, which result in the violation of human rights and the exploitation of an individual through force, coercion and threat.

2 <https://www.cfr.org> Council on Foreign Relations Modern Slavery An exploration of its root causes and the human toll.

3 The Global Estimates of Modern Slavery are the result of a collaborative effort between the International Labour Organization (ILO) and the Walk Free Foundation, in partnership with the International Organization for Migration (IOM).

4 Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, Geneva, September 2017.

5 Global Estimates of Modern Slavery Forced Labour and Forced Marriage, International Labour Organization and Walk Free Foundation, Geneva 2017

to eradicate forced labour, and modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms. Still, it is imperative to take advantage of the discourse the SGDs have created around sustainable development, ending poverty and human trafficking, and mobilising resources to combat contemporary enslavement on the part of states and non-state actors.

Aiming, amongst other things, to mobilise action to support the Millennium and later the Sustainable Development Goals, the UN launched in 2000 the Global Compact,<sup>6</sup> the largest corporate sustainability initiative with more than 12,000 corporate participants and other stakeholders in over 160 countries. The Global Compact is based on 10 key principles, including protection and support of internationally proclaimed human rights, elimination of all forms of forced and compulsory labour and effective abolition of child labour.<sup>7</sup> It is a voluntary initiative, complementing other initiatives and regulatory frameworks, offering a policy framework for organising and developing corporate sustainability strategies. It also encourages innovative strategies in partnerships with civil society, governments and other stakeholders.

In the fight against modern slavery, and more specifically against forced labour and trafficking, two legally binding international instruments stand out: the International Labour Organisation's *Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29)*.<sup>8</sup> The Protocol,<sup>9</sup> adopted by the International Labour Conference in 2014, entered into force on 9 November 2016. It requires countries to take effective measures to prevent and eliminate forced labour and to protect and provide access to justice for victims. Second, the *Palermo Protocol<sup>10</sup> to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime*, adopted by the General Assembly in 2000, is the first international instrument to define trafficking; yet its real strength lies in the

law enforcement provisions, as each state is obliged to adopt the necessary legal provisions and legislative measures to combat trafficking in persons, especially women and children.

On a national level, there is a growing trend to introduce legislation that includes anti-slavery provisions, in particular with respect to ensuring that supply chains are slave labour-free. For example, in 2015 the United States introduced the Trade Facilitation and Trade Enforcement Act,<sup>11</sup> which explicitly prohibited all products made by forced labour, including child labour, from being imported. In 2015 the United Kingdom introduced the Modern Slavery Act,<sup>12</sup> consolidating existing slavery and trafficking offences, which established the post of the independent Anti-Slavery Commissioner and required commercial organisations, including overseas businesses, with a global annual turnover of 36 million pounds or more doing business in the UK to address modern slavery in their business and supply chain.<sup>13</sup> An innovative aspect of the Modern Slavery Act was that a suspect implicated in modern slavery could be prosecuted in the UK, even if the actual crime was committed overseas. Following the example of the United Kingdom, in 2018 Australia adopted the Modern Slavery Bill,<sup>14</sup> which required entities based, or operating, in the country, with "an annual consolidated revenue of more than \$100 million, to report annually on the risks of modern slavery in their operations and supply chains, and actions to address those risks".<sup>15</sup>

In the United Kingdom, the efficiency of the Modern Slavery Act was put to the test on 4 July 2018, when a judge sentenced a British nurse, Josephine Iyamu, to 14 years in prison for a crime committed outside United Kingdom. Through a black magic ritual, Ms Iyamu forced five women, originally from Nigeria, to work as prostitutes in Germany. Yet, according to *the Guardian*, and although the progress achieved since the introduction of the Act cannot be overlooked, only 6% of the modern slavery offence recorded by the policy

11 <https://www.cbp.gov/trade/trade-community/programs-outreach/convict-importations>

12 <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

13 The UK Modern Slavery Act 2015 What are the requirements and how should businesses respond?

([https://www.ey.com/Publication/vwLUAssets/ey-the-uk-modern-slavery-act-2015/\\$FILE/ey-the-uk-modern-slavery-act-2015.pdf](https://www.ey.com/Publication/vwLUAssets/ey-the-uk-modern-slavery-act-2015/$FILE/ey-the-uk-modern-slavery-act-2015.pdf))

14 [https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r6148](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r6148)

15 Modern Slavery Bill 2018 – Parliament of Australia ([https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r6148](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r6148))

6 <https://www.unglobalcompact.org/>

7 <https://www.unglobalcompact.org/what-is-gc/mission/principles>

8 [https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CODE:C029](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C029)

9 [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:P029](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029)

10 The Protocol was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations.

in March 2017 seem to have resulted in charges.<sup>16</sup> The reasons vary: policy officers may not be fully familiar with the powers they have under the new law; other problems have more to do with the victims' state of mind. Many do not always comprehend that they are indeed victims of modern slavery, as the case described above clearly indicates, as all victims were bound by a black magic oath/ritual. Furthermore, according to official statistics, only 30% of the businesses with a turnover greater than 35 million pounds have published a plan to prevent abuses in the supply chain.

Despite the positive trends witnessed both at the state and international levels, according to the latest (2018) Global Slavery Index,<sup>17</sup> more than 400,000 people live in conditions of modern slavery in the United States alone. In total, North Korea has the highest prevalence of modern slavery globally, with one in 10 of the population, or 2.6 million people being victims. It is followed by Eritrea, Burundi, the Central African Republic, Afghanistan, Mauritania, South Sudan, Pakistan, Cambodia and Iran. Evidently, most of these countries are marked by prolonged conflict and the breakdown of the rule of law.

One of the most important findings of the report of the Global Slavery Index<sup>18</sup> is that "the prevalence of modern slavery in high-GDP countries is higher than previously understood". Due to the globalisation of trade and commerce, the Walk Free Foundation embarked on a closer examination of where the "products" are consumed, an approach which inevitably shifted the focus to the G20 countries which rank among the largest importers and exporters in the world, accounting for three-quarters of global trade and 80% of developing country exports. However, one cannot help but notice the paradox that certain of these G20 countries are at the forefront of fighting slavery. The logical conclusion is that even when countries introduce tough anti-slavery legislation, gaps exist in the "protection system" for groups such as irregular migrants, the homeless, workers in the shadow economy, and certain minorities. These gaps, which are being actively exploited by criminals, need urgent attention from governments.

Furthermore, a third, or an estimated 15 million

16 Captor, caught Britain's new law against modern slavery secures a rare conviction, *The Economist*, 5 July 2018 (<https://www.economist.com/britain/2018/07/05/britains-new-law-against-modern-slavery-secures-a-rare-conviction>).

17 <https://www.globalslaveryindex.org/>

18 The Global Slavery Index, 2018 (<https://www.globalslaveryindex.org/>)

people enter modern slavery through forced marriage. "Overall, the cultural practice of forced marriage places women at greater risk of exploitation, and the potential subjection to a life of servitude, financial bondage and sexual exploitation that comes with modern slavery," the report said.

Katharine Bryant, a researcher manager for Walk Free Foundation, makes a case about the "gendered nature of modern slavery"<sup>19</sup> whereby men and boys are more likely to be enslaved in construction, manufacturing and agriculture, while the exploitation of women usually occurs in the fields of domestic and sex work. Again gender is pivotal when it comes to the means of coercion: men are usually physically assaulted or receive threats against family members, while women tend to be subjected to sexual violence. Ms. Bryant recommends policy makers to focus on promoting women's rights and achieve gender equality through women's empowerment initiatives and ensuring education for girls. In short, initiatives that address discrimination against women and girls should be the "cornerstone of any response to modern slavery," Bryant says.

In her report to the General Assembly in July 2017,<sup>20</sup> the Special Rapporteur on Slavery its causes and consequences, Urmila Bhoola,<sup>21</sup> linked modern slavery to weak sustainable development and the poverty it entails, coupled with the exclusion of human rights principles from the prevailing "free-market doctrine of economic development"<sup>22</sup> and "adherence to the neo-liberal economic principles," as espoused by most states nowadays. In her recommendations to the General Assembly, Ms. Bhoola emphasised, among other things, the necessity to accelerate progress towards gender parity and empowerment of women and girls in line with Sustainable Goal 5 on gender equality and to tackle

19 Katharine Bryant, Global Estimates of Modern Slavery: We need to talk about gender, Plan International UK, Guest Blog from Walk Free Foundation, Monday 30 October 2017 (<https://plan-uk.org/blogs/global-estimates-of-modern-slavery-we-need-to-talk-about-gender>).

20 Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences-A-72-139\_July 2017

21 In 2007, with the Human Rights Council Resolution 6/14 the position of a Special Rapporteur on contemporary forms of slavery, including its causes and its consequences was established in order to replace the Working Group on Contemporary Forms of Slavery.

22 According to the Global Fund to End Modern Slavery, modern slavery should be seen as a 'crime of economic opportunity' and any effective action against it should aim at making it 'economically unprofitable' (<https://www.gfems.org/>). Its interventions combine the principles of rule of law, through ending impunity, sustained freedom for survivors, through recovery, reintegration and economic opportunity with business investment, aiming at creating value by eliminating forced labour from supply chains.

the root causes and manifestation of discrimination against minority groups who are prone and susceptible to slavery, including women and children.

In conclusion, effective criminal justice responses to preventing and combating modern slavery should be strengthened, while international cooperation amongst different state and non-state actors should be further encouraged. Emphasis should be also placed on successful initiatives and on rehabilitation efforts for victims of slavery to help them reintegrate into mainstream society.

Many NGOs and scholarly articles have raised the question of lack of reliable data due to the absence of a unified and universally agreed methodology to measure slavery. For example, the Global Slavery Index surveys not only individuals but also households and families. Others<sup>23</sup> argue that in countries with strong law enforcement, criminal networks have developed ways to go undetected and cover up their activities; different methodologies include comparing lists of victims from different agencies, such as police, NGOs and social service providers. In the end, the bottom line is that, as the Global Fund to End Slavery put it, new ways of data collection and analysis are urgently needed. Reliable and efficient data collection will allow not only a better analysis of the extent of modern slavery but also will assist those investing in the field to gain a better understanding of the impact of implemented activities and projects<sup>24</sup>.

The mere fact that women are more severely affected by slavery could be seen solely as a by-product of discrimination and embedded forms of discriminatory practices that cut through and across societies. Concepts, such as advancing gender equality and empowering female leadership, should be seen as key concepts in the fight against modern forms of slavery. Respecting the rights of women, supporting education and promoting female community leaders would undoubtedly affect decision- and policy-making processes. At the same time, promoting economic empowerment, resilient communities and raising awareness albeit, no novel concepts consist the cornerstone of any reliable effort to address this phenomenon. Positive and successful models implemented by states should be also put forward, as

well as the role that the wider community, including civil society and non-state actors, such as business, could play in both prevention and rehabilitation of victims. Any gender-sensitive approach to combating modern slavery should provide options for women and girls, men and boys who are vulnerable to, or have directly experienced, severe exploitation.

Finally, there must be collective responsibility for the occurrence of slavery in contemporary societies: slavery is not a phenomenon occurring in isolation; it is an actual process that we all, directly or indirectly perpetuate, overlook or tolerate in different forms in all countries. We consume products and enjoy services and goods that have become indispensable parts of our everyday life; however, we often do not acknowledge—or choose to ignore—the human cost behind them.

## ABOUT

Dr. Ourania Roditi holds a PhD from the University of Sussex in United Kingdom on the relations between civil society with nationalism and democratisation in Central-Eastern Europe. She has worked for numerous NGOs, as well as for the OSCE Missions in Kosovo and Bosnia and Herzegovina. Currently, she is the Femicide Team Coordinator with the ACUNS, Vienna Liaison.

<sup>23</sup> How can you measure how many people are modern slaves? (<https://about.futurelearn.com/blog/measuring-modern-slavery>)

<sup>24</sup> <https://www.gfems.org/approach/>



# FORCED MARRIAGE: THE MODERN-DAY SLAVERY OF WOMEN AND GIRLS

Jacqueline Joudo Larsen and Katharine Bryant, Walk Free Foundation

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"I was out grazing the cows when my father said it was time to get married. I was woken up early and circumcised. The elders said the man was to be my only husband. He was 55. I was very confused. I was only 10. Nine months later, because I had not given him a baby, he began tasking me with the difficult jobs. I decided I had to escape – he beat me so hard my leg wouldn't stop bleeding. I was taken in by the Catholic Sisters and started school in 2013. I hope to be a doctor." - Anita, 15, forced into child marriage in Kenya.<sup>1</sup>

Violence against women, including the forced marriage of women and girls, occurs in every corner of the world. Forced marriage takes many forms, including use of forced marriage as a tactic of war, temporary marriages, bride kidnapping, child and early marriage in deeply patriarchal societies, and forced marriage of the children of migrants living in Europe, the US and Australia. Whatever form it takes, forced marriage threatens the lives of women and girls around the world, either by disrupting their education, making them more vulnerable to violence and abuse, and preventing their full participation in economic, political and social life. There are reports that forced marriage results in earlier pregnancy and higher levels of maternal morbidity.

Despite the long history of such practices around the world, the measurement and scope of research into forced marriage is at an early stage. The Sustainable Development Goals, in particular SDG 8.7 and 5.3 mean that States must act and report on their actions to combat child and forced marriage. The recent Global Estimates of Modern Slavery<sup>2</sup> present us with new statistics and insights that can help shape our understanding of the issue and enable urgent action. Understanding where forced marriage occurs and who it affects is crucial in helping target resources to the areas of high risk and highest need.

1 Kelly, A and Hodal K, 2017, 'I slept on the floor in a flat near Harrods': stories of modern slavery, The Guardian, 27 July. Available from: <https://www.theguardian.com/global-development/2017/jul/29/slept-floor-flat-near-harrods-stories-modern-slavery>. [2 September 2018].

2 International Labour Organization and Walk Free Foundation, Global estimates of modern slavery: Forced labour and forced marriage, (Global Estimates of Modern Slavery) 2017, [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575479.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf)

## What is forced marriage?

International human rights treaties guarantee the right of all individuals to enter into marriage with the free and full consent of both parties.<sup>3</sup> The International Covenants on Civil and Political Rights (Article 23)<sup>4</sup> and on Economic, Social and Cultural Rights (Article 10)<sup>5</sup>, the Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriages (Article 1),<sup>6</sup> and the Convention on the Elimination of All Forms of Discrimination against Women (Article 16)<sup>7</sup> recognise that men and women have the right to freely choose a spouse and enter into a marriage with their free and full consent.

Elements of forced marriage are also included in the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,<sup>8</sup> which includes "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."<sup>9</sup>

3 UNHCHR 2014, *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: Preventing and eliminating child, early and forced marriage*, UN Doc A/HRC/26/22, 2 April 2014. Available from: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/26/22](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/26/22). [7 September 2018].

4 International Covenant on Civil and Political Rights, entry into force 23 March 1976. Available from: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. [7 September 2018].

5 International Covenant on Economic, Social and Cultural Rights, entry into force 3 January 1976. Available from: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>. [7 September 2018].

6 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, entry into force: 9 December 1964. Available from: <https://www.ohchr.org/en/professionalinterest/pages/minimumageformarriage.aspx>. [7 September 2018].

7 Convention on the Elimination of all Forms of Discrimination against Women. Available from: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>. [7 September 2018].

8 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1956. Available from: <https://www.ohchr.org/en/professionalinterest/pages/supplementaryconventionabolitionofslavery.aspx>. [7 September 2018].

9 As above



More recently, child, early, and forced marriage (CEFM) have been recognised by the UN as a human rights abuse and a harmful practice.<sup>10</sup> UN Security Council Resolutions and reports in 2013,<sup>11</sup> 2014,<sup>12</sup> 2015,<sup>13</sup> 2016,<sup>14</sup> and 2017<sup>15</sup> have highlighted that CEFM is a form of gender-based violence and leads to the denial of autonomy and human rights, including control of sexual and reproductive health, and that CEFM is associated with discrimination and persecution against particular groups. Human Rights Council Resolution 35/16 also noted that the incidence and risk of CEFM is exacerbated in humanitarian settings.<sup>16</sup>

### What is the extent of the problem?

While definitions vary, the estimate of 'forced marriage' in the Global Estimates of Modern Slavery refers to situations where persons, regardless of their age, have been forced to marry without their consent.<sup>17</sup> A person might be forced to marry through physical, emotional, or financial duress, deception by family members, the spouse, or others, or the use of force and

threats. Once forced to marry, many victims experience conditions similar to slavery and are placed at greater risk of being subjected to other forms of exploitation, including sexual exploitation, domestic servitude, and other forms of forced labour. Children are especially vulnerable in these situations.

An estimated 15.4 million people were living in a forced marriage in 2016.<sup>18</sup> This estimate draws on interviews with more than 71,000 respondents through nationally representative household surveys in 48 countries. The estimate includes marriages of both adults and children that were reported by respondents to have been forced and without consent, regardless of the age of the respondent. Due to gaps in available data, not every instance of child marriage is included in the estimates. As such, the Global Estimates should be considered conservative.

Although modern slavery occurs in every region<sup>19</sup> and affects many regardless of race, gender, religion, and socio-economic status, the risk of having ever been in a forced marriage is significantly higher for women.<sup>20</sup> Women and girls account for 13 million, or 84 per cent of victims. Over one-third of victims were forced to marry before their 18th birthday, and of these, 96 per cent were girls. The youngest victims in the sample were nine years of age at the time they were forced to marry. Recent research measuring rates of child marriage in three countries (Pakistan, Cambodia, Myanmar) confirms that the estimate of forced marriage would be far higher if all cases of child marriage were included.<sup>21</sup> It also points to a pronounced gender gap in child marriage, with girls outnumbering boys in child marriages across the three countries.

10 OHCHR 2018, *Child, early and forced marriage, including in humanitarian settings*. Available from: <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/ChildMarriage.aspx>. [7 September 2018].

11 UNGA 2013, *Resolution adopted by the General Assembly on 18 December 2013 Child, early and forced marriage*, UN doc A/RES/68/148, 30 January 2014. Available at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/68/148](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/148). [7 September 2018].

12 UNHCHR 2014, *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: Preventing and eliminating child, early and forced marriage*, UN Doc A/HRC/26/22, 2 April 2014. Available from: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/26/22](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/26/22). [7 September 2018].

13 UNGA 2015, *Resolution adopted by the General Assembly on 17 December 2015, The girl child*, UN docs A/RES/70/138, 29 February 2016. Available from: <http://undocs.org/A/RES/70/138>. [7 September 2018].

14 UNSG 2016, *Promotion and protection of the rights of children: Child, early and forced marriage*, UN doc A/71/253, 29 July 2016. Available from: <https://undocs.org/A/71/253>. [7 September 2018]. See also: UNGA 2016, *Resolution adopted by the General Assembly on 19 December 2016 Child, early and forced marriage*, UN doc A/RES/71/175, 23 January 2017. Available from: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/71/175&referer=http://www.un.org/en/ga/71/resolutions.shtml&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/175&referer=http://www.un.org/en/ga/71/resolutions.shtml&Lang=E). [7 September 2018].

15 UNGA 2017, *Resolution adopted by the Human Rights Council on 22 June 2017, Child, early and forced marriage in humanitarian settings*, UN doc, GEN/190/10, 12 July 2017. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/190/10/PDF/G1719010.pdf?OpenElement>. [7 September 2018].

16 As above.

17 For the purposes of these estimates, the measurement of forced marriage is limited to what was captured by the surveys. That is, forced marriage in these estimates includes all marriages of both adults and children that were reported by the survey respondent to have been forced and without consent, regardless of the age of the respondent. Accordingly, the estimates do not include every instance of child marriage, as child marriage is not currently measured adequately at the scale or specificity required for a global estimate. See further, pages 17 and 46, Global Estimates of Modern Slavery.

18 International Labour Organization and Walk Free Foundation, *Global estimates of modern slavery: Forced labour and forced marriage*, (Global Estimates of Modern Slavery) 2017, [http://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/documents/publication/wcms\\_575479.pdf](http://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/documents/publication/wcms_575479.pdf)

19 The prevalence of forced marriage was highest in Africa followed by the Asia and the Pacific region. It is important to note differences across regions in data availability as they have an impact on these findings. For example, despite numerous reports of forced marriage in Central Asia and the Arab region, few surveys on the issue have been conducted there so the regional distribution should be interpreted with caution.

20 Diego-Rosell P & Joudo Larsen J, 2018, *Modelling the risk of modern slavery*. Available at SSRN: <http://dx.doi.org/10.2139/ssrn.3215368>

21 Diego-Rosell, P & Joudo Larsen, J 2017, 'Child Marriage Rates in Pakistan, Myanmar and Cambodia', Available from: <http://news.gallup.com/opinion/gallup/221000/child-marriage-ratespakistan-myanmar-cambodia.aspx>

## Why are women and girls forced to marry?

There are many reasons for forced marriage, some of which are closely linked to poverty, insecurity, limited opportunities for education, longstanding cultural practices and understanding of gender roles, as well as conflict and humanitarian crises. Child marriage, for example, is more common in poorest and most rural communities in the world, where marriage may represent an opportunity to provide economic subsistence, or financial security by paying a lower dowry for younger relatives, or by marrying wealthy foreigners, even if only for a short period of time.<sup>22</sup>

In some parts of the world, child and forced marriage occurs because it is a social norm or because of stereotypical views of sexuality and a women's role in society. Young girls and women can also be forced to marry in exchange for payment to their families, the cancellation of debt, or to settle family disputes. In some societies, a woman can still be inherited by the brother of her deceased husband and, as of August 2017, 13 countries<sup>23</sup> permitted a rapist to escape criminal sanctions by forcibly marrying the victim, sometimes with the consent of her family.

The prevalence of forced marriage can be higher in countries with significant levels of conflict or those experiencing humanitarian crises. These circumstances can exacerbate existing human rights abuses or lead to new violations as a consequence of the breakdown in law and State authority. For example, there have been reports of women and girls being abducted by armed groups and forced to marry fighters, enduring sexual, physical, and emotional abuse in parts of Nigeria and Iraq. Families who are faced with physical and economic insecurity may also see forced marriage as a way of alleviating poverty and protecting girls from difficult living conditions.<sup>24</sup> Forced marriages occur in both developing and developed nations, with women and girls being forced to marry foreign men for cultural reasons, or to secure another person's entry into the country.

22 UNHCHR 2014, *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: Preventing and eliminating child, early and forced marriage*, UN Doc A/HRC/26/22, 2 April 2014. Available from: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/26/22](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/26/22). [7 September 2018].

23 Jones, C 2017, 'Countries are Getting Rid of their "Marry the Rapist" Laws', *UN Dispatch*, 23 August 2017. Available from: <https://www.undispatch.com/marry-the-rapist/>. [7 September 2018].

24 As above.

## What needs to be done?

Tackling forced marriage requires relevant legislation and policies, engagement with communities, education, and protection measures for those who are in forced marriages. Criminalising forced marriage is a critical step to enable action and a change in mindsets. Accordingly, it is deeply concerning that in 2017 only 38 countries had criminalised forced marriage.<sup>25</sup> In the US, only 8 out of 50 states plus Washington DC and the U.S Virgin Islands have specific criminal laws against forced marriage.<sup>26</sup>

While law enforcement has an important role to play, policies and programs that assume that forced marriage is first and foremost a law enforcement issue will often fail to meet the needs of victims. For example, some victims will not want to report their parents or relatives to the police.<sup>27</sup> A recent examination of forced marriage policies in seven countries has emphasised the importance of a flexible approach, de-coupled from law enforcement, that recognises victims may need support services from across family violence, education and child protection systems.<sup>28</sup> The UK's Forced Marriage Unit is an interesting example of this flexible approach. The Unit provides safety advice, assistance for victims to prevent their unwanted spouses moving to their country of residence, and support to British victims, including those who are overseas. Likewise, in Australia, visas for up to 200 days are now awarded to victims of forced marriage regardless of whether they are willing to participate in a criminal court case. This removes the requirement that affected individuals would have to press criminal charges against their parents.<sup>29</sup>

## Criminalising forced marriage may also not work where

25 Walk Free Foundation 2018, *Global Slavery Index*. Available from: [www.globalslaveryindex.org](http://www.globalslaveryindex.org). [7 September 2018].

26 As of 2016. See Tahirih Justice Center 2016, 'National Consultation: Should Forced Marriage be a crime in the United States?', Available from: [http://preventforcedmarriage.org/wp-content/uploads/2017/04/Consultation-Summary-Report\\_Final.pdf](http://preventforcedmarriage.org/wp-content/uploads/2017/04/Consultation-Summary-Report_Final.pdf)

27 Vidal, L 2016, 'Forced Marriage is happening in Australia and we need to do something about it', *Huffpost*, 15 July. Available from: [http://www.huffingtonpost.com.au/lauravidalau/forced-marriage-is-happening-in-australia-and-we-need-to-do-something-about-it\\_b\\_9405022.html](http://www.huffingtonpost.com.au/lauravidalau/forced-marriage-is-happening-in-australia-and-we-need-to-do-something-about-it_b_9405022.html)

28 Vidal, L 2017, 'Developing Innovative, Best Practice Solutions to Address Forced Marriage in Australia', Churchill Trust. Available from: [https://www.churchilltrust.com.au/media/fellows/Vidal\\_L\\_2016\\_Solutions\\_to\\_addressing\\_forced\\_marriage\\_in\\_Australia.pdf](https://www.churchilltrust.com.au/media/fellows/Vidal_L_2016_Solutions_to_addressing_forced_marriage_in_Australia.pdf)

29 Australian Government Department of Social Affairs 2018, Increased Support for Forced Marriage Victims, Australian Government. Available at: [https://www.dss.gov.au/sites/default/files/documents/05\\_2018/d18\\_479015-forced-marriage-stream-trial.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2018/d18_479015-forced-marriage-stream-trial.pdf). [7 September 2018].

forced and child marriage are social norms. In these instances, legal norms as dictated and sanctioned by the State may not hold much influence over deep-seated social norms, such as patriarchal beliefs.<sup>30</sup> As such, engagement and partnerships with the community are critical. Strategies such as those aimed at educating parents<sup>31</sup>, mobilising religious and community leaders to influence people or empowering those at risk<sup>32</sup> have been shown to have an influence on the age of marriage.<sup>33</sup> A program implemented in rural Ethiopia, called Berhane Hewan, has illustrated the importance of engaging girls, their families, and their communities to increase the age of marriage.<sup>34</sup> The program found that informing community and religious leaders of the dangers of child marriage, supporting girls education with school supplies or uniforms, providing economic incentives to families to keep their daughters unmarried, or combining all these approaches had the most impact in reducing child marriage.<sup>35</sup>

These strategies should promote attitude and behaviour change from within the community and take into account gender and generational differences.<sup>36</sup> In Senegal, the Tostan program aims to combat female genital mutilation and early marriage by rolling out community based human rights education targeting men and women. It has seen an increase in the age of marriage in program recipients and has subsequently been rolled out in Guinea, Guinea-Bissau, Mali,

Mauritania and Gambia.<sup>37</sup>

Protection measures are also essential for those already in forced marriage, including the provision of holistic support that includes accommodation, health and financial support. These services need to recognise that some victims may need to be removed to safety, while others may simply want the pressure to marry to stop or they may want to leave home but remain engaged with their families. For example, in Canada a holistic support system addresses the situation of young people who need to be removed from home to ensure they can re-build their lives with the support of services that meet their basic needs while being given 'sanctuary' from family. This reduces barriers to reporting based on the fear of having to struggle and support themselves alone.<sup>38</sup>

## Next steps

With 13 million people living in forced marriages, it is time for us to act to end these practices with appropriate policy and practical responses. Ending forced marriage requires a multipronged approach that includes normative and behavioural change within society, along with the development of appropriate legislation and policies. Understanding complex drivers that include gender, cultural and religious norms behind this practice is vital in making sure interventions are adapted to specific contexts. This will require challenging discriminatory systems and cultural norms that assign value to women primarily as wives, mothers and caretakers.<sup>39</sup>

Highly gendered patterns of forced marriage point to important areas of intervention whether for reducing vulnerability or increasing protections for those girls and women most at risk. At the same time, as men and boys can still be affected by forced marriage, it is critical that preventative efforts reflect this risk and national laws and responses to victimisation make allowance for male victims.

30 See Mackie G, Moneti F, Shakya H and Denny E 2015, What are social norms? How are they measured? UNICEF and University of California, San Diego, Center on Global Justice. Available from: [https://www.unicef.org/protection/files/4\\_09\\_30\\_Whole\\_What\\_are\\_Social\\_Norms.pdf](https://www.unicef.org/protection/files/4_09_30_Whole_What_are_Social_Norms.pdf). [7 September 2018].

31 Family Support Institute (FASI) Kenya 2012, Tostan Pilot Project on "Ending FGM/C" in Northwest Zone and Northeast Zone of Somalia, FASI. Available from: [https://www.unicef.org/evaldatabase/files/120830-sk-Tostan\\_Very\\_final\\_Report\\_combined\\_Northwest\\_and\\_Northeast\\_Zones.pdf](https://www.unicef.org/evaldatabase/files/120830-sk-Tostan_Very_final_Report_combined_Northwest_and_Northeast_Zones.pdf)

32 Bailey, C 2017, Her Freedom, Her voice, The Freedom Fund, p.16, Available from: [http://freedomfund.org/wp-content/uploads/FF\\_WOMENANDGIRLS.pdf](http://freedomfund.org/wp-content/uploads/FF_WOMENANDGIRLS.pdf)

33 Erulkar, A & Muthengi, E 2007, Evaluation of Berhane Hewan: A pilot program to promote education & delay marriage in rural Ethiopia, Population Council. Available from: <https://www.globalgiving.org/pfil/2545/projdoc.pdf>

34 As above.

35 Population Council n.d. Building an Evidence Base to Delay Marriage in Sub-Saharan Africa. Available at: <https://www.popcouncil.org/research/building-an-evidence-base-to-delay-marriage-in-sub-saharan-africa>. [7 September 2018].

36 Vidal, L 2017, 'Developing Innovative, Best Practice Solutions to Address Forced Marriage in Australia', Churchill Trust, Available from: [https://www.churchilltrust.com.au/media/fellows/Vidal\\_L\\_2016\\_Solutions\\_to\\_addressing\\_forced\\_marriage\\_in\\_Australia.pdf](https://www.churchilltrust.com.au/media/fellows/Vidal_L_2016_Solutions_to_addressing_forced_marriage_in_Australia.pdf)

37 Sourced from Promising Practices Database, Walk Free Foundation. Available from: <https://www.walkfreefoundation.org/news/resource/promising-practices/>

38 Vidal, L 2017, 'Developing Innovative, Best Practice Solutions to Address Forced Marriage in Australia', Churchill Trust, p.54, Available from: [https://www.churchilltrust.com.au/media/fellows/Vidal\\_L\\_2016\\_Solutions\\_to\\_addressing\\_forced\\_marriage\\_in\\_Australia.pdf](https://www.churchilltrust.com.au/media/fellows/Vidal_L_2016_Solutions_to_addressing_forced_marriage_in_Australia.pdf)

39 See for example: Bailey, C 2017, Her Freedom, Her Voice, Freedom Fund, p.16. Available from: [http://freedomfund.org/wp-content/uploads/FF\\_WOMENANDGIRLS.pdf](http://freedomfund.org/wp-content/uploads/FF_WOMENANDGIRLS.pdf).

Lastly, further research is needed to improve our understanding of forced marriage in different cultural contexts and the impact of criminalisation and other responses to reduce its occurrence.

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## ABOUT

The Walk Free Foundation works globally to end modern slavery through the mobilisation of a worldwide activist movement, extensive researching and fundraising in order to promote change in states and industries bearing the greatest responsibility for contemporary forms of slavery. Further information can be found on [www.walkfreefoundation.org](http://www.walkfreefoundation.org).





© “Beverli, 24 years old” illustrated by Medusa

No Estamos Todas is an illustration project to visualize victims of feminicides and transfemicides in Mexico. A collection of their meaningful work complements this tenth volume of FEMICIDE. Further information can be found on [www.noestamos todas.com](http://www.noestamos todas.com).

# TEMPORARY 'PLEASURE MARRIAGES' ON THE RISE IN IRAQ, IRAN AND AFGHANISTAN

Behnaz Hosseini

September 2018

The objective of this study is to explore the reasons for forced child marriage in Iran, Iraq and Afghanistan and identify potential solutions to it. Forced marriage is an oppressive tradition that came to light after the 1979 revolution in Iran and is "justified" for religious, cultural, economic and political reasons. The primary victims of this phenomenon are girls. Forced marriage is carried out in Iran with the complete backing of the leaders of the clerical government in line with the misogynistic laws that they have introduced. In many cases, girls are actually sold to resolve the family's financial problems. At the same time, human trafficking networks, which are linked to the Islamic government of Iran, are profiting from the mullahs' misogynistic laws in order to traffic and sell Iranian girls.

Iran is not prepared to cede to the pressure imposed by the United Nations to prohibit marriages of women under the age of 18. Various aspects of the convention to prohibit child marriage contradict so-called Islamic standards. In 2002, the legal age of marriage for girls was raised to 13, although marrying children under the age of 13 was permitted upon the request of the custodian and with the permission of the court. This means that, now, a male legal custodian or a judge can legally marry a girl child to a man.

The Muslim clerics in Iran have facilitated the abuse of girls by failing to set up a system to effectively punish those who fail to acquire the court's permission. Ayatollah Khomeini, the founder of the Iranian regime, whose opinions were the source of many of the laws promulgated after the 1979 Iranian revolution, wrote that any kind of sexual relationship with a girl child is permissible at any age.

However, statistics are not completely reliable because many such marriages are never registered due to their illegal nature. In most cases the spouses of these girls are much older and even already married. Evidently, the aim of these marriages is solely for the sexual pleasure of the man. These marriages are thus clearly cases of rape. These girls often enter prostitution as a result of the physical, social and psychological pressure they are subjected to during this process.

Around 43,000 marriages of girls under the age of 15 in the Iranian province of Khorasan are not recorded. Particularly in rural areas, girl brides are often much younger than their spouses. Such marriages, performed only to provide sexual pleasure, are clear examples of child rape. Is this because of the age of the child-brides and/or because of the huge age difference between the spouses? This question needs to be clarified.

In a village a few kilometers from the city of Mashhad, Iran, the marriage of girls at the age of 12 and 13 has become very common. The average age for women to become pregnant for the first time is between 14 and 15 years old; yet in some cases girls as young as 10 become mothers.

In Afghanistan, too, particularly in poor rural communities, child slavery and debt bondage practices are growing, but are often disguised as marriage, as labour or family affairs do not require state intervention. These practices—the selling of children and servitude—have the exact same characteristics as modern slavery. The child victims are usually treated as slaves and can be resold.

In general, religious leaders feel that a higher marriage age for girls is not in accordance with the Islamic law. For example, Islamic and Sharia law states that a girl should reach puberty before marriage. Thus, 15 years is seen as an appropriate marriageable age, provided puberty has begun. In Iraq, pleasure marriages were outlawed under Saddam Hussein. Short-term marriages were considered idolatrous by the ruling Ba'ath Party in the 1970s and 1980. However, after Saddam's fall, they have begun to flourish again. These marriage "contracts", lasting anywhere from one hour to 10 years, generally stipulate that the man will pay the woman in exchange for sexual intimacy. Most Shiite scholars today consider this practice to be "halal", or religiously legal. These marriages, so-called muta'a' are flourishing in the Shiite cities of Najaf, Karbala and Kadhamiya. Many hotels are patronised by Shiites who approve of such "marriages".

The number of Iraqis making a pilgrimage to Mashad in Iran has grown exponentially since the rise of Isis, as they wish to patronise the city's sizeable population of sex workers. A large number of sex workers conduct business through a Shia system of "temporary marriage" known in Iran as *sigheh*. Dozens of five-star hotels, luxury timeshares, and hostels line the Imam Reza shrine. Many of the managers of these establishments confirm that a common question from Iraqi visitors is where to find sex workers.

## **Recommendation**

The practice of child marriage involves both cultural and gender-related aspects. In many societies where this type of "marriage" is prevalent, girls do not have the same value as boys; they are not honored or esteemed and are, in fact, more often regarded as burden to be got rid of as soon as possible. The family may be in poverty and the marriage of girls is seen as part of family efforts to reduce this. Laws must be amended to prohibit the marriage of girls under 18 to give them the right to grow up and live in peace and security. The right to a minimum wage for all will benefit children in the family and prevent this type of practice being seen as a way out of financial hardship.

## **ABOUT**

Dr. Behnaz Hosseini completed her doctoral research with a focus on Yārsān, a religious minority in Iran and trans-nationalism in Sweden at the Institute of Oriental Studies at the University of Vienna. Her research interests include religious minorities in Iran and Iraq, forced migration and integration. During her research she has been involved in multiple projects including 'Trafficking and Slavery under ISIS: Trauma and Rehabilitation of Female Survivors', as well as 'Analysis of Forced Migration and Displacement of Iraqi Religious Minorities in Austria'. Currently she is a research fellow with the department of Sociology at the University of Alberta in Canada, where she is working on a research project about Iranian religious minorities and the Kurdish communities in Alberta.

# IS IT TIME TO OPEN A CONVERSATION ABOUT A NEW UNITED NATIONS TREATY TO FIGHT HUMAN TRAFFICKING THAT FOCUSES ON VICTIM PROTECTION?

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September 2018

## Introduction

The Palermo Protocol, an annex to the United Nations Convention Against Transnational Organized Crime, came into force in December 2003 and is the only international legal instrument addressing human trafficking as a crime. It is an example of transnational law making that calls on State parties to pass domestic laws criminalizing the forms of human trafficking within its definition. Its main purpose therefore is to increase the number of criminal convictions for human trafficking perpetrated by organized criminal groups. Laws reflect what society and nations believe to be important enough to protect or guard against. Incarceration of individuals is one of the most draconian measures any State can undertake. Designating human trafficking as a crime with the possibility of a prison sentence is a statement of the values and of the seriousness of the act. In terms of human trafficking, since 2003, at least 158 States have enacted such domestic criminal laws.<sup>1</sup> Many regional fora have also enacted conventions, strategies and policies targeting human trafficking. However, despite a plethora of laws at international, regional and domestic levels, there are still relatively few convictions in any country that has such laws. Globally there were just under 4,500 convictions in 2014 for all forms of human trafficking.<sup>2</sup> This is a very low number on any measure. It appears therefore that the criminal justice approach of increasing conviction rates for human trafficking has limitations. Does this mean the criminal justice system is failing the victims of human trafficking or does it simply mean that a different approach should be considered? It is the argument of this contribution that it is time, eighteen years after the Palermo Protocol was enacted, fifteen years after it came into force, to open a conversation about whether we should enact a new United Nations Treaty that incorporates the learning and progress made in past eighteen years. For instance, including newer forms of human trafficking, incorporating case law, proscribing more nuanced education programmes and good practices from around the world as well as integrating other approaches to human trafficking like

human rights that firmly put victims/survivors at their centre. Most victims/survivors of human trafficking are female. Is it time the responses to human trafficking become more gendered too?

## Human Trafficking Defined

The scale of human trafficking is difficult to quantify reliably. However, it is agreed that it exists everywhere, is growing year on year and is one of the top three criminal trades in the world alongside arms and drug smuggling. According to the United Nations Office on Drugs and Crime (UNODC) *Global Report on Trafficking in Persons 2014*<sup>3</sup> at least 152 different nationalities were trafficked and detected in 124 different countries, with *domestic* trafficking accounting for 27 per cent of all detected cases of trafficking in persons worldwide. Trafficking for sexual exploitation and for forced labour are the most detected forms of trafficking. Collectively, women and girls represent around 79 per cent of all victims of trafficking.<sup>4</sup> Human trafficking for the purpose of sexual exploitation is clearly a gendered crime, with women and girls making up 96 per cent of all victims and men making up the vast majority of traffickers/perpetrators.<sup>5</sup> According to the 2016 *UNODC Report* around 23,000 victims trafficked for sexual exploitation were detected and reported between 2012 and 2014. During the same period, women accounted for 37 per cent of victims trafficked for forced labour.<sup>6</sup> With this growing number of detected victims it is imperative to develop laws, policies and strategies that work for all victims, but especially women and girls. This short contribution focusses attention on them.

The Palermo Protocol is the first internationally agreed legal definition of human trafficking and is an annex to the United Nations Convention against Transnational Organized Crime. It is, therefore, an example of a crime control/criminal justice convention that focusses attention on organized criminal gangs, rather than victims of trafficking. The Protocol to Prevent, Suppress

1 UNODC *Global Report on Trafficking in Persons 2016*, p. 12.

2 US State Department Annual *Trafficking in Persons Report* (hereinafter *TIP Report*) 2015.

3 UNODC *Global Report on Trafficking in Persons 2014*, summary.

4 UNODC *Global Report on Trafficking in Persons 2016*, p.1.

5 UNODC *Global Report on Trafficking in Persons 2014*, summary.

6 UNODC *Global Report on Trafficking in Persons 2016*, p. 27.



and Punish Trafficking in Persons, Especially Women and Children, defines trafficking in section 3:

‘Trafficking in persons’ is 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. The consent of a victim of trafficking to the intended exploitation... shall be irrelevant where any of the means set forth in [above] have been used. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set [above]. ‘Child’ shall mean any person under eighteen years of age.

According to this definition all three elements must be present: an *act* (for example, recruitment, transport) by a *means* (for example, threats, coercion, etc.) in order to *exploit* (for example, sexual services). The Protocol does not require movement of the victim across borders, international or otherwise. This is an important aspect of trafficking because many people are trafficked within borders especially into prostitution.<sup>7</sup> It does require ‘exploitation’,<sup>8</sup> the definition of which is contested.<sup>9</sup>

### Transnational criminal justice approach of the Palermo Protocol

Article 4 of the Palermo Protocol defines its scope as ‘the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational

7 A recent example is the UK case of several young girls being trafficked for sexual exploitation in Rotherham, Oxford and the North of England over several years.

8 The exploitation does not in fact have to occur, it is enough if it can be proven that there was an intention to exploit.

9 Due to space constraints many aspects cannot be explored further here. See Jones, J. ‘Is it time for a new United Nations Treaty to combat Human Trafficking?’, in Winterdyk, J. and Jones, J. (eds.) Palgrave International Handbook on Human Trafficking (online 2018) 2019.

in nature and involve an organized criminal group, as well as to the protection of victims of such offences.’ Strictly speaking, the Protocol limits its remit to fighting organized crime groups who traffic for a variety of exploitative practices defined in Article 3. Its main focus is ensuring criminal laws are passed in State parties in order to secure criminal convictions. To the extent that this is the primary goal it appears to be failing.

### Lack of Convictions as a Crime Control Deterrent<sup>10</sup>

According to the 2009 UNDOC *Global Report on Trafficking in Persons*, despite the fact that the number of convictions is increasing, they are not doing so proportionately to the growing awareness of the problem. The Report found that ‘as of 2007/08, two out of every five countries covered by the report had not recorded a single conviction. Either they are blind to the problem, or they are ill-equipped to deal with it.’<sup>11</sup> By way of comparison, the annual US *TIP Report* gathers statistics for global investigations, convictions and sentences of trafficking for sexual exploitation and from 2007 for forced labour. Prosecutions remain steady at between 5-10,000 in the countries providing statistics (around 167) for trafficking for sexual exploitation. Despite the increase in the number of prosecutions being brought, there is actually a decrease in the number of convictions: from a peak of 5,776 in 2013 to 4,443 in 2014. For labour exploitation the numbers are significantly lower – between 500-600 annually, with two peak years (2012 and 2013). Both figures are very low compared to the millions of people trafficked every year. What is even worse is the number of convictions: only around 4,400 in 2014 (the highest number to date) for all forms of trafficking, including for sexual exploitation and only around 220 for forced labour. This is appalling.

10 See Jones, J. 2016. ‘Preventing Human Trafficking for Sexual Exploitation: Ending Demand’, in Winterdyk, J. (ed.). *Crime Prevention: International Perspectives, Issues, and Trends*. CRC Press.

11 UNODC *Global Report on Trafficking in Human Beings* 2009, p. 25.



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED
2004	6,885	3,026	
2005	6,178	4,379	
2006	5,808	3,160	
2007	5,682 (490)	3,427 (326)	
2008	5,212 (312)	2,983 (104)	30,961
2009	5,606 (432)	4,166 (335)	49,105
2010	6,017 (607)	3,619 (237)	33,113
2011	7,909 (456)	3,969 (278)	42,291 (15,205)
2012	7,705 (1,153)	4,746 (518)	46,570 (17,368)
2013	9,460 (1,199)	5,776 (470)	44,758 (10,603)
2014	10,051 (418)	4,443 (216)	44,462 (11,438)

*TIP Reports 2012 & 2015: <http://www.state.gov/j/tip/rls/tiprpt/2012/192361.htm>; <http://www.state.gov/documents/organization/245365.pdf> (forced labour figures in brackets).*

Clearly these statistics indicate a lack of priority in prosecuting and convicting traffickers under domestic criminal laws. Why such low conviction rates? There are several explanations. In terms of criminal justice agencies, the most obvious is that it is not a priority crime. Many local law enforcement agencies and the police still have no, or little, training in how to investigate, how to prosecute and how to identify victims of trafficking. This has been recognized in many NGO and government sponsored reports and requires addressing as part of a comprehensive prevention strategy. Lack of understanding is another key component. For instance, understanding what makes trafficking (a human rights issue) different from smuggling (a border control issue). Corruption and bribes also play a part as well as the role officials play in the trafficking chain. Using a crime-control model instead of a human rights-centred approach is yet another. The fundamental difference in approach leads to a (potential) victim of trafficking being seen as either a criminal (and arrested as such; crime control) or someone in need of protection (with support being offered; human rights). None of the above criticisms are intended to suggest that a crime control model or criminal justice approach to human trafficking is not needed. Quite the contrary. Yet it requires integrating into other approaches that place the victim/survivor at its heart. Doing this effectively will lead to higher conviction rates as victims/survivors feel enabled to assist prosecutions. As this will most likely involve women and girls, it is imperative that a gendered approach to human trafficking is part of any new Convention.

### The human rights approach

The human rights approach ensures the rights of those who have been trafficked are the primary concern - it elevates their safety and recovery as a prime *modus operandi* of laws, policies and strategies instead of focusing almost exclusively on prosecutions. Thus, the non-punishment rule, the extended reflection periods, right to work, free legal assistance and many other human rights-based provisions are key to helping those who have been trafficked to start to recover.<sup>12</sup>

The Palermo Protocol as it is currently formulated has gaps: it only contains one provision relating to prevention in human trafficking. Article 9 obligates States to establish comprehensive policies, programmes and other measures to prevent and to combat human trafficking and that protect victims from re-victimization. It is gendered as it specifically mentions women and children in relation to re-victimisation yet does not proscribe a gendered approach explicitly detailing what we now know to work in order to gain the trust and confidence of potential female witnesses/ victims/ survivors. It obliges States to undertake measures that, *inter alia*, target mass education and social and economic initiatives to prevent and combat trafficking in persons. The latter includes cooperation 'to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.' And finally, States parties are obligated to adopt or strengthen legislative or other measures to discourage 'the demand that fosters all forms of exploitation of

<sup>12</sup> See, for example, the Council of Europe Convention on Action Against Trafficking in Human Beings. CETS 197. 16.5.2005.

persons, especially women and children, that leads to trafficking.<sup>13</sup> It is these latter vitally important provisions within Article 9 that in 2000 already sowed the seeds for further human rights and social justice approaches thereafter embraced in later regional and domestic laws and policies which need to be harnessed in any new Treaty. They should be *explicitly* extended, targeted and adequately funded in any new Convention.

### Other reasons for enacting a new Treaty

An updated Treaty could provide an opportunity for changing the dynamics of the law to free more people from human trafficking and slavery-like conditions. It could provide the space for clearer legal definitions for all forms of human trafficking, adding newer forms *explicitly*. These clearer legal definitions could be influenced by decided cases from domestic, regional and international courts. For instance, more inclusive/progressive legal meanings of 'vulnerability', 'coercion' and 'exploitation' that more accurately reflect our more nuanced understanding of how victims become vulnerable, how they are recruited, held and controlled and the different methods employed to exploit them. Or the inclusion of judgments from a variety of courts, for instance the European of the European Court of Human Rights, including, the decision of *Rantsev* regarding the positive duties on States. A new Treaty could also take into account our renewed commitment to end human trafficking enshrined in the Sustainable Development Goals of 'leaving no one behind' and with it the goals of ending poverty and economic deprivation, thus addressing many of the causes for human trafficking. It could incorporate the growing knowledge of the use of mobile technologies in the human trafficking chain or a public's (and many businesses') growing willingness to look inward at their buying choices (supply chains).

On the other hand, there could be a backlash, with less emphasis on women and girls who make up the majority of victims/survivors, a move away from human rights by taking away the rights already enshrined in laws. There could be a re-focus on the commercialization trend we are currently seeing – commodification of women's and girls' bodies that is so harmful. A re-focus on enhanced border control and crime control/criminal justice responses. There are challenges. Yet I would argue that the United Nations is exactly the right place to claim back our humanity – NOW.

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13 Palermo Protocol, Article 9.

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### ABOUT

Jackie Jones is a Professor of Feminist Legal Studies at UWE Bristol, Bristol Law School, Fellow of the Royal Society of Arts. She has been teaching, researching and writing different aspects of gender and the law, human rights and violence against women for twenty years. She has taught courses on gender and crime, discrimination law at Masters level that and has covered various aspects of sexual violence at undergraduate level including international and national aspects of violence against women, human trafficking, 'honour' crimes, migration and asylum issues, rape, sexual abuse, forced marriage, female genital mutilation and rape in conflict. She has been active in NGOs working for women's rights for many years. She is past President of

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Her most recent publications include: 'Ending Demand as a Prevention strategy for Human Trafficking', in John A. Winterdyk, ***Crime Prevention – International issues and perspectives***, CRC Press (Taylor & Francis), 2016 (book chapter); 'How Non-State Torture is gendered', in ***Gender Perspectives on Torture: A Compilation*** Juan Mendez and Macarena Sáez, American University Washington DC. She is currently co-editing the ***Palgrave Major Reference Work on Human Trafficking*** with Prof. John Winterdyk.

# RECOGNIZING THE RIGHTS OF DOMESTIC WORKERS

International Labour Organization

August 2018

Domestic workers are one of the groups most vulnerable to exploitation, violence, harassment, and forced labour. August 2018 - “Every day, she would tell me that I’m crazy and stupid. I couldn’t take that. But since she kept on saying that every day, I got used to it. Whenever they beat me up, I just cried in a corner”, recalls Julia \*, a Filipino domestic worker who suffered constant verbal abuse and physical beating for more than a year before daring to run away to the police.

Around the world, workers who work in isolation, where nobody is watching, are particularly vulnerable to violence and harassment at work. Domestic workers are just such workers. A workforce 67 million strong, domestic workers provide essential care for our homes and loved ones; yet, they frequently suffer forms of violence and harassment, exploitation, coercion, ranging from verbal abuse to sexual violence, and sometimes even death. Domestic workers who live in the homes of their employers are especially vulnerable. For many of them, daily abuses like lack of rest and non-payment of wages can quickly turn into forced labour. “I was trapped inside; I couldn’t go out. And I didn’t have any money. I was not paid even a single peso. Every time I would ask my employer when I could get my salary, she would say that she will think about it”, explains Julia.

“At the root of this situation is discrimination,” explains Philippe Marcadent, Chief of the ILO Branch related to Inclusive Labour Markets, Labour Relations and Working Conditions. “Domestic workers are often not recognized as workers, and face discrimination as women, often from poor and marginalized groups, such as migrants and indigenous peoples.”

But domestic workers are organizing and leading efforts to achieve decent work. Zainab and Marcelina, two former domestic workers turned leaders of their organizations, each faced years of violence and harassment at work. Despite the difficulty in sharing their stories, they do so because it is a reality the world must know, and to encourage other domestic workers to speak out. As the ILO is currently discussing the possible adoption of a new legal instrument on violence and harassment in the world of work, domestic workers are stepping up and speaking out.

International standards can be powerful tools to protect domestic workers. The ILO Domestic Workers Convention No. 189, adopted in 2011, recognized millions of domestic workers as workers, further empowering them to advocate for their rights, and fight violence and harassment. Furthermore, the ILO Forced Labour Protocol, adopted in 2014, requires member states to take effective measure to prevent forced labour, protect victims and ensure their access to justice. In particular, countries must ensure the relevant legislation applies to all workers in all sectors. This obligation is particularly relevant for domestic workers as one key issue is that they are not always recognized as workers by the national legislation, hence not benefiting from the same rights and protection. However, to date, 25 countries have ratified the Domestic Workers Convention No. 189, another 30 or so have adopted laws or policies extending protections to domestic workers, and only 25 countries have ratified the Forced Labour Protocol. Governments, employers and workers, as well as individual households, all have a role to play to ensure protection of domestic workers from violence and harassment. Since the adoption of the Domestic Workers Convention No. 189, the ILO adopted a global strategy to support Governments, workers and employers to make decent work a reality for domestic workers. Through this strategy, the ILO has supported some 60 countries to extend protections to domestic workers, ensure compliance with these standards, shift norms, and strength the representation of domestic workers and employers of domestic workers. These country-level experiences on policies such as working time, wages, social security, migration, labour inspections and organizing have been documented and compiled at [www.ilo.org/domesticworkers](http://www.ilo.org/domesticworkers).

## ABOUT

The work of the International Labour Organization is aimed at bringing governments, employers and workers of 187 UN member states together in order to develop labour standards, policies and programmes to further initiate decent work for all women and men. Further information can be found on [www.ilo.org](http://www.ilo.org)

# CHILD MARRIAGE IN HUMANITARIAN SETTINGS

## Girls Not Brides – The Global Partnership to End Child Marriage

August 2018

Millions of lives are being torn apart by conflict, disasters and displacement. Girls are hit particularly hard and face many forms of violence. Child marriage has been rising at an alarming rate in humanitarian settings. This brief summarises what we know about this issue and what needs to be done.

### Why is this an important issue?

- Nine out of the ten countries with the highest child marriage rates are considered either fragile or extremely fragile states.<sup>i</sup> Seven out of the twenty countries with the highest child marriage rates face some of the biggest humanitarian crises.<sup>ii</sup> We cannot ignore child marriage in such settings.
- Growing evidence shows that in these settings,<sup>iii</sup> child marriage rates increase, with a disproportionate impact on girls. While gender inequality is a root cause of child marriage in both stable and crisis contexts, often in times of crisis, families see child marriage as a way to cope with greater economic hardship and to protect girls from increased violence. But in reality, it leads to a range of devastating consequences.<sup>iv</sup> Several organisations have even reported cases of girls turning to suicide as a last resort.<sup>v</sup>
- Yet, child marriage is not being adequately addressed in humanitarian settings. In their evaluation of the emergency response to the Syrian refugee crisis in Turkey, UNHCR highlighted the insufficient attention to child marriage as a major gap in the United Nation's protection response.<sup>vi</sup>

### What do we know about child marriage in humanitarian settings?

- Humanitarian settings can encompass a wide range of situations before, during, and after natural disasters, conflicts, and epidemics.<sup>vii</sup> They exacerbate poverty, insecurity, and lack of access to services such as education, factors which all drive child marriage.

- For poor families who have lost livelihoods, land and homes because of a crisis, marrying their daughter may seem like the only option to alleviate economic hardship. It reduces the number of mouths to feed or in some places provides extra income in the form of a bride price.<sup>viii ix</sup>
- Families living in crisis-affected contexts often anticipate a rise in violence and see marriage as a way to protect girls. Yet married girls face increased sexual violence within marriage. In many communities, female sexuality and virginity are associated with family honour and parents marry their daughters young to guarantee their virginity at marriage.<sup>x</sup>
- In conflict, child marriage also happens against parents' wishes, as explained later in this brief.
- Because the reasons for child marriage in different contexts vary greatly, it is critical to understand a particular crisis context and tailor solutions accordingly.

### Child marriage and conflict

Conflict devastates millions of lives across the world, forcing families to adopt negative coping mechanisms to survive. It places women and girls at increased risk of sexual violence. Rape, torture and forced prostitution, sometimes under the guise of "marriage", have been reported to be used as weapons of war weakening families and communities often with impunity from the law.<sup>xi</sup>

- In Yemen, child marriage has increased at an alarming rate. Over 65% of girls are married off before 18, compared to 50% before the conflict.<sup>xii</sup>
- In 2017, child marriage was in the top three key protection needs identified by communities in Syria.<sup>xiii</sup>
- In Iraq and Syria, terrorist groups have abducted girls and women as 'spoils of war' to be raped,



sold, offered, and forced into marriage. The Yazidi minority has been particularly affected.<sup>xiv</sup>

- In war torn Somalia in 2010 and 2011, girls were abducted from school and forced to marry fighters of the Islamist armed group al-Shabaab. Parents refusing to give their daughters away were threatened or killed.<sup>xv</sup>
- In north east Nigeria, various armed opposition groups use similar methods, as shown by the example of over 270 school girls who were abducted in 2014 and subjected to various forms of violence including child marriage.<sup>xvi</sup>  
<sup>xvii</sup>
- In some contexts, families use child marriage to try to protect girls from other types of violence. During the war in Sri Lanka, parents believed that the armed group the Liberation Tigers of Tamil Eelam (LTTE) would not recruit married girls.<sup>xviii</sup>
- More research is needed to understand underexplored contexts, such the influence of gang violence on child marriage in Latin America.<sup>xix</sup>

## Child marriage and displacement

Conflict drives displacement around the world. In some cases families flee conflict zones because of the risks that girls face in such contexts. Displacement itself can also increase girls' vulnerability to child marriage due to the breakdown of social networks, the lack of other protection systems, and the risks of sexual violence. In the Kobane refugee community in Turkey, families reported fleeing partly to protect girls from sexual violence and forced marriage to armed combatants.<sup>xx</sup>

- In Syrian refugee communities in Jordan, child marriage has rapidly increased. Between 2011 and 2014, the rates of registered child marriages almost tripled, from 12% to just under 32%.<sup>xxi</sup> Protection of family honour and control of girls' sexuality were major drivers in this context.<sup>xxii</sup> While it is illegal to marry before 18 in Jordan, the complex process to register a marriage and the fact that many refugees lack official identification means that

girls who can't prove their age are even more vulnerable.<sup>xxiii</sup>

- In Lebanon, 41% of young displaced Syrian women are married before 18.<sup>xxiv</sup>
- In displacement contexts in the Middle-East and in Europe, girls who divorce following a child marriage are left stigmatised and marginalised by their community.<sup>xxv</sup>
- In Chad, thousands of cases of sexual and gender- based violence among refugees were reported in 2016. Child marriage is the most commonly reported form of violence among young Sudanese and Central African refugee girls.<sup>xxvi</sup>
- In northern Cameroon and Nigeria, families facing extreme poverty in internally displaced populations and refugee camps often marry off their girls because of a lack of other alternatives and the breakdown of social networks. In northern Cameroon marriage is also used as a way to recover family debts.<sup>xxvii</sup>
- In India, Malaysia and Indonesia, many Rohingya women and girls who fled persecution in Myanmar became child brides and faced domestic violence within marriage.
- In Malaysia and Nigeria, child marriage is also arranged by brokers, with higher risks of being used as a cover for human trafficking.<sup>xxviii</sup>
- In Afghanistan, where thousands of refugees were repatriated from Pakistan in 2016, child marriage was identified as a major risk for returnee children who are not in school.<sup>xxix</sup>
- The reasons and trends of child marriage in these contexts are complex and can vary over time. For example, in the Kurdistan region of Iraq, child marriage first decreased among internally displaced populations, as people became so poor that they couldn't afford the cost of a marriage. However, more recently, child marriage has increased among populations that escaped from Mosul. As single girls were at high risk of sexual violence by ISIS fighters in Mosul, families (even the

more educated ones) saw child marriage as a form of protection.<sup>xxx</sup> In Lebanon, while child marriage happens in both urban areas and in tented settlements, populations' concerns might differ depending on the context.<sup>xxxi</sup>

## Child marriage and natural disasters

Over the last few decades, the number of natural disasters has been increasing,<sup>xxxii</sup> which threaten access to basic services for girls such as education, thus adding to the risk of child marriage. Several countries with high vulnerability to climate change also have high child marriage rates.<sup>xxxiii</sup>

- Following the 2004 tsunami, girls in Indonesia, India and Sri Lanka were forced into marriage with tsunami widowers and in many instances did so to receive state subsidies for marrying and starting a family.<sup>xxxiv</sup>
- In Bangladesh and northeast India, extreme poverty and difficult access to education provoked by river erosion and floods often pushed families to adopt child marriage as a survival strategy.<sup>xxxv</sup> Organisations working in urban slums in Dhaka saw many girls abandon school and migrate to work in the garment industry or as maids, and face high risks of sexual abuse in the slums. Most never returned to school and got married.<sup>xxxvi</sup>
- In Nepal, anecdotal evidence has shown an increase in gender-based violence and child marriage following the earthquake in 2015.<sup>xxxvii</sup> A similar increase was reported following disasters in Lao and the Philippines.<sup>xxxviii</sup>
- In Somaliland and Mozambique, research suggests drought drives child marriage because marrying a girl off frees the family from providing for her.<sup>xxxix</sup> This contrasts with Ethiopia, where community members suggested that drought was one of the reasons for a reduction in child marriage as families could not afford to organise weddings.<sup>xl xli</sup>

## What is being done to address child marriage in such settings?

There is still much to be done to address child marriage in humanitarian settings. Examples of the type of approaches *Girls Not Brides* members and partners are implementing include:

- **Incorporating child marriage as a key issue into other sectors.** In Iraq, Terre des Hommes has integrated child marriage as a key issue in their child protection work. They provide case management<sup>xlviii</sup> to refugee, internally displaced and host communities, discuss it through theatre in their child-friendly spaces, and work with girls and families to promote girls' education. As part of their broader work on gender-based violence, the organisation Women for Afghan Women provides shelter to both girls at risk of child marriage and girls who are already married. They respond to their urgent needs and refer them to appropriate services.
- **Identifying girls at risk and girls who are already married, understanding their needs, and adapting programmes accordingly.** In South Sudan, the Women's Refugee Commission is piloting a mobile tool designed by the Population Council – the Girls' Roster – to help identify girls at risks and their needs.<sup>xlii xliii</sup> In Lebanon, the International Rescue Committee (IRC) designed a package of life-skills sessions tailored to the needs of married girls, following their study on child marriage in the Bekaa region.<sup>xliv</sup> In various humanitarian settings, CARE International uses "Rapid Gender Analyses" to learn about why child marriage happens in different crisis settings, and identify key actors in the response. This helps them and their local partners to target the risk factors for child marriage.<sup>xlv</sup>
- **Running awareness sessions on child marriage with community members in displaced populations.** Save the Children and CARE have adopted this approach with the Syrian refugees in Jordan and Turkey.<sup>xlix</sup> The interagency Amani Campaign developed for the Syrian crisis response uses behavioural and social change communication and contains

key messages for communities, children and parents, on how to better protect children and adults from violence, including child marriage. In Afghanistan, Cooperation for Peace and Development has created Community Advocacy Groups that include community councils, religious leaders, teachers, elders and youths to facilitate inter-gender and inter-generational dialogue on various issues, including child marriage.

- **Offering alternatives to marriage by providing safe spaces and services to girls.** For instance, Non-Formal Education Centres set up by Plan International in Pakistan in 2010, or ALVF's service provision centre in the Langui refugee camp in Cameroon, offered alternatives to child marriage in post-conflict or post-disaster settings. Services included safe spaces, access to non-formal education including life skills and discussion of gender-related issues, health and legal services, and financial literacy courses for married girls and out-of-school girls living in refugee camps.<sup>xlvi xlvii</sup>
- **Partnering at the regional and country level to ensure efforts are coordinated and informed by evidence.** CARE, Terre des Hommes, Women's Refugee Commission, Oxfam and others have come together in a UNICEF-UNFPA-led group to develop a Regional Accountability Framework of Action to End Child Marriage (RAF) in the Middle-East and North Africa. The RAF outlines a comprehensive approach to address child marriage in humanitarian contexts in the region.<sup>li</sup> It also includes a regional research group in partnership with research institutions to improve understanding of the issue and filling evidence gaps about solutions to address child marriage.

### **What more needs to be done to address child marriage in humanitarian settings?**

Despite these initiatives, child marriage is not adequately addressed in situations of crisis. Considered a development issue, the practice fails to be addressed within the humanitarian sector, and is often not well understood. The following recommendations have emerged clearly from *Girls Not Brides* members:

### *Recognise child marriage as a critical issue in times of crisis as well as in times of stability*

Child marriage has devastating consequences for girls in these settings. It deprives them of any chance of a bright future after a crisis. Child marriage is caused by a complex set of factors that take root in more stable contexts and are exacerbated in times of crisis. Humanitarian and development efforts to prevent child marriage and enable girls to thrive must be complementary. In June 2017, a Human Rights Council resolution recognised for the first time the need to address child marriage in humanitarian settings. However, more needs to be done to achieve widespread recognition and ensure child marriage is on the agenda of humanitarian actors.

### *Identify risk factors for child marriage by involving adolescent girls from the early stages of crises and including their issues in assessments and planning*

Better programming requires gender-sensitive assessments from the early stages of crises, including through responses to basic needs such as food distribution, and through household economic surveys.<sup>lii</sup> These assessments should be carried out by trained staff and informed by mapping and participatory consultations with girls, including married girls, who are often especially vulnerable and isolated.<sup>liii</sup> Key community members that have a major influence on adolescent girls' lives should also be engaged to ensure comprehensive assessments.

### *Integrate child marriage prevention and support to married girls across sectors in any humanitarian response from the early onset of crises*

Child marriage is a cross-cutting issue, which requires coordinated action across all sectors from the earliest stage of crises. The lack of a framework to address child marriage within emergency management systems and structures aggravates the problem. Examples of responses that can be integrated and, which address both the risk factors for child marriage and support and services for married girls include:

- Provide services to adolescent girls - e.g. access to quality non-formal education, reestablishment of formal education as soon as possible after the acute phase of a crisis; safe spaces coupled with life skills programmes;

economic empowerment; alternatives to marriage; access to comprehensive health information and services including sexual and reproductive health and psychosocial counselling; support to victims of sexual and gender-based violence; legal support; access to asylum seeking process, etc.

- Consider girls' safety and well-being in all other services - e.g. lighting and security in places such as detention centres, water points, and latrines; dignity kits, changing rooms; attention to distances to schools and health services, etc.
- Ensure that families' basic needs are met and that they have the resources to care for their daughters without turning to child marriage as a coping strategy.
- Increase efforts to keep families together where possible in order to avoid the breakdown of social networks, especially among displaced populations.
- Build solid registration systems for refugees.<sup>liv</sup>
- Work with families, communities and young people to address social and cultural norms which influence decisions of child marriage.<sup>lv</sup>
- Recruit female humanitarian staff on the ground and train all staff – including camp managers - to be able to address issues faced by adolescent girls.

It is important to understand what type of initiative is appropriate for various phases of crises. For example addressing food insecurity and poverty might a good starting point in acute phases, while community engagement to change social norms might be better suited to longer-term displacement and recovery.<sup>lvi</sup> It can also be useful to consider what initiatives targeting families might be more suited to male or female. For example, in some contexts men tended to turn to child marriage more as a result of economic hardship while women would try to protect girls from violence.<sup>lvii</sup>

*Invest in the evaluation of programmes addressing child marriage*

Almost none of the few initiatives to address child

marriage in humanitarian settings have been evaluated. Interventions on other issues such as education, food security or poverty, also tend not to measure their potential impact on child marriage.<sup>lviii</sup> More funding should support efforts to pilot and evaluate programmes to understand what works to address child marriage in these settings and support practitioners operating in very challenging crisis contexts. More research is also needed to understand how different types of crises and phases of crises affect child marriage. Reliable data disaggregated by marital status, gender and age should be collected to understand the needs and risks of girls affected by crises, including for adolescents in the 10-14 age range. Field research and quality data analysis is critical to understand how programmes can be adapted for such situations.

## End notes

<sup>i</sup> Burkina Faso, Bangladesh, Chad, Central African Republic, Guinea, Mali, Mozambique, Niger and South Sudan are listed as fragile states as defined by OECD. See definition in States of Fragility 2016: understanding violence, 2016.

<sup>ii</sup> Child marriage rates are about 40% in Somalia, Ethiopia and Nigeria, above 50% in South Sudan and Mali, and almost 70% in Chad and Central African Republic. Moreover, the lack of nationally representative data in conflict areas such as Syria and Yemen means that child marriage rates might be underestimated those countries.

<sup>iii</sup> By “humanitarian settings” we mean contexts of sudden onset or protracted conflicts or natural disasters, contexts in which other events represent a critical threat to the health, safety and wellbeing of communities (e.g. epidemics, famine and environmental emergencies), and situations of forced migration resulting from these events.

<sup>iv</sup> See *Girls Not Brides* list of useful resources on child marriage in humanitarian crises.

<sup>v</sup> Soutien Belge Overseas, Stories from the ground: child marriage in refugee camps, 2018; Lisa Khoury, Time of Israel, Forced into abusive marriages, Syrian child brides increasingly turn to suicide, 1 August 2018

<sup>vi</sup> UNHCR, Evaluation of UNHCR's Emergency Response to the influx of Syrian Refugees into Turkey, 2016 <sup>vii</sup>

See definition of “crisis” by World Health Organisation, 2007.

viii Gayle Tzemach Lemmon, *Fragile States, Fragile Lives Child Marriage Amid Disaster and Conflict*, 2014 (accessed March 2016).

ix In many communities, the groom’s family has to pay a certain amount of money to the bride’s family. A *Girls Not Brides* member working in Middle-East and Asia reported that the bride price is critical in parent’s decision to marry off their daughters in Afghanistan and Papua New Guinea.

x CARE UK, *To Protect Her Honour: child marriage in emergencies, the fatal confusion between protecting girls and sexual violence*, 2015.

xi Ibid; World Vision UK, *Untying the knot: exploring early marriage in fragile states*, 2013.

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## **ABOUT**

Girls Not Brides a constant cooperation of over 1000 civil society organisations. It follows the aim of ending child marriage and giving girls the opportunity to fulfill their full potential.

Further information can be found on [girlsnotbrides.org](http://girlsnotbrides.org)

# A STEP-BY-STEP PATHWAY: RESCUING WOMEN FROM MODERN DAY SLAVERY

A project by APRAMP (Association for Prevention, Reintegration and Care of Prostituted Women) nominated as GOOD PRACTICE by EIGE (European Institute for Gender-Equality)

1980 – Ongoing, Spain

## Summary

Rescuing Women from Modern Day Slavery is a comprehensive step-by-step pathway to release women victims of human trafficking for sexual exploitation from their situation of violence and associated poverty and to enable their full integration in society and in the labour market. The steps include: identifying the women; supporting them into safe spaces; providing pre-employment supports to them; and enabling them to take up training and employment possibilities. The promoter of the initiative, ARAMP Association for the Prevention, Reintegration and Care of Prostituted Women (*Asociación para la Prevención, Reinserción y Atención a la Mujer Prostituida*), is an NGO with 25 years of expertise in supporting women and girls who are victims of human trafficking and sexual exploitation in Spain.

Victims of human trafficking face particular barriers in seeking to move out of poverty. These include the psychological and emotional consequences of sexual exploitation that remain for a long time after their release, economic dependence on the procurers, lack of awareness of their situation where, as a psychological defence, they can even end up accepting and regarding it as “normal”, the intersections of being women and irregular migrants, and stigma from society that perpetuates their isolation and vulnerability.

These women have to first be liberated from the violence of sexual exploitation in order to address their poverty. Their poverty includes and goes beyond this violence to encompass low self-esteem and stigma, lack of family or social links, lack of Spanish, low education levels, distance from the formal labour market, and irregular legal status.

More than 500 women are released from sexual exploitation every year. More than 700 women receive economic, social, training and employment support annually. Their employability is enhanced and economic independence becomes possible. The participation of women who have escaped human trafficking as volunteers has contributed to the success of the initiative.

The initiative involves strong networking collaboration with public sector bodies, such as the police, judicial system, healthcare and social services, and with other NGOs. It contributes to the further development of these services.

## An NGO action in line with current policy responses

The “Palermo Protocol” and several guidelines and recommendations of the United Nations set the context at a global level for the fight against human trafficking. The “EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016”, and the “Directive 2011/36/EU, on preventing and combating trafficking in human beings and protecting its victims” offer a comprehensive and integrated approach to the issue at a European level. They focus on law enforcement and on prevention of the crime and ensuring that victims of human trafficking are given an opportunity to recover and to reintegrate into society.

In Spain, the “Plan to fight against human trafficking and sexual exploitation of women and girls” (September 2015) provides a context that includes activities to raise awareness and promote cooperation with countries of origin through diplomatic bodies. It provides for psychological and social rehabilitation of victims of human trafficking and employment pathways for them. It reinforces police strategies to fight against the criminal networks involved and improves institutional coordination. It includes the development of research and studies to improve knowledge about and understanding of the problem.

APRAMP is a Spanish NGO with 25 years of experience in supporting women and girls who are victims of human trafficking and sexual exploitation. ARAMP works in line with this broad policy context and implements this initiative of a step-by-step pathway to rescue women from modern day slavery.

## About 40,000-50,000 people in Spain are victims of human trafficking for sexual exploitation

About 40,000-50,000 people in Spain are victims of human trafficking for sexual exploitation purposes,

according to estimates by the Ministry of Home Affairs. This data reflects just a portion of the overall problem. Women and girls are more susceptible to trafficking and to experiencing more negative consequences due to the abuse and the stigma they endure. The gender specific nature of this issue can be seen where the percentage of women among these victims is around 95%.

Human trafficking networks deceive women and girls in their countries of origin, such as Morocco, Sub-Saharan Africa, Eastern Europe and Latin America, by promising them a job in Spain as an escape from poverty. The victims then face pressure, including psychological pressure, and threats, including threats of violence to themselves and their families at home that erode their self-determination and build a virtual gaol to incarcerate them. This is compounded by their lack of legal status as migrants, the exorbitant debts that have to be paid back, their isolation from society and educational, cultural and language barriers.

Poverty in their country of origin has rendered these women and girls susceptible to this gender-based violence. Gender based violence in turn has trapped these women and girls in situations of criminal exploitation and poverty on arrival in Spain. It is necessary to liberate these women and girls from this violence in order to address their poverty. This poverty includes and goes beyond this violence to encompass low self-esteem and stigma associated with prostitution, lack of family or social links, lack of Spanish, low education levels, distance from the formal labour market, and irregular legal status, in spite of the fact that victims of sexual exploitation are entitled to asylum under Spanish legislation. The women and girls face particular vulnerability in lacking economic independence in a context of sexism and violence.

There are particular barriers faced by women and girls who are victims of human trafficking for sexual exploitation that need to be addressed if they are also to escape from poverty. They are subject to:

- Psychological and emotional consequences of sexual exploitation that are long-term
- Economic dependence on the procurers
- Lack of awareness of their situation where, as a psychological defence, they can even end up

accepting and regarding it as “normal”

- The intersections of being women and irregular migrants
- Stigma from society that perpetuates their isolation and vulnerability.

### **The step-by-step pathway initiative**

The initiative is organised across several stages of a pathway to release women who have been trafficked for sexual exploitation from this violence and from the poverty that accompanies and is exacerbated by it. It seeks to integrate them into society as free people with dignity and social inclusion.

The first step is the identification of the victims. This is done by a Mobile Rescue Unit that covers areas where the women are likely to be found. It involves collaboration with the police, judicial bodies and other NGOs. An emergency 24-hour phone line is made available. The various supports required by the women such as police and judicial support to escape from trafficking networks and violence, and legal support to access a legal migrant status are coordinated.

The second step takes the women out of their high-risk situation. A network of sheltered housing is available. Psychological rehabilitation and emotional assistance are provided.

The third step is the provision of pre-employment support for the women. This includes training in such as digital literacy, job seeking skills, Spanish language, and some vocational training. Employment possibilities and access to economic benefits offering an alternative to exploitation are explored during this step.

The next step is called the Integral Assistance Programme. It involves proposing training and employment alternatives to the women, once they are ready for them. This training and employment proposal last usually for one year. It requires a commitment to actively participate in the Individual social and labour insertion project. Insertion in the labour market and inclusion in society are both promoted, enabling the economic independence and the empowerment of the women.

The initiative depends on the valuable collaboration

of women who have been victims in the past and now work as volunteers with the initiative. The experience of these women is crucial in finding and identifying victims of human trafficking, as well in providing an empathic approach throughout the pathway.

### **Working together against modern slavery in lifting victims out of poverty**

The initiative invests in strengthening networks and collaboration with existing resources in the public sector such as the police, judicial system, healthcare and social services, and with other NGOs. These organisations and services are essential to securing the pathway from sexual exploitation and poverty to social inclusion and labour market insertion.

This collaboration includes knowledge sharing with other professionals involved in the response to the problems. It seeks to promote a common understanding of human trafficking for sexual exploitation. In this way the initiative contributes to the development of institutional capacity, which is an important and long-term impact. In 2014 Specific Guides were published by the initiative for the intervention of healthcare professionals, journalists and police in relation to this issue.

### **More than 500 women freed from sexual exploitation and entered on a pathway out of poverty**

The initiative supports more than 500 women every year out of sexual exploitation and violence. More than 700 women are supported annually on pathways towards social inclusion and labour market insertion. In 2014, for example:

- The “Mobile Rescue Unit” entered 287 places where victims of human trafficking could be found, with an ongoing intervention in 229 of them - 22 closed spaces, such as clubs; 12 open spaces, such as streets; and 195 hidden spaces, such as flats.
- The emergency 24-hour phone line responded to 1,485 phone calls.
- 3,867 women received initial information and guidance.
- 1,284 women were registered in the various

services.

- 703 women participated in pre-labour training such as digital literacy or job seeking skills.
- 336 women participated in specific training such as textile, handcraft and care of older people.
- 351 women received social and labour guidance and support.

APRAMP, the project promoter, has received numerous awards and recognitions including: the Human Rights Award 2015 from the Association for Human Rights, Spain; the Golden Cross for Social Solidarity 2013 from the Spanish Ministry of Health, Social Services and Equality; the Cross for Police Merit with White Distinction 2013 from the Ministry for Home Affairs, as proposed by DG Police; the Diploma from the Guardia Civil (police forces) 2013 for its coordinated work that has resulted in benefits for citizenship; and the Human Rights Award 2011 from the French Republic: Liberté, Egalité, Fraternité.

### **ABOUT**

The Association for the Prevention, Reintegration and Care of Prostituted Women (APRAMP) has the aim of giving individuals who suffer sexual exploitation and human trafficking back their freedom and dignity. Further, APRAMP fights for their rights and their necessary autonomy to start a new life – far away from their exploiters. Further information can be found on: [www.apramp.org](http://www.apramp.org)

The European Institute for Gender Equality (EIGE) was established to promote and further implement gender equality within the European Union, its policies and national policies. It is an autonomous body with the mandate of raising EU citizens’ awareness of the importance of gender equality and the elimination of discrimination of women. Further information can be found on: [www.eige.europa.eu](http://www.eige.europa.eu).



## EXCERPTS OF A REPORT ON A STATE MISSION

### Special Rapporteur on trafficking in persons, especially women and children on her mission to Cuba

30 April 2018, A/HRC/38/45/Add.1

#### A. Forms and manifestations of trafficking in persons

4. Available data indicate that Cuba is a source country and to some extent a transit country for trafficking in persons. Victims of internal trafficking in Cuba are women, girls and boys who are subjected to trafficking for sexual exploitation by family members or close relatives.

5. As a source country for trafficking, Cuban girls and women are trafficked for labour and sexual exploitation through deceptive promises or advertisements of employment in the entertainment industry, usually via the Internet or mobile phones outside Cuba, that then turn into forced prostitution. Traffickers are usually Cuban family members, partners or acquaintances who work with foreign counterparts in the countries of destination.

6. Cubans attempting to reach the United States of America through Central and South American States such as Colombia, Ecuador, Mexico and Panama are likely to be trafficked while en route by those who abuse their vulnerability and exploit them sexually or for labour (see paras. 16 and 17 below). There are also transnational cases of trafficking for sexual exploitation from Angola, China and Turkey, and to a lesser extent from Belgium, Equatorial Guinea, Guyana, Spain, Suriname and the United Kingdom of Great Britain and Northern Ireland.<sup>1</sup>

7. Cuba also faces challenges as a transit country for trafficked persons. Migrants from as far away as Africa and Asia, in search of alternative routes to the United States, can be found in the country. While they initiated their migration freely, some may find themselves in situations akin to trafficking when they are compelled into labour exploitation or sexual exploitation while en route in order to repay their travel-related debts or when they accept deceitful promises or solutions that result in exploitation.

8. The root causes of trafficking include limited economic

<sup>1</sup> Ministry of Foreign Affairs, "Informe de Cuba sobre la prevención y enfrentamiento a la trata de personas y la protección a las víctimas" (2016), p. 21.

opportunities, particularly outside the capital. Clearly, the flourishing tourism that involves many Cubans is a promising trend and an opportunity for economic development, in particular for self-employment (i.e. for *cuentapropistas*).

9. However, in the tourism sector especially, demand for commercial sexual services could emerge as an underlying factor contributing to trafficking in women and children for sexual exploitation. Within this sector, the possibility of trafficking for labour exploitation cannot be ruled out either, especially in regard to the emerging non-State businesses operating in the tourism sector.

10. The economic, commercial and financial embargo imposed by the United States of America against Cuba for over half a century has a negative impact on efforts by Cuba to prevent and address trafficking. The embargo is consistently condemned by Cuba and the international community for violating international law. The General Assembly, through its annual resolutions, calls for the economic, commercial and financial embargo imposed by the United States of America against Cuba to be ended (see Assembly resolution 72/4, as well as A/72/94). The Inter-American Commission on Human Rights rejects the continuation of the economic sanction because of its disproportionate and indiscriminate impact on the general population, and has repeatedly called on the United States Congress to lift it.<sup>2</sup> The Special Rapporteur on trafficking in persons, especially women and children acknowledges that the embargo has not improved human rights in the country; on the contrary, it has a negative impact on social and economic rights of Cubans and should be lifted. The consequences of the embargo — which imposes indiscriminate hardship on the population — exacerbate the vulnerabilities of both Cubans and migrants in transit in the country, and therefore increase the risk of an expansion in the trafficking of persons.

11. Given the scarce available data on trafficking in persons, the Special Rapporteur found it difficult to assess the exact scope and magnitude of trafficking in persons, especially women and children, in the

<sup>2</sup> Inter-American Commission on Human Rights, report on Cuba (2016), available at [www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.B.Cuba-en.pdf](http://www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.B.Cuba-en.pdf).

country. Anti-trafficking work is at its initial stages, as are the legal and institutional protection frameworks for victims of trafficking. This reinforces the problem's invisibility; the extent, trends and manifestations are therefore unknown.

### *1. Trafficking of girls, boys and women for sexual exploitation*

12. Identified cases of internal trafficking reveal that victims of trafficking in Cuba are girls, boys and women who are, for the most part, subjected to trafficking for the purposes of sexual exploitation. According to official sources, children (both boys and girls) as young as 10 are forced by family members or close relatives to have sexual relations with foreigners and Cubans in order to sustain the family financially.<sup>3</sup> Moreover, adult women are forced into prostitution/sex work and commercial sexual exploitation by their partners, who use means such as threats, force, abuse of power, and control of their earnings.<sup>4</sup> In some instances, these women are trafficked by their partners from their home towns to work in Havana. The Special Rapporteur cautions that in view of the burgeoning tourism industry, the probability of trafficking for sexual exploitation, including that involving children, is likely to increase if the issue is not properly addressed by the authorities.

13. Cuba is also a source country for sex trafficking of women and girls. In this regard, the Special Rapporteur received first-hand information about a case involving the trafficking of a Cuban woman out of the country. The case involved a 23-year-old woman who had taken up an offer of employment from a Cuban woman, to work as a hostess in a club in Angola, only to find herself in a situation of forced prostitution to repay the travel, visa and accommodation expenses covered by the Cuban trafficker and her Angolan counterparts. Her passport had been confiscated and she had been unable to travel until she managed to repay her debt and a hefty commission to the club from her earnings. Similarly, 21 Cuban women had been trafficked for sexual exploitation to Turkey, after having entered into deceitful employment contracts in Cuba.<sup>5</sup>

<sup>3</sup> Ministry of Foreign Affairs, "Cuba's report on legal and punitive actions against trafficking in persons and other forms related to sexual exploitation or abuse" (2015 and 2013), available at [www.minrex.gob.cu/en/cubas-report-legal-and-punitive-actions-against-trafficking-persons-and-other-forms-related-sexual](http://www.minrex.gob.cu/en/cubas-report-legal-and-punitive-actions-against-trafficking-persons-and-other-forms-related-sexual) and [www.minrex.gob.cu/es/node/30706](http://www.minrex.gob.cu/es/node/30706).

<sup>4</sup> Ibid.

<sup>5</sup> Ministry of Foreign Affairs, "Informe de Cuba sobre la prevención y enfrentamiento a la trata de personas y la protección a las víctimas" (2016).

14. So far, trafficking for purposes of sexual exploitation has mainly occurred within the close family or couple context, but it can also be carried out by organized groups of criminals, especially in destination countries.

### *2. Trafficking for labour exploitation and sexual exploitation*

15. The extent of trafficking for labour exploitation, including of children, is not known. Available information indicates that young people are trafficked out of Cuba for labour exploitation through promises of employment as waiters, dancers or manicurists by traffickers who arrange for their travel, migration and employment contracts.<sup>6</sup>

16. The Special Rapporteur has heard first-hand accounts of young, educated Cuban girls trafficked — by Cubans and foreigners — to China and Turkey on the basis of deceptive promises of employment in the entertainment industry. Once in the destination country, they found that their employment conditions were slavery-like, with long hours and no salaries until they repaid the travel, food and accommodation expenses owed to their traffickers. Their passports were taken away to prevent them from fleeing, and some became irregular migrants as a result of non-renewal of their residence or work permits. This, along with language barriers, prevented them from seeking help from local authorities. Besides exploiting them at work, the traffickers eventually forced them into prostitution. Upon their return to Cuba, some victims become traffickers themselves, thus perpetuating the cycle of trafficking.<sup>7</sup>

17. Moreover, Cubans migrate to South and Central American countries, mostly in order to reach the United States where — until it was discontinued in January 2017 — they benefited from a "wet foot, dry foot" policy that granted permanent residence to those who arrived via a port of entry, even without a visa.<sup>8</sup> In this regard, 56,406 Cubans entered the United States in 2016, up by 31 per cent from 2015 and by 78 per cent

<sup>6</sup> Ministry of Foreign Affairs, "Cuba's report on legal and punitive actions against trafficking in persons and other forms related to sexual exploitation or abuse" (2015), p. 19.

<sup>7</sup> Ibid, p. 20.

<sup>8</sup> White House, Office of the Press Secretary, statement by the President on Cuban immigration policy (January 2017), available at <https://obamawhitehouse.archives.gov/the-press-office/2017/01/12/statement-president-cuban-immigration-policy>.

from 2014,<sup>9</sup> following the lifting of travel restrictions by the Government of Cuba in 2016 and the announcement of the renewal of ties between the two countries. There is information that Cubans attempting to reach the United States through Colombia, Ecuador, Mexico or Panama are likely to be trafficked by those who exploit their vulnerability while en route. For instance, in August 2016, more than 1,000 Cuban migrants were reportedly stranded in Colombia, close to the border with Panama, and were at risk of being trafficked by people who exploit their precarious situation and their need to continue their journey. In July of the same year, 121 Cuban migrants were allegedly deported from Ecuador without proper notification or the opportunity to appeal against the decisions.<sup>10</sup> In such cases, it is not uncommon that some may become potential victims of trafficking, both for labour exploitation and sexual exploitation.

18. In addition, there are indications that Cuba is a transit country for trafficked persons. Migrants from as far away as Africa and Asia in search of alternative routes to the United States have been found in the country. Although they initiated their migration freely, some may find themselves in situations akin to trafficking en route to their destination.

### *3. Trafficking for labour exploitation*

19. Information about internal trafficking for labour exploitation purposes was not available. With the recent economic changes that allow for self-employment and for the development of small businesses in some sectors, the State-owned tourism sector has also opened up to non-State businesses to meet the increased demand for tourism, particularly through the opening and managing of restaurants (paladares), private room rental (casas particulares), and self-employment (trabajadores cuentapropistas) serving the industry, such as private construction companies and taxi drivers. While these changes constitute a great opportunity for economic development, attention should be paid to preventing labour exploitation that may amount to trafficking, particularly in the tourist industry which is affected globally by both labour

9 Pew Research Center, "Surge in Cuban immigration to United States continued through 2016" (January 2017), available at [www.pewresearch.org/fact-tank/2017/01/13/cuban-immigration-to-u-s-surges-as-relations-warm/](http://www.pewresearch.org/fact-tank/2017/01/13/cuban-immigration-to-u-s-surges-as-relations-warm/).

10 Inter-American Commission on Human Rights, "IACHR deeply concerned about the situation of migrants in Colombia close to the Panama border" (August 2016), available at [www.oas.org/en/iachr/media\\_center/preleases/2016/112.asp](http://www.oas.org/en/iachr/media_center/preleases/2016/112.asp).

exploitation and sexual exploitation.

20. Moreover, Cuba provides skilled labour, especially in the areas of health, education and sport, to other countries. According to the Government, participation in such programmes is voluntary and based on a contract outlining the wages, benefits, and working and living conditions. Those conditions, which also include a contribution of part of their wages to supporting the development of the health-care system in Cuba, can be accepted or rejected by the participants prior to their departure.

21. While acknowledging the value of such programmes, the Special Rapporteur however learned of allegations where "although the workers voluntarily accept to be part of these programmes and to leave Cuba, once they arrive in their country of destination the voluntary nature of this agreement ends in so far as their freedom of movement is restricted, given that their passports or identity documents are withheld; they cannot choose their place of residence or refuse conditions of work, and they are only paid a very small portion of the wage agreed upon by the governments who are parties to the cooperation agreement".<sup>11</sup> The Special Rapporteur encourages the Government to be aware of human rights violations linked to the withholding of wages and to restrictions on freedom of movement, in order to prevent these unintended effects from materializing.

### **ABOUT**

Currently Dr. Maria Grazia Giammarinaro holds the position of the United Nations Special Rapporteur on trafficking in persons, especially women and children. Her mandate is to take action as soon as there has been a failure to protect the human rights of trafficked persons. Further information can be found on [www.ohchr.org](http://www.ohchr.org).

11 International Labour Organization Committee of Experts on the Application of Conventions and Recommendations, Direct Request on Forced Labour Convention, 1930 (No. 29) — adopted 2014, published 104th ILC session (2015), available at [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:3187939](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3187939).

# **“I LOST MY DIGNITY”: SEXUAL AND GENDER-BASED VIOLENCE IN THE SYRIAN ARAB REPUBLIC**

**Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic**  
*8 March 2018, A/HRC/37/CRP.3*

## **Summary**

Sexual and gender-based violence against women, girls, men, and boys has been a persistent issue in Syria since the uprising in 2011. Parties to the conflict resort to sexual violence as a tool to instil fear, humiliate and punish or, in the case of terrorist groups, as part of their enforced social order. While the immense suffering induced by these practices impacts Syrians from all backgrounds, women and girls have been disproportionately affected, victimised on multiple grounds, irrespective of perpetrator or geographical area.

Government forces and associated militias have perpetrated rape and sexual abuse of women and girls and occasionally men during ground operations, house raids to arrest protestors and perceived opposition supporters, and at checkpoints. In detention, women and girls were subjected to invasive and humiliating searches and raped, sometimes gang-raped, while male detainees were most commonly raped with objects and sometimes subjected to genital mutilation. Rape of women and girls was documented in 20 Government political and military intelligence branches, and rape of men and boys was documented in 15 branches. Sexual violence against females and males is used to force confessions, to extract information, as punishment, as well as to terrorise opposition communities. Rapes and other acts of sexual violence carried out by Government forces and associated militias during ground operations, house raids, at checkpoints, and during detention formed part of a widespread and systematic attack directed against a civilian population, and amount to crimes against humanity. After February 2012, these acts also constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity.

Though considerably less common than rape by Government forces and associated militias, incidents of female rape by members of armed groups were also documented. Rapes and other forms of sexual violence carried out by armed group members after February 2012 constitute the war crimes of rape and other forms of sexual violence, including torture

and outrages upon personal dignity. These acts also contravene fundamental international human rights norms including the right to life, liberty and security of person, the right to freedom from torture and other forms of cruel, inhuman, or degrading treatment, and the right to the highest attainable standard of physical and mental health.

Throughout areas under its control, Hay'at Tahrir al-Sham (led by former Jabhat al-Nusra command) caused severe psychological and physical harm to women, girls, and men, by imposing religious dress codes and, in the case of women and girls, denying their freedom of movement without a male relative. Edicts formally delivered to populations residing under HTS control disproportionately impacted women and girls and evinced discriminatory treatment on the basis of sex, in breach of international human rights norms. The use of unauthorised courts by HTS and various armed groups to execute women and sexual minorities constitute the war crime of murder, and seriously contravene international human rights norms, including the right to life, liberty and security of person, the right to freedom from torture and other forms of cruel, inhuman, or degrading treatment, and the right to the highest attainable standard of physical and mental health.

During the height of its power, the Islamic State in Iraq and the Levant (ISIL) discriminated against women, girls, and sexual minorities as a matter of policy. Stoning of women and girls on charges of adultery and executions of homosexuals were recurrent in areas under ISIL control, as were forced marriages of Sunni women and girls to ISIL fighters. ISIL's rule placed women and girls under the control of male relatives, effectively restricting their freedom of movement and removing them from public life.

Those found to violate ISIL's strict dress code, most commonly women but also girls as young as 10, were punished with lashings. These acts constituted the war crime of torture, cruel or inhuman treatment, and outrages upon personal dignity against women. Executions further constituted the war crime of murder and also amount to serious breaches of international human rights norms, including denial of the right to life

and the right to be free from discrimination. Further, the well-documented crimes of ISIL and their terrorising of the civilian population in ar-Raqqah and Dayr az-Zawr governorates formed part of a widespread or systematic attack directed against a civilian population. By targeting sexual minorities and depriving them of their fundamental rights, ISIL's treatment of sexual minorities constituted the crime against humanity of persecution.

## **ABOUT**

Independent International Commission of Inquiry on the Syrian Arab Republic is mandated to investigate human rights violations within the Syrian Arab republic. Further information can be found on [www.ohchr.org](http://www.ohchr.org).





© “Heydy, 17 years old” illustrated by Erika de Canella

No Estamos Todas is an illustration project to visualize victims of feminicides and transfemicides in Mexico. A collection of their meaningful work complements this tenth volume of FEMICIDE. Further information can be found on [www.noestamostodas.com](http://www.noestamostodas.com).

# GLOBAL ESTIMATES OF MODERN SLAVERY, FORCED LABOUR AND FORCED MARRIAGE

International Labour Organization and Walk Free Foundation  
2017, Geneva

## Executive Summary

The 2017 Global Estimates of Modern Slavery are presented as a contribution to the Sustainable Development Goals (SDGs), in particular to Target 8.7, which calls for effective measures to end forced labour, modern slavery, and human trafficking, as well as child labour in all its forms. It is intended to inform policy making and implementation of target 8.7 and related SDG Targets. These include eliminating all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation (SDG 5.2), eliminating all harmful practices, such as child, early, and forced marriage and female genital mutilations (SDG 5.3), ending abuse, exploitation, and trafficking of children (SDG 16.2), and facilitating orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies (SDG 10.7).

The estimates herein are the result of a collaborative effort between the International Labour Organization (ILO) and the Walk Free Foundation, in partnership with the International Organization for Migration (IOM). They benefited from inputs provided by other UN agencies, in particular the Office of the High Commissioner for Human Rights (OHCHR). In the context of this report, modern slavery covers a set of specific legal concepts including forced labour, debt bondage, forced marriage, other slavery and slavery like practices, and human trafficking. Although modern slavery is not defined in law, it is used as an umbrella term that focuses attention on commonalities across these legal concepts. Essentially, it refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power.

The Global Estimates of Modern Slavery focus on two main issues: forced labour and forced marriage. The estimate of forced labour comprises forced labour in the private economy (forms of forced labour imposed by private individuals, groups, or companies in all sectors except the commercial sex industry), forced sexual exploitation of adults and commercial sexual

exploitation of children, and state-imposed forced labour.

Due to limitations of the data, as detailed in this report, these estimates are considered to be conservative.

## The global figures

An estimated 40.3 million people were victims of modern slavery in 2016. In other words, on any given day in 2016, there were likely to be more than 40 million men, women, and children who were being forced to work against their will under threat or who were living in a forced marriage that they had not agreed to.

Of these 40.3 million victims:

- 24.9 million people were in forced labour. That is, they were being forced to work under threat or coercion as domestic workers, on construction sites, in clandestine factories, on farms and fishing boats, in other sectors, and in the sex industry. They were forced to work by private individuals and groups or by state authorities. In many cases, the products they made and the services they provided ended up in seemingly legitimate commercial channels. Forced labourers produced some of the food we eat and the clothes we wear, and they have cleaned the buildings in which many of us live or work.
- 15.4 million people were living in a forced marriage to which they had not consented. That is, they were in a situation that involved having lost their sexual autonomy and often involved providing labour under the guise of “marriage”.

Women and girls are disproportionately affected by modern slavery, accounting for 28.7 million, or 71 per cent of the overall total. More precisely, women and girls represent 99 per cent of victims of forced labour in the commercial sex industry and 58 per cent in other sectors, 40 per cent of victims of forced labour imposed by state authorities, and 84 per cent of victims of forced

marriages.

One in four victims of modern slavery were children. Some 37 per cent (5.7 million) of those forced to marry were children. Children represented 18 per cent of those subjected to forced labour exploitation and 7 per cent of people forced to work by state authorities. Children who were in commercial sexual exploitation (where the victim is a child, there is no requirement of force) represented 21 per cent of total victims in this category of abuse.

In the past five years, 89 million people experienced some form of modern slavery for periods of time ranging from a few days to the whole five years. The average length of time victims were in forced labour varied from a few days or weeks in some forms imposed by state authorities to nearly two years for forced sexual exploitation.

### **The regional figures**

Modern slavery occurred in every region of the world. Modern slavery was most prevalent in Africa (7.6 per 1,000 people), followed by Asia and the Pacific (6.1 per 1,000) then Europe and Central Asia (3.9 per 1,000). These results should be interpreted cautiously due to lack of available data in some regions, notably the Arab States and the Americas.

For forced labour specifically, the prevalence is highest in Asia and the Pacific, where four out of every 1,000 people were victims, followed by Europe and Central Asia (3.6 per 1,000), Africa (2.8 per 1,000), the Arab States (2.2 per 1,000) and the Americas (1.3 per 1,000).

While noting limits of the data in key regions, particularly the Arab States, the data suggests prevalence of forced marriage is highest in Africa (4.8 per 1,000), followed by Asia and the Pacific (2.0 per 1,000).

### **Forced labour**

This study examined different forms of forced labour, distinguishing between forced labour imposed by private actors (such as employers in private businesses) and that which was imposed by states. Of the 24.9 million victims of forced labour, 16 million were in the private economy, another 4.8 million were in forced sexual exploitation, and 4.1 million were in forced labour imposed by state authorities.

### *Forced labour exploitation*

An estimated 16 million people were in forced labour in the private economy in 2016. More women than men are affected by privately imposed forced labour, with 9.2 million (57.6 per cent) female and 6.8 million (42.4 per cent) male. Half of these men and women (51 per cent) were in debt bondage, in which personal debt is used to forcibly obtain labour. This proportion rises above 70 per cent for adults who were forced to work in agriculture, domestic work, or manufacturing.

Among cases where the type of work was known, the largest share of adults who were in forced labour were domestic workers (24 per cent). This was followed by the construction (18 per cent), manufacturing (15 per cent), and agriculture and fishing (11 per cent) sectors.

Most victims of forced labour suffered multiple forms of coercion from employers or recruiters as a way of preventing them from being able to leave the situation. Nearly one-quarter of victims (24 per cent) had their wages withheld or were prevented from leaving by threats of non-payment of due wages. This was followed by threats of violence (17 per cent), acts of physical violence (16 per cent), and threats against family (12 per cent). For women, 7 per cent of victims reported acts of sexual violence.

### *Forced sexual exploitation of adults and commercial sexual exploitation of children*

An estimated 3.8 million adults were victims of forced sexual exploitation and 1.0 million children were victims of commercial sexual exploitation in 2016. The vast majority of victims (99 per cent) were women and girls. More than seven in ten victims were exploited in the Asia and the Pacific region. This was followed by Europe and Central Asia (14 per cent), Africa (8 per cent), the Americas (4 per cent), and the Arab States (1 per cent).

### *State-imposed forced labour*

There were an estimated 4.1 million people in state-imposed forced labour on average in 2016. They included citizens recruited by their state authorities to participate in agriculture or construction work for purposes of economic development, young military conscripts forced to perform work that was not of military nature, those forced to perform communal

services that were not decided upon at the community level and do not benefit them, or prisoners forced to work against their will outside] the exceptions established by the ILO supervisory bodies.

### **Forced marriage**

In 2016, an estimated 15.4 million people were living in a forced marriage. Of this total, 6.5 million cases had occurred in the previous five years (2012-2016) and the remainder had taken place prior to this period but had continued into it.

While men and boys can also be victims of forced marriage, most victims (88 per cent) were women and girls, with more than a third (37 per cent) of victims under 18 years of age at the time of the marriage. Among child victims, 44 per cent were forced to marry before the age of 15 years. While noting limits of the data in key regions, particularly the Arab States, the data suggests prevalence of forced marriage per 1,000 people is highest in Africa (4.8 per 1,000), followed by Asia and the Pacific (2.0 victims per 1,000).

### **Data sources and methodology**

As no single source provides suitable and reliable data for all forms of modern slavery, a combined methodology has been adopted, drawing on a variety of data sources as required. The central element is the use of 54 specially designed, national probabilistic surveys involving interviews with more than 71,000 respondents across 48 countries. Administrative data from IOM databases of assisted victims of trafficking were used, in combination with the 54 datasets, to estimate forced sexual exploitation and forced labour of children, as well as the duration of forced labour exploitation. Forced labour imposed by state authorities was derived from validated sources and systematic review of comments from the ILO supervisory bodies with regard to ILO Conventions on forced labour.

The methodology used to build these Global Estimates combined this data, which covers a five-year reference period from 2012 to 2016. All the data on cases of forced labour and forced marriage that took place between 2012 and 2016, representing a total of nearly 89 million people, was analysed and processed to build the main estimates of modern slavery presented in this report.

### **Conclusions and way forward**

Ending modern slavery will require a multi-faceted response that addresses the array of forces – economic, social, cultural, and legal – that contribute to vulnerability and enable abuses. There can be no one-size-fits-all solution; responses need to be adapted to the diverse environments in which modern slavery still occurs. But it is nonetheless possible to identify some overarching policy priorities in the lead-up to 2030 from the Global Estimates and from experience to date.

Stronger social protection floors are necessary to offset the vulnerabilities that can push people into modern slavery. Extending labour rights in the informal economy – where modern slavery is most likely to occur – is needed to protect workers from exploitation. Given that a large share of modern slavery can be traced to migration, improved migration governance is vitally important to preventing forced labour and protecting victims.

Additionally, the risk and typology of modern slavery is strongly influenced by gender, and this must also be taken into account in developing policy responses. Addressing the root causes of debt bondage, a widespread means of coercion, is another necessary element of forced labour prevention, while improved victim identification is critical to extending protection to the vast majority of modern slavery victims who are currently unidentified or unattended. Finally, we know that much of modern slavery today occurs in contexts of state fragility, conflict, and crisis, pointing to the need to address the risk of modern slavery as part of humanitarian actions in these situations.

Further efforts are needed to improve the evidence base on modern slavery in order to inform and guide policy responses in all of these areas. Key measurement priorities identified through the preparation of the Global Estimates include the improved measurement of modern slavery affecting children and specifically cases of commercial sexual exploitation involving children and child marriage. There is also a need to more effectively capture specific sub-populations such as adult victims of forced sexual exploitation and victims in conflict contexts. The ability to track changes in modern slavery over time will be critical for monitoring progress in the lead-up to 2030. But perhaps the most important priority is to strengthen and extend national

research and data collection efforts on modern slavery to guide national policy responses.

International cooperation in addressing modern slavery is essential given its global and cross-border dimensions. Alliance 8.7, a multi-stakeholder partnership committed to achieving Target 8.7 of the Sustainable Development Goals, has an important role to play in this regard. The Global Estimates indicate that the majority of forced labour today exists in the private economy. This underscores the importance of partnering with the business community – alongside employers’ and workers’ organisations, and civil society organisations – to eradicate forced labour in supply chains and in the private economy more broadly. Cooperation should be strengthened between and among governments and with relevant international and regional organizations in areas such as labour law enforcement, criminal law enforcement, and the management of migration in order to prevent trafficking and to address forced labour across borders.

## **ABOUT**

The work of the International Labour Organization is aimed at bringing governments, employers and workers of 187 UN member states together in order to develop labour standards, policies and programmes to further initiate decent work for all women and men. Further information can be found on [www.ilo.org](http://www.ilo.org).



## EXCERPTS FROM A JOINT REPORT

### Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material and the Special Rapporteur on trafficking in persons, especially women and children

18 July 2017, A/72/164

#### B. Vulnerabilities of children to exploitation in situations of conflict and humanitarian crisis

##### 1. Overview

17. Whether induced by armed conflict, natural disasters or protracted humanitarian situations, crises are accompanied by a breakdown in public institutions, violations of human rights, the erosion of essential services, inequalities and impoverishment. Existing vulnerabilities to sale, trafficking and exploitation, from gender-based violence to discrimination and to lack of economic opportunities, are exacerbated during such crises. Furthermore, crises tend to fuel impunity, the breakdown of law and order and the destruction of communities, and foster the conditions in which trafficking and other forms of exploitation flourish, often past the point at which hostilities or the humanitarian crises cease.<sup>1</sup> Other aggravating factors are related to discrimination, whether gender-based, ethnic, racial, religious, social, within a community or at the national level.

18. The increase in conflict and humanitarian crises has led to a record level of displacement, with 24.2 million new displacements worldwide in 2016, mostly caused by weather-related disasters.<sup>2</sup> Children are disproportionately affected by conflict and humanitarian crises. According to the Secretary-General, children suffered from human rights violations in situation of conflict in 14 countries in 2015, namely in Afghanistan, Colombia, the Central African Republic, the Democratic Republic of the Congo, Iraq, Mali, Myanmar, Nigeria, the Philippines, Somalia, South Sudan, Sudan, the Syrian Arab Republic and Yemen.<sup>3</sup> By the end of 2015, 28 million children had been forcibly displaced by violence and conflict, of whom 17 million had been internally displaced, 1 million were asylum-seekers and 10 million were refugees.<sup>4</sup> Children are

overrepresented in the number of refugees worldwide, accounting for 51 per cent of the 22.5 million refugees in 2016, while they only represent a third of the world's population.<sup>5</sup>

19. At the regional and national levels, children on the move are also vulnerable to sale, trafficking and other forms of exploitation. There are also reports of missing children, some of whom fall into the hands of criminals to continue their journey to reach relatives or acquaintances in another country.<sup>6</sup> In Africa, nearly 3 million children were refugees by the end of 2015.<sup>7</sup> As of mid-2016, 390,000 Nigerian children had been displaced to the neighbouring countries of Cameroon, Chad and the Niger, and a further 1.1 million children had been internally displaced owing to the conflict in the Lake Chad basin.<sup>8</sup> Children have been subjected to abhorrent abuses, mainly at the hands of Boko Haram, which has reportedly recruited and used more than 8,000 children since 2009, abducted at least 4,000 girls, boys and young women, and inflicted sexual violence on more than 7,000 girls and women, often leading to pregnancies.<sup>9</sup> Since the beginning of the conflict in South Sudan, in 2013, children have constituted 66 per cent of the 1.3 million refugees,<sup>10</sup> and the majority of the 1.9 million internally displaced persons.<sup>11</sup> A direct consequence of the war has been the recruitment and use of more than 17,000 children, with a further 3,090 children abducted and 1,130 children sexually assaulted by armed forces and armed groups, among others.<sup>12</sup>

20. In Asia, children constituted 48 per cent of the 14.8 million refugees by the end of 2015.<sup>13</sup> The ongoing

1 A/HRC/32/41, paras. 13-14; International Organization for Migration (IOM), "Addressing human trafficking and exploitation in times of crisis: evidence and recommendations for further action to protect vulnerable and mobile populations" (Geneva, 2015).

2 See [www.internal-displacement.org/database](http://www.internal-displacement.org/database).

3 See A/70/836; S/2016/360.

4 United Nations Children's Fund (UNICEF), *Uprooted: The Growing Crisis for Refugee and Migrant Children* (New York, 2016), p. 18.

5 Office of the United Nations High Commissioner for Refugees (UNHCR), "Global trends: forced displacement in 2016" (Geneva, 2017), p. 2.

6 See <http://missingchildreneurope.eu/news/Post/1023/Europol-confirms-the-disappearance-of-10-000-migrant-children-in-Europe>.

7 UNICEF, *Uprooted*, p. 8.

8 *Ibid.*, p. 58.

9 See S/2017/304; A/HRC/32/32/Add.2.

10 UNHCR, "Global trends", pp. 30-33.

11 Kimberly Bennett and others, *Global Report on Internal Displacement 2017*, Jeremy Lennard, ed. (Geneva, Internal Displacement Monitoring Centre, 2017), p. 13.

12 See [www.unicef.org/media/media\\_94185.html](http://www.unicef.org/media/media_94185.html).

13 UNICEF, *Uprooted*, p. 78.

conflict in the Syrian Arab Republic, which had created 2.4 million child refugees in 2015<sup>14</sup> and more than 2 million internally displaced children by 2016,<sup>15</sup> has led to situations of extreme vulnerability. Indeed, United Nations assessments have revealed cases of child recruitment in 90 per cent of the locations surveyed in that country and cases of child marriage in 85 per cent of them.<sup>16</sup> Similarly, the decades-long conflict in Afghanistan has created 1.3 million child refugees<sup>17</sup> and, by 2016, had displaced more than half a million persons, 56 per cent of whom were children.<sup>18</sup> Those children are at a particularly high risk of being abused and exploited, with a very elevated level of child or forced marriage and domestic abuse.<sup>19</sup> Likewise, the reported rise in the number of child brides among Rohingya children who have fled Myanmar and live in neighbouring countries perpetuates the cycle of violence and poverty experienced by those girls.<sup>20</sup>

21. As one of the main destinations for children on the move who are fleeing violence, conflict and humanitarian crisis, Europe is at the heart of the sale of, trafficking in and other forms of exploitation of children. In Europe, child trafficking has increased sharply owing to the migration crisis.<sup>21</sup> High rates of trafficking in and exploitation of children have been documented on the central Mediterranean route from North Africa to Italy.<sup>22</sup> While in transit from sub-Saharan Africa to Europe, young Somalis become victims of frequent and serious violence at the hands of traffickers, criminal gangs and Libyan groups.<sup>23</sup> Those children are frequently detained in Libyan jails until a ransom of about \$2,000 is paid.<sup>24</sup>

22. In Central and North America, 100,000 unaccompanied or separated children were identified

14 Ibid., p. 29.

15 See [http://reliefweb.int/sites/reliefweb.int/files/resources/hno\\_2017\\_summary\\_0.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/hno_2017_summary_0.pdf).

16 Alum McDonald and others, "Invisible wounds: the impact of six years of war on the mental health of Syria's children" (Save the Children, 2017), p. 9.

17 UNICEF, *Uprooted*, p. 29.

18 See [http://reliefweb.int/sites/reliefweb.int/files/resources/afg\\_2017\\_hno\\_english.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/afg_2017_hno_english.pdf).

19 Ibid.

20 See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21754&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21754&LangID=E).

21 European Commission, "Report on the progress made in the fight against trafficking in human beings, 2016, p. 7.

22 UNICEF, *A Child is a Child: Protecting Children on the Move From Violence, Abuse and Exploitation* (New York, 2017), p. 15.

23 Viviana Coppola and Eva Lo Iacono, eds., "Young invisible enslaved: The child victims at the heart of trafficking and exploitation in Italy" (Save the Children, 2016), pp. 23-24.

24 Ibid.

at the border between Mexico and the United States of America, comprising one third of such children who were registered worldwide in 2015 and 2016.<sup>25</sup> More than half of those children have been fleeing situations of extreme violence, generally related to organized crime, in countries such as Honduras, Guatemala, Mexico and El Salvador.<sup>26</sup> Those who undertake this perilous journey are exposed to xenophobia, discrimination, abuse, violence and exploitation, and many end up detained at the border, where they risk further ill-treatment, abuse and exploitation.<sup>27</sup> Up to 38 per cent of the children coming from Mexico and apprehended in the United States had been recruited into the smuggling industry, indicating a high proportion of exploitation at the border.<sup>28</sup>

23. In the absence of safe and regular migration channels, as well as permanent and accessible mechanisms for children and their families to access long-term regular migration status or residence permits, children are forced to search for precarious alternatives that increase their exposure to risks of sale, trafficking and other forms of exploitation.

## 2. Specific vulnerabilities

24. Conflict and humanitarian crises result in children risking being exposed to sale, trafficking and other forms of exploitation, whether in their homes, communities or society, or in places where migrants or refugees reside, including reception centres, refugee camps or informal settlements in source, transit and destination countries, some of which are discussed below.

### (a) Vulnerability of children to exploitation in source countries

25. In many conflict-affected countries, girls become victims of sexual exploitation, including forced marriage, sexual slavery, prostitution and forced pregnancy.<sup>29</sup> The egregious pattern of girls abducted from their homes or schools in conflict-affected settings by extremist groups has also emerged. In Iraq, for example, girls from ethnic and religious minority

25 UNICEF, *A Child is a Child*, p. 11.

26 UNHCR, "Children on the run: unaccompanied children leaving Central America and Mexico and the need for international protection", 2014, pp. 6-7.

27 See joint allegation letter, case No. USA 10/2014.

28 UNHCR, "Children on the run", p. 11.

29 S/2017/249, paras. 16, 54 and 55; A/71/303, para. 33.

groups such as the Yazidis continue to be subjected to sexual violence by Islamic State in Iraq and the Levant (ISIL). There are also reports of trafficking in and sale of children by ISIL.<sup>30</sup> In Somalia, there is a pattern of forced marriage of girls to militants from groups such as Al-Shabaab and Ahl al-Sunna wal-Jama'a and soldiers of the National Army.<sup>31</sup>

26. In addition to being a means for advancing their criminal endeavours, the sexual exploitation of children is further used by violent extremist groups to generate revenue, as part of the shadow economy of conflict and terrorism, through trafficking for the purpose of sexual exploitation, sexual slavery and the extortion of ransoms from desperate families. In some circumstances, girls are themselves treated as the "wages of war", being gifted as a form of in-kind compensation or payment to fighters, who are then entitled to resell or exploit them as they wish.<sup>32</sup> Such strategies are also believed to be a way of recruiting, rewarding and retaining fighters.

27. In humanitarian crises, the pre-existing vulnerabilities of girls that are rooted in discriminatory traditions and customs persist and lead to negative coping mechanisms. Children seeking to survive are often compelled to exchange sexual services, and girls are even forced to marry for food, shelter, protection or safe passage.<sup>33</sup> According to the Secretary-General, approximately 90 per cent of women and girls affected by conflict in north-east Nigeria do not have access to basic services.<sup>34</sup> As a result, they are forced to exchange sex for food and other essential supplies, and the child or forced marriages of girls to older men are on the rise, as a supposed protection mechanism and source of income for desperate families.

28. In addition, despite their role in supporting the maintenance of peace and security and providing humanitarian assistance, the deployment of peacekeeping forces and international humanitarian personnel, generally in the context of conflict and humanitarian crises, has also proven to be a risk factor for children. In 2016, 138 cases of children allegedly victims of sexual exploitation and abuse committed

by such forces and personnel had been reported by the Office of the United Nations Special Coordinator for the Middle East Peace Process, the United Nations Assistance Mission in Afghanistan, the United Nations Integrated Peacebuilding Office in Guinea-Bissau, the United Nations Mission in South Sudan, the United Nations Multidimensional Integrated Stabilization Mission in Mali, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the United Nations Operation in Côte d'Ivoire, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Stabilization Mission in Haiti.<sup>35</sup>

29. Chaos in the aftermath of a natural disaster can also exacerbate the vulnerability to exploitation of the affected communities by making children more prone to accepting, for example, bogus offers of employment or education from traffickers or criminal networks. In order to support the family's dire economic situation or meet their own needs, children are sold or trafficked for the purpose of labour exploitation. They may be entrusted by family members to people who promise to find them work either within or outside the country, or they may directly offer their services to employers and middle persons. Once in the hands of traffickers who prey on their eagerness to work and send money to the family, those children are forced into the worst forms of child labour.<sup>36</sup>

30. In addition, children, especially those who are unaccompanied or live in conflict and humanitarian crisis areas, may be sold or trafficked to serve as combatants in armed conflict. Children are also used as human bombs and human shields. For example, in Iraq, ISIL and other extremist groups traffic boys and young men, including members of the Yazidi minority, into armed conflict, radicalize them to commit terrorist acts, using deception, death threats or the offer of money and women as rewards.<sup>37</sup> In Nigeria, between 2014 and 2016, a total of 90 children (70 girls and 20 boys) were used by Boko Haram in 56 suicide bombings.<sup>38</sup> Children are also compelled to work as porters, cooks, guards and messengers, or are forced to commit crimes, such as looting and physical and sexual violence.<sup>39</sup> In

<sup>30</sup> A/71/303, para. 29.

<sup>31</sup> See A/71/303.

<sup>32</sup> See S/2017/249.

<sup>33</sup> A/71/303, paras. 32 and 56; IOM, "Addressing human trafficking and exploitation in times of crisis", p. 19.

<sup>34</sup> S/2017/249, para. 90.

<sup>35</sup> See A/71/818.

<sup>36</sup> See A/71/261.

<sup>37</sup> A/71/303, para. 29; A/HRC/32/32/Add.2; Global Report on Trafficking in Persons 2016 (United Nations publication, Sales No. E.16.IV.6), p. 65.

<sup>38</sup> See S/2017/304.

<sup>39</sup> A/71/303, para. 29.

addition, boys and girls in those situations are often sexually abused.

31. The aftermath of humanitarian disasters is also a fertile ground for the illegal international adoption of children, as it is facilitated by the breakdown of institutions and the lack of border control. For example, following the earthquakes in Haiti in 2010 and Nepal in 2015, there were concerns that separated and orphaned children were being trafficked for sexual or labour exploitation, sold or illegally adopted, sometimes by well-meaning families.<sup>40</sup> In addition, the crossover between smuggling and trafficking represents a major risk for children,<sup>41</sup> including those who go missing with the aim of reaching relatives or acquaintances in another country.

#### *(b) Vulnerability of children to exploitation in transit countries*

32. Threats faced by boys and girls do not end when they leave their home countries. As they travel onward, often paying their way through dangerous routes by using exploitative smuggling and trafficking networks, children are subject to further violence, abuse and exploitation,<sup>42</sup> including at borders owing to pushbacks and interceptions by border control officials. Unaccompanied children and those separated from their families face heightened risks, both along the route and upon arrival in transit countries.

33. Factors contributing to the sexual exploitation of children on the move include their lack of financial resources, the failure of child protection and welfare systems to act as a safety net, the prolonged exposure to inhumane living conditions and a protracted and overly burdensome path to residence status.<sup>43</sup>

34. In Greece, children in or outside refugee camps are sexually exploited, generally through deception about the amount they would need to earn in order to

pursue their journey. Unable to collect enough money to cover their onward journey, many get discouraged and get involved in drugs, shattering any hope of continuing their journey.<sup>44</sup>

35. Similarly, girls are trafficked for sexual exploitation in temporary reception centres and informal settlements. In northern France, some children were transported to Spain, where they were sexually exploited in order to cover the cost of their onward journey to London of around €9,000.<sup>45</sup> In the same area, some children claiming to be adults were sexually exploited for the promise of passage to the United Kingdom or in order to pay for the journey by receiving around €5 a time for sexual services, revealing the level of pressure that they were under to raise the €5,000 to €7,000 charged for their passage.<sup>46</sup>

36. There are also indications that the most common form of sexual exploitation for Afghani boys on the move is rape by their traffickers and their “friends”, which they endure without reporting.<sup>47</sup>

37. Living in limbo for long periods owing to delays or inefficiencies in or the absence of legal paths to migration may drive children who have depleted their financial resources to seek alternative ways, whether legal or illegal, to earn money either to survive or to continue their journeys. Moreover, when they are out of school for long periods, undernourished and without health care, impoverished and beset by mounting anxieties as uncertainty drags on, children become increasingly vulnerable and desperate.<sup>48</sup>

38. Children may be compelled to work to sustain themselves or provide for their families’ basic needs, especially where parents cannot work legally or simply cannot find work, legally or illegally. Iraqi and Syrian refugee children in Lebanon, for example, work in textile factories, construction or the food service industry, or as agricultural labour or street vendors in

40 See A/HRC/19/63; see also Anna Childs, “Why child trafficking spikes after natural disasters: and what we can do about it”, 22 March 2016. Available from <http://theconversation.com/why-child-trafficking-spikes-after-natural-disasters-and-what-we-can-do-about-it-53464>.

41 European Police Office (Europol) and International Criminal Police Organization (INTERPOL), “Migrant smuggling networks: joint Europol-INTERPOL report”, May 2016, p. 9.

42 UNICEF, *Uprooted*, p. 71.

43 Vasileia Digidiki and Jacqueline Bhabha, “Emergency within an emergency: the growing epidemic of sexual exploitation and abuse of migrant children in Greece” (FXB Center for Health and Human Rights, Harvard University, 2017), pp. 24-26.

44 Ibid., pp. 23-25.

45 UNICEF, “Neither safe nor sound: unaccompanied children on the coastline of the English Channel and the North Sea”, June 2016, p. 80.

46 Ibid.

47 Ibid., p. 81. The reception centre in Calais was officially closed and informal settlements cleared in October 2016. Nonetheless, many people, including unaccompanied children, have returned and rebuilt small camps. See Anne Guillard, “Refugees start to gather in Calais again, month after camp was closed”, *Guardian*, 2 April 2017. Available from [www.theguardian.com/world/2017/apr/02/refugees-gather-calais-camp-unaccompanied-children](http://www.theguardian.com/world/2017/apr/02/refugees-gather-calais-camp-unaccompanied-children).

48 UNICEF, *A Child is a Child*, pp. 40-41.

conditions amounting to forced labour.<sup>49</sup> According to UNICEF, in Jordan, Lebanon and Turkey, shopkeepers, farmers and manufacturers hire Syrian refugee children because they can pay them a lower wage. Children, especially girls, are seen as less likely to be targeted by the police or prosecuted for illegal work than adults, making families more likely to send them to work. These types of child labour, which often mask other forms of exploitation, such as trafficking for forced labour, have dire consequences on children.

39. Moreover, in transit countries such as Libya, migrant girls are often exposed to sexual violence by parties to the conflict, as well as by smugglers, traffickers and other criminal groups.<sup>50</sup> They face threats and sexual violence when held, sometimes for months, in detention centres and in poor conditions, and are also abducted and sexually abused by groups pledging allegiance to ISIL.<sup>51</sup>

40. Finally, the practice of “temporary” child or forced marriages is one of the dangerous coping mechanisms that girls face while in refugee camps in transit countries. Confronted with the economic burdens brought on by protracted displacement and limited or inexistent work opportunities, some refugee and migrant parents, and often children themselves, turn to those measures because they feel that they are the only option for safeguarding a child’s future or supporting a family’s immediate needs.<sup>52</sup> For example, Syrian refugee girls are often forcibly married by their parents, who view such arrangements as a way of securing their daughters’ safety and ensuring the family’s livelihood through the dowry. Once married, those girls are likely to end up in a situation of sexual and domestic exploitation by a spouse whom they have followed abroad. The use of child and forced marriages to traffic girls into prostitution in another country is also common.<sup>53</sup>

41. For the girls involved, these coping mechanisms have dangerous short- and long-term implications that put them at increased risk of physical and emotional abuse. Such mechanisms also reduce the likelihood that a girl will complete schooling, a reality that can have negative repercussions throughout a girl’s life,

including earlier childbearing, worse health outcomes and lower income.<sup>54</sup>

42. Children are also coerced into criminal activities by adults or peers. For example, in refugee camps in Iraq and Lebanon, Syrian refugee children are trafficked for forced begging and selling items on the street.<sup>55</sup> Moreover, trafficked children are often obliged or induced by their exploiters to commit crimes, such as pickpocketing, burglary and drug cultivation and transportation.<sup>56</sup> On the route from the Horn of Africa to North-Eastern Africa, there have also been cases of trafficking for the purpose of organ removal.<sup>57</sup> Although the extent of such crimes is unknown, children on the move travelling along these routes are also vulnerable to them.

#### *(c) Vulnerability of children to exploitation in destination countries*

43. Once children reach their destinations, they may encounter a different array of obstacles, including detention, lengthy family reunification processes (when they are available at all), discriminatory treatment while in State care, limited access to social services, education and career opportunities, and uncertainty regarding their residence status in the country.<sup>58</sup> In the United States, there have been cases of trafficking in unaccompanied migrant children who, after their cases were processed by agencies of the Department of Homeland Security and the Department of Health and Human Services, have been placed with family members in the country. At times, some of those children have been trafficked for sexual and labour exploitation by criminal networks who posed as family members or forced them into begging or drug smuggling.<sup>59</sup>

44. By the time children arrive at their destination, they have acquired debts with exploiters who take away their documents and use threats or violence to subdue them into labour exploitation. For example, Iranian and Afghani children who have crossed the English Channel find themselves pressured to send money to their families, while also repaying substantial

<sup>49</sup> A/71/303, para. 23.

<sup>50</sup> See S/2017/249.

<sup>51</sup> Ibid., para. 43.

<sup>52</sup> UNICEF, Uprooted, p. 38.

<sup>53</sup> A/HRC/32/41, paras. 32-33.

<sup>54</sup> UNICEF, Uprooted, 2016, p. 38.

<sup>55</sup> Ibid.

<sup>56</sup> A/HRC/29/38, para. 20.

<sup>57</sup> Global Report on Trafficking in persons 2016, p. 62.

<sup>58</sup> UNICEF, Uprooted, p. 39.

<sup>59</sup> A/HRC/35/37/Add.2, para. 18.



debts related to their journeys.<sup>60</sup> This heavy financial burden drives children to accept working conditions that constitute worst forms of child labour, including trafficking. At destination, many are trafficked for forced and exploitative labour in farms and factories and on fishing boats. For example, in France and the United Kingdom, young men are exploited in cannabis farms,<sup>61</sup> while others are allegedly exploited in the agriculture sector in Europe.

45. Finally, the detention of children on the move may occur in both transit and destination countries, in general for identification or security purposes. Regardless of the context, detained children are profoundly and negatively affected by such detention. Children in immigration detention have been subjected to abuse, torture, and ill-treatment or have witnessed such acts.<sup>62</sup> In destination countries, detained children are housed in inadequate facilities, which leads them to fall victim to sexual abuse and exploitation. Although underreported, such violence has occurred in asylum accommodations in Belgium, Germany, Sweden and Turkey.<sup>63</sup>

#### IV. Conclusion

74. Conflict and natural and humanitarian disasters expose children, and more particularly those unaccompanied or separated from their families, to multifaceted vulnerabilities and put them at a higher risk of being trafficked, sold and sexually exploited, coerced into child or forced marriages, and used in the worst forms of child labour. While girls are more likely to fall victims to sexual exploitation, there are nonetheless also cases of boys being abused.

#### ABOUT

Currently Maud de Boer-Buquicchio holds the position of the UN Special Rapporteur on the sale and sexual exploitation of children. Her mandate is to detect as well as analyse the root causes of sale and sexual exploitation of children. Further, an important activity of the Special Rapporteur is to identify new patterns

of the phenomena, exchange good practices to fight these practices, promote preventive measures, and also to find new ways and recommendations for the rehabilitation of child victims of sale and sexual exploitation. Further information can be found on [www.ohchr.org](http://www.ohchr.org).

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60 UNICEF, *Uprooted*, p. 39.

61 UNICEF, “Neither safe nor sound”, p. 46.

62 See A/HRC/28/68.

63 Women’s Refugee Commission, *Falling Through the Cracks: Refugee Women and Girls in Germany and Sweden* (New York, 2016), p. 7, Council of Europe, Lanzarote Committee, “Special report: protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”, 13 March 2017.

# BEHIND CLOSED DOORS: CHILD AND EARLY MARRIAGE AS SLAVERY

Anti-Slavery International

2015

International institutions must explicitly recognise key incidences of child and early marriage as constituting slavery and slavery-like practices<sup>1</sup>

## I. Executive Summary

The issue of child, early and forced marriage and its impact on health and education has been brought to the forefront of the international development agenda in recent years, largely due to the efforts of organisations such as *Girls Not Brides* and UNICEF. Although both boys and girls fall victim to child, early and forced marriage, it should be noted that the vast majority of victims are female and the sexual and reproductive health issues arising from child and early marriage have an overwhelmingly disproportionate impact on girls. A 2003 comparison by *Girls Not Brides* between the number of young women and young men aged 15-19 who were married revealed a ratio of 72 to 1 in Mali, 8 to 1 in the United States and 6 to 1 in El Salvador.<sup>2</sup>

According to UNICEF, 250 million women alive today were married before their 15th birthday.<sup>3</sup> Among other health implications, child and early marriage is directly responsible for high levels of pregnancy among young brides; girls under 15 are five times more likely to die in childbirth than women aged 20-24.<sup>4</sup> As such, efforts to tackle child and early marriage are closely tied to United Nations (UN) Millennium Development Goal 5, which sought a three-fourths reduction in the maternal mortality rate by 2015. Moreover, child and early marriage effectively puts an end to child spouses' education, thereby undermining their future prospects as well as global efforts to promote gender equality and empower women. The highest rates of child marriage are concentrated in Sub-Saharan Africa, while, due to population size, the highest absolute numbers of child marriage take place in South Asia, where 46% of girls marry before the age of 18 and one in five marry before

the age of 15.<sup>5</sup>

Anti-Slavery International endorses the position of organisations seeking to highlight the negative impact that child, early and forced marriage has on development progress and human rights. In addition, Anti-Slavery International hypothesises that while forced marriage clearly amounts to slavery due to the inherent power of ownership wielded over the vulnerable party, it is also the case that in certain circumstances, child and early marriage can meet the legal definition of slavery and slavery-like practices, even if the marriage was not bought about by overtly forceful means.

The previous Special Rapporteur on Contemporary forms of Slavery, Gulnara Shahinian, highlighted that the relationship between marriage and slavery has not been comprehensively addressed at the international level.<sup>6</sup> Currently, there is an enormous gap between international standards of protection and the reality experienced by those that fall victim to slavery and slavery-like practices as a result of marriage.

With this paper, Anti-Slavery International argues that the UN should intensify efforts to combat situations of slavery and slavery-like practices arising from child and early marriage. To this end, the International Labour Organization (ILO) should include certain incidences of child and early marriage in its child labour estimates. This conclusion is based on the finding that incidences of child and early marriage can amount to slavery, forced labour and trafficking and as such come within the ILO's purview under ILO Convention 182.

### *i. Purpose*

The purpose of this paper is to provide a clear analytical framework of when and how child and early marriage constitutes slavery, forced labour and trafficking and to propose an initial plan of action to galvanise international efforts against these often-overlooked forms of slavery.

1 Primarily authored by Rachel Borrell

2 Girls not Brides, What is the Impact?, <http://www.girlsnotbrides.org/what-is-the-impact/>.

3 UNICEF, Ending Child Marriage: Progress and Prospects, 2014, p. 1.

4 UNICEF, Child Marriages: 39,000 Every Day, 7 March 2013, <[http://www.unicef.org/media/media\\_68114.html](http://www.unicef.org/media/media_68114.html)>; Girls not Brides, Health, <http://www.girlsnotbrides.org/themes/health/>.

5 UNICEF, Improving Children's Lives, Transforming the Future, September 2014, p. 67; Girls not Brides, Understanding the Scale of Child Marriage, October 2014, p. 3.

6 Thematic Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, to the UN Human Rights Council, on Servile Marriage, UN doc. A/HRC/21/41 (July 2012), para. 95.

## II. Introduction

In its April 2013 report “Out of the Shadows: Child Marriage and Slavery”, Anti-Slavery International provided a consolidated analysis of over 50 reports and articles on child marriage. The report is one of the few pieces of research to shed light on how child marriage can operate as a thin veil of respectability behind which slavery occurs with apparent impunity.

Building upon the resolution on child, early and forced marriage adopted by the UN General Assembly on 21 November 2014,<sup>7</sup> Anti-Slavery International reiterates that in many instances of child and early marriage, as well as forced marriage, the conditions suffered by the vulnerable spouse are akin to practices associated with slavery, forced labour and trafficking.

Anti-Slavery International proposes that the level of risk of slavery and slavery-like practices experienced by child spouses is heightened in the case of girls due to patriarchal norms that cut across different cultural contexts. Moreover, the younger the age of the child concerned, the less likely that the marriage has been entered into with full, informed and free consent. A child’s ability to resist attempts to challenge his or her exercise of free will within the marriage itself is also lessened by younger age and, in the case of females, by the common gender roles assigned to girls and women.

### *i. Definition of terms*

“Child marriage” is the marriage of individuals under the age of 18. The term “early marriage” refers to individuals who are married before the age of 18 but have already reached the age of majority in their country of residence, meaning that they are no longer considered a child under national laws. The term “forced marriage” relates to those individuals who are not necessarily married before the age of 18 but are married against their will due to pressure or abuse. It is important to note that early and child marriage often take place by means of force and coercion and, as such, some marriages can be equally classified as child/early and as forced.

### *ii. Definitions of Slavery, Forced Labour and*

<sup>7</sup> See Girls Not Brides, *statement on UN General Assembly resolution on child, early and forced marriage*, 21 November 2014, <<http://www.girlsnotbrides.org/girls-brides-statement-un-general-assembly-resolution-child-early-forced-marriage/>>.

## *Trafficking under International Law*

“Slavery” was first defined in international law in the League of Nations’ Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926 (hereafter the 1926 Convention) as:

*“the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.”<sup>8</sup>*

The 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (hereafter the 1956 Supplementary Convention) subsequently defined institutions and practices similar to slavery, including the following:

*“(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”<sup>9</sup>*

The International Labour Organization (ILO) defines forced or compulsory labour in ILO Convention 29 as:

<sup>8</sup> League of Nations’ Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention, Article 1 (1).

<sup>9</sup> 1956 United Nations (UN) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, Article 1 (c) and (d). With regards to the definition in Article 1(c) (i), it is important to note that the forced marriage of an adult woman without “payment of a consideration in money or in kind...” is still contrary to international legal standards, as specified by the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, which states that: “No marriage shall be legally entered into without the full and free consent of both parties” (Article 1(1)). Moreover, forced marriages that do not include a monetary or other transaction should still be considered slavery if powers attaching to the right of ownership are exercised by one spouse over the other. Furthermore, if an adult spouse has been forced or coerced into the marriage for the purposes of exploitation, it may amount to trafficking.

*“... all work or service which is exacted from any person under the menace of any penalty for which the said person has not offered himself voluntarily.”<sup>10</sup>*

The term “under the menace of any penalty” can include violence at the extreme, but also economic threats, the loss of rights or privileges and subtler psychological pressure.<sup>11</sup> In addition, the work in question does not have to be officially recognised as an economic activity for it to fall under the definition of forced labour. For example, the ILO has expressly recognised the trafficking of children for sexual exploitation as forced labour.<sup>12</sup>

The 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime defines trafficking as:

*“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.”<sup>13</sup>*

In considering child and early marriage it is important to note that the Palermo Protocol also states that, in contrast to those over 18:

*“The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article”.*<sup>14</sup>

10 International Labour Organization (ILO) Convention No. 29, Article 2(1).

11 ILO, A Global Alliance against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report I (B) of the Director General (2005), p. 5.

12 Ibid., p. 9, para. 35; and pp. 44-45, para. 213.

13 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000, Article 3 (a).

14 Ibid., Article 3 (c)

As such, the Palermo Protocol recognises that any person under 18 years old who is moved from one location to another by *any* means for the purpose of exploitation is considered to have been trafficked. This is the case whether the child has been taken across borders or simply moved to another household within the same village. It is also child trafficking if the child concerned ostensibly agreed to the transfer themselves. For example, the handing over of a child to another family, even with the child’s ‘consent’, can be child trafficking if the child is subsequently exploited in their new home.<sup>15</sup>

### III. Key Incidences of Child, Early and Forced Marriage Constituting Slavery

As mentioned above, clear cut cases of forced marriage require little explanation to be readily recognised as slavery. Notably, the abduction or sale of girls and women to become ‘wives’ both in conflict and peacetime situations clearly amount to slavery as they allow the perpetrator to exercise powers of ownership over the victim. For example, Human Rights Watch has conducted interviews with individuals abducted by the insurgency group *Boko Haram* in which interviewees spoke of being forced to marry their captors and being sexually abused and raped, along with other forms of abuse, such as forced labour and forced participation in military operations.<sup>16</sup>

In Niger and Nigeria the ‘wahaya’ practice continues to exist in which women and children are sold into sexual and domestic slavery as unofficial ‘fifth wives’. They are known as such because they are in addition to the four wives legally permitted in Niger and Nigeria. In a case documented by Anti-Slavery International along with its partner organisation Timidria, Tikirit Amoudar, 45 years old, describes how she was sold at aged 10 and remained as a ‘wahaya’ for 15 years.

*“My master, a man called Amola Zono, lived in his family village of Toudoun Adaraoua. He was Hausa. I was his only wahaya and my clothes set me apart*

15 Anti-Slavery International, Out of the Shadows: Child Marriage and Slavery, April 2013, [http://www.antislavery.org/includes/documents/cm\\_docs/2013/c/child\\_marriage\\_final.pdf](http://www.antislavery.org/includes/documents/cm_docs/2013/c/child_marriage_final.pdf), p. 26.

16 For example, the kidnapping of girls in Nigeria, many of whom are subsequently forced to marry militants and are sexually abused, see: Human Rights Watch, Those Terrible Weeks in their Camp, 27 October 2014, [http://features.hrw.org/features/HRW\\_2014\\_report/Those\\_Terrible\\_Weeks\\_in\\_Their\\_Camp/index.html](http://features.hrw.org/features/HRW_2014_report/Those_Terrible_Weeks_in_Their_Camp/index.html); “Boko Haram abductees tell of forced marriage, rape, torture and abuse”, The Guardian, 27 October 2014 <http://www.theguardian.com/world/2014/oct/27/boko-haram-forced-marriage-rape-torture-abuse-hrw-report>.

*from his four legal wives. They dressed decently, while my clothes barely covered me. He used to come to me at night in secret for sex. My workload was heavy: fetching water for all the family; fetching water for livestock (over 100 cattle); hulling and pounding grain (millet and sorghum) for food and foodstuffs; providing firewood for the family; large preparations – the day before and on the days of community gatherings in the master’s fields during the rainy season (for 30 to 40 people); washing up; preparing the mistresses’ and the master’s beds; looking after the children and keeping the courtyard clean – these were my tasks until my master’s death.”<sup>17</sup>*

Aside from these cases, and bearing the above legal definitions in mind, incidences of child and early marriage amounting to slavery will be discerned by looking primarily at: the ability of the spouse to refuse the marriage or leave the union should the situation prove unsustainable; the levels of control or exploitation exercised within the marriage itself; and the inability of the child spouse to seek redress through either law or society. In determining whether an incident of child and early marriage amounts to forced labour, it should be noted whether any work or service is exacted from the spouse under the threat of any penalty, including violence, economic threats, the loss of rights or privileges and subtler psychological pressure.<sup>18</sup> Incidences of child and early marriage amounting to child trafficking should be identified as such if the child concerned has been recruited, transported, harboured or received by any means for the purpose of exploitation.<sup>19</sup>

In cases of child and early marriage, the decision to marry is often taken by one or both parents or guardians, as is illustrated in the following case documented by Timidria:

*“My name is Maighisse Yacine, I’m 13 years old and I’m a fourth grade student at the community school of Tanguezatane. I like going to school. One day, my mother informed me that I should marry a cousin of mine. I cried a lot because I didn’t want to leave school but my parents threatened to beat me if I refused. Fortunately,*

<sup>17</sup> Anti-Slavery International, Association Timidria and the Department for International Development (DFID), La Wahaya: L’esclavage domestique et sexuel au Niger, The case of Tikirit Amoudar, 45 years old, pp. 21-22.

<sup>18</sup> ILO, *Supra.*, n. 11, p. 5.

<sup>19</sup> Protocol to Prevent, Suppress and Punish Trafficking, *Supra.*, n. 13, Article 3 (c).

*the president of the children’s council found out and informed the chief of the village who then contacted the director and the school coordinator...the marriage was off and [...] I could continue to go to school. When I learned the good news I cried with joy.”<sup>20</sup>*

Maighisse’s experience is representative of child and early marriages in which the ability of the child spouse to refuse the marriage is absent. Had Maighisse’s marriage not been prevented by a third party, she would have found herself in a situation in which freedom of choice was negated and the powers attaching to the right of ownership were exercised over her, thereby deeming her a victim of slavery.

In cases in which the marriage goes ahead, many spouses find that upon entering a new household they have little or no bargaining power with their spouse and/or in-laws regarding their own movements or belongings. Choices from earning an independent income to consent to sexual relations may not be available. For example, a report by Human Rights Watch in which 135 girls and women in Tanzania were interviewed regarding child marriage and violence against women and girls, found that many female spouses were controlled through violence or threats of violence from their husbands, were forced to perform domestic and child-rearing duties and had their freedom of movement restricted by their husbands.<sup>21</sup> Other girls spoke of being prevented from contacting relatives, leaving the house or seeking employment.<sup>22</sup> These incidences are illustrative of the high levels of control or exploitation that can be exercised in child and early marriages, which is indicative of slavery. Furthermore, the finding by Human Rights Watch that many female spouses surveyed were forced to perform domestic and child-rearing duties and were controlled by violence or threats of violence strongly suggests that such incidences should be deemed forced labour. Cases in which children are transferred to another home, even if it is in the same town or village, and they are subsequently exploited in their new home, amount to child trafficking.

Human Rights Watch reported that some Tanzanian girls who suffered physical and other abuse attempted

<sup>20</sup> Interview by Aminatou Galissoune, Monitoring and Evaluation Officer at Timidria, August 2014.

<sup>21</sup> Human Rights Watch, No Way Out: Child Marriage and Human Rights Abuses in Tanzania, October 2014, p. 54.

<sup>22</sup> *Ibid.*, p. 54.



to escape to their own families but were often forced to return to their husbands and were told that all married women must tolerate abuse.<sup>23</sup> The story of Nilab from Afghanistan is illustrative of this issue. Nilab grew up with her grandparents and aunts and at 13 was married to a man who was already married with three children. Nilab describes thinking that the wedding party was just childhood play and not understanding what it meant to be someone's life partner. From the first day of Nilab's marriage, her husband and in-laws wanted her to become a prostitute. When Nilab attempted to escape her in-laws' house to her grandparents, they forced her to return to her in-laws' house.<sup>24</sup> This kind of control and exploitation exercised within marriage, coupled with the inability of the child spouse to leave or end the marriage, are key criteria in assessing whether a situation amounts to slavery.<sup>25</sup>

Anti-Slavery International's partner organisation Kivulini has highlighted how poverty drives child and early marriage in Tanzania and in many cases daughters are married as children so that their families can obtain a bride price.<sup>26</sup> Although not all marriages involving a transaction such as a bride price automatically equate to slavery or slavery-like practices, the existence of a bride price can put further pressure on an individual to stay in marriage whatever the circumstances because his or her family may be unable or unwilling to repay the bride price received.

The story of a 10-year-old girl from Romania demonstrates how a marriage or union that is negotiated according to payments or transactions of any sort, particularly by the couple's parents, risks a sense of 'value' and 'ownership' being placed on the bride (or groom). The girl was sold by her parents to be 'married' to a 17-year-old boy with a contract specifying that she bear two children. The girl gave birth at the age of 12, and was warned by a doctor not to have any more children because of the risk to her health. This led the boy's parents to try to reclaim the money they paid

for 'breach of contract'.<sup>27</sup> 'Commoditising' a person through payment of a *bride price* in either cash or kind can bestow a sense of ownership in those involved, instilling in the dominant party a feeling of licence over the other person, for example, to commit violence and use brutality towards them in marriage.

As such, while the existence of a transaction such as a bride price is not a clear criterion for slavery or slavery-like practices, it can be considered to be an indicator that exploitative practices may subsequently arise in a marriage. Moreover, the transfer of a child by any means, including the giving or receiving of payments or benefits, meets the definition of trafficking as per article 3 of the Palermo protocol. Importantly, in the case of under-18s, the handing over of the child to a third party that subsequently exploits the child amounts to trafficking regardless of whether the child gives "consent".

#### IV. Conclusion

Anti-Slavery International research has found that the levels of abuse, exploitation and control experienced by children as a result of child and early marriage can often meet international legal definitions of slavery and slavery-like practices, such as forced labour and trafficking.<sup>28</sup>

It is not contested that when children and women are sold or abducted to become "wives", the "marriage" clearly amounts to slavery as the perpetrator seeks to exercise powers of ownership over the victim. However, the exercise of ownership can be less spectacular than that associated with abduction and selling, though no less real, as the examples of child and early marriage above demonstrate. Hence, Anti-Slavery International argues that child and early marriage can be qualified as slavery in accordance with the 1926 Convention definition if one or more of the following indicators are present:

- When the ability to refuse, leave or end a marriage is denied, thereby fundamentally compromising the child's freedom of movement and right to liberty and security of person;

<sup>23</sup> Ibid., pp. 54-55.

<sup>24</sup> Breakthrough: Nation Against Early Marriage, For Nilab, Forced to Marry at Thirteen, <http://www.breakthrough.tv/earlymarriage/2013/10/nilab-forced-marry-thirteen/>.

<sup>25</sup> Anti-Slavery International, *Supra.*, n. 15, p. 18.

<sup>26</sup> Kivulini Women's Rights Organisation, Rhobi Matiko tells her story, August 2010, <https://www.youtube.com/watch?v=VZAqqxlz5Tg>; Kivulini Women's Rights Organisation, Helena Kaitira tells her story, August 2010, <https://www.youtube.com/watch?v=5JvvHt8kKo>.

<sup>27</sup> ERRC, "Forced Arranged Marriage of Minors among Traditional Romani Communities in Europe", Submission to the UN Special Rapporteur on trafficking in persons, (15 November 2006, p. 5-6; Anti-Slavery International, *Out of the Shadows: Child Marriage and Slavery*, April 2013, p. 24.

<sup>28</sup> Anti-Slavery International, *Supra.*, n. 15, p. 43.

- When the conditions of marriage mean that a child spouse is exploited or denied freedom of choice by either their spouse or in-laws regarding any individual and personal matter from learning and attending school, to earning an independent income, to consent to sexual relations and/or is intimidated into working longer hours than his or her spouse or in-laws through threats of violence, divorce or the withholding of food or money;
- When a child spouse is subject to rape, beatings or murder without recourse to law or society for protection or redress.

In addition, Anti-Slavery International proposes that instances of child and early marriage in which child spouses are compelled to undertake work or service under the menace of any penalty and for which they have not offered themselves voluntarily should be considered forced labour.

With regards to international standards of protection, an examination of ILO reasoning reveals that the ILO includes forced marriage in its forced labour estimates if the marriage leads to a situation of forced labour or service:

*“[t]he figures do not include trafficking for... forced marriage/adoption unless the latter practices lead to a situation of forced labour or service”<sup>29</sup>*

Bearing in mind the above examples demonstrating incidences of forced labour occurring within child and early marriage, Anti-Slavery International argues that as with forced marriage, certain cases of child and early marriage should also be included in the ILO’s estimates for forced labour. Cases of child and early marriage in which the child is moved from one place to another for the purposes of exploitation, sexual or otherwise, constitute child trafficking. Interestingly, the ILO has expressly qualified the trafficking of children for sexual exploitation as forced labour.<sup>30</sup>

Finally, an examination of the ILO definition of child labour in Convention 182 reveals that the ILO defines the worst forms of child labour as including incidences of slavery, trafficking in children and forced or compulsory labour:

*“All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.”<sup>31</sup>*

As such, where child and early marriage is deemed slavery, forced labour or trafficking, it should also be considered child labour as per the ILO’s own definition of the worst forms of child labour and should be comprehensively addressed by the ILO on the grounds that it falls within the organisation’s purview under ILO Convention 182. The UN should also intensify efforts to combat situations of slavery arising from child and early marriage, which violate the 1926 Convention, the 1956 Supplementary Convention and the Palermo Protocol.

## V. Recommendations

In light of the above, Anti-Slavery International calls for the following:

- In their next resolutions on child, early and forced marriage, the Human Rights Council and the UN General Assembly should explicitly recognise the complex and overlapping causes and consequences of child, early and forced marriage, including its links to slavery and should offer a reaffirmation and clarification of the relevant frameworks relating both to slavery and right to marry safeguards;
- The UN General Assembly and Human Rights Council should develop a Strategic Action Plan on Child and Early Marriage with cross-international agency participation, to accelerate the end of child and early marriage world-wide in practice. To this end, States must be encouraged and assisted in addressing child, early and forced marriage in a holistic and comprehensive manner by mobilising all sectors of society, including the education, health and law enforcement sectors. Programmes must be developed to equip young people with training, skills, information, safe places, shelters, support networks and

<sup>29</sup> ILO, ILO Global Estimate of Forced Labour, Results and Methodology, 2012, p. 13, footnote 2.

<sup>30</sup> ILO, Supra., n. 11, p. 9, para. 35; and p. 44-45, para. 213.

<sup>31</sup> ILO Convention 182, Article 3 (a).

counselling in order to combat child, early and forced marriage;

- The Open Working Group on Sustainable Development Goals must ensure that the post-2015 Sustainable Development Goals include a target to end child, early and forced marriage;
- The UN Human Rights Council should encourage better adherence in national law to the international slavery framework and right to marry safeguards, including their enforcement, as they relate to forced and child marriage by all UN Member States through the Universal Periodic Review process;
- In examining State compliance with relevant ILO Conventions, including Convention 29 and Convention 182, the ILO should assess whether cases of child and early marriage amount to slavery, forced labour and/or trafficking and explicitly recognise that forced marriage, in particular forced child and early marriage, constitute child labour. Such assessments are particularly encouraged from the ILO Committee of Experts on the Application of Conventions and Recommendations and the ILO Conference Committee on the Application of Standards;
- The ILO should pay closer attention to the links between child and early marriage and slavery and recognise explicitly that forced child and early marriage constitute slavery. The ILO should recognise the relevance of such qualifications to its mandate and should instruct ILO country offices, regional offices and Headquarters to address incidences of child and early marriage as potential forms of child labour.

Anti-Slavery International further call upon States to:

- Ratify all relevant international standards relating to slavery, slavery-like practices and the right to marry, including the 1926 Slavery and 1956 Supplementary Conventions, the Palermo Protocol, the ILO Conventions 29 and 182, the 1964 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage and the Convention on

the Elimination of All Forms of Discrimination against Women (CEDAW). Remove all reservations seriously undermining the object and purpose of relevant treaties;

- Align national law, including religious, customary or local laws, on marriage and slavery with international legal standards. States must ensure that relevant authorities, including religious or tribal authorities, comply with international legal standards;
- Facilitate free and full consent to marriage by both parties by insisting that every marriage is accompanied by a public statement from the religious or administrative official conducting the marriage which establishes that the union has been entered into on the basis of informed consent. There must a mechanism in place by which any spouse can challenge the authenticity of such a statement in the event that the religious or administrative official is corrupt;
- Enact, enforce and uphold laws establishing a minimum age for marriage at 18 years old. In cases in which this age limit has not yet been implemented, the authorities should develop mechanisms by which they can investigate marriages that take place below this age limit and establish whether situations of slavery or slavery-like practices are present;
- Provide access to appropriate remedies and support for children or adults entering into or wishing to leave both registered marriages and unregistered unions;
- Ensure that no amendment of the legal minimum age for marriage is used to restrict advice or services regarding sexual or reproductive health for any person under that age;
- Raise awareness of the links between slavery and child, early and forced marriage, as well as the relevant applicable laws;
- Ensure awareness of and access to advice, protection and rehabilitation for all children (and adults) trapped in slavery through marriage and financial and other support for

those who escape marriage amounting to slavery.

## **ABOUT**

Anti-Slavery International was founded in 1839 and has the vision of eliminating all forms of slavery worldwide. Millions of people still suffer slavery, servitude or forced labour, which can be named as violations of individual freedoms, basic dignity and fundamental human rights. Anti-Slavery International works hard in order to end these practices and abuses through awareness-raising campaigns, extensive research, advocacy and initiatives. For further information see: [www.antislavery.org](http://www.antislavery.org).





© "Maricela, 31 years old" illustrated by Lourdes Saraiva

No Estamos Todas is an illustration project to visualize victims of feminicides and transfemicides in Mexico. A collection of their meaningful work complements this tenth volume of FEMICIDE. Further information can be found on [www.noestamostodas.com](http://www.noestamostodas.com).



# PART III

## Further Reading

**“The people who could do in fact most to improve the situation of so many women and children are in fact men.”**

**- Patrick Stewart, Actor, 2013 -**

# ENDING IMPUNITY FOR GENDER-RELATED KILLING OF WOMEN AND GIRLS: STATE RESPONSIBILITY AND ACCOUNTABILITY

ACUNS Special Side Event, 27<sup>th</sup> Session of the Commission on Crime Prevention and Criminal Justice (CCPCJ)

Saide Mobayed

May 2018

“Impunity for crime, generally, mocks the rule of law; impunity for violent crime, much more so. And when the target of this criminal violence—killing—targets a more vulnerable part of society, its impunity turns the rule of law into a travesty”. With this introductory remarks Nuno Maria Roque, president of the Organization of the Families of Asia and the Pacific (OFAP), opened ACUNS Vienna Liaison Office’s Femicide Team special event *Ending Impunity for Gender-related Killing of Women and Girls/Femicide: State Responsibility and Accountability*, in the framework of the 27<sup>th</sup> Session of the Commission on Crime Prevention and Criminal Justice (CCPCJ).

The event aimed to encourage Member States to strengthen their crime and criminal justice responses regarding the prosecution of cases related to the gender-related killings of women and girls, also framed as femicide/feminicide. Additionally, it looked to promote the role of international law and available international instruments in holding individual states accountable for failing to prosecute cases of such kind. It reminded Member States, UN agencies, academia, victims’ representatives, civil society and other relevant bodies to have greater cooperation with each other, in order to exchange good practices and effective strategies.

The panel was conformed by experts from across disciplines who shared their views and expertise, while addressing key concerns, regarding the transnational perspectives on the gender-related killing of women and girls. In this respect, Mr. Enrico Bisogno, Chief of the Data Development and Dissemination Unit at UNODC Vienna, supported the view that accurate and comparable data was needed to monitor policies and share good practices to prevent gender-based homicides. Similarly, Dr. Dubravka Šimonović, the UN Special Rapporteur on Violence against Women, reiterated the need to collect existing good practices on data collection and prevention of femicides/feminicides across different stakeholders, including States, National Human Rights Institutions, Non-governmental organizations, as well as members of academia.

Furthermore, Ms. Tiziana Zannini, Executive at the Department for Family Policies, Italian Presidency of the Council of Ministers, presented the particular case of Italy and stressed not only that legislation is not enough, but also highlighted the need for strengthening prevention, protection, prosecution and integrated policies. In a similar vein, Dr. Marceline Naudi, First Vice-President of GREVIO & Scientific Director European Observatory on Femicide, touched upon the advances of the Group of Experts on Action against Violence against Women and Domestic Violence, which is the mechanism in charged of monitoring the Istanbul Convention.

The event closed with the presentation of the *Global Knowledge Hub to prevent and eliminate the gender-related killing of women and girls* (<http://femicide-watch.org/>), a joint project of the UN Studies Association and the Femicide Team of the ACUNS Vienna Liaison Office. Ms. Saide Mobayed, Senior Editor and Content Producer of the platform showed the ways in which the Hub provides selected, high-quality information on the issue of femicide/feminicide for policy and decision-makers at all levels, actors from the criminal justice system, practitioners, civil society activists, academics, and individuals concerned with this horrible phenomenon.





# TRANSCRIPT OF THE ACUNS SPECIAL SIDE EVENT

27<sup>th</sup> Session of the Commission on Crime Prevention and Criminal Justice (CCPCJ),

Mila Kirilova

May 2018

## **1. Statement by H.E. Jean-Louis Falconi, Ambassador, Permanent Representative of France to the UN**

I want to as far as my country is concerned in this particular question on state responsibility and responsibility starts with the understanding and with the knowledge of the phenomenon, the assessment of the phenomenon of gender-related killing of women and girls/femicide. Because if you can't know the phenomenon, if you can't assess it then I mean it is a beginning of accountability. So I just want to mention that my government has placed the prevention, fight, prosecution and elimination of all forms of violence against women and girls at the top priority agenda for many years now.

To mention the global context since 2013 the General Assembly decided to take action against gender-related killing of women and girls and it turned the international attention to the crime of femicide. Last year at the 26<sup>th</sup> session of the CCPCJ we took a step forward by adopting a resolution that my country has actively sponsored and pushed to mainstream a gender perspective into the prevention and the fight of this outrageous crime. One of the other important actions taken at the last CCPCJ session was the launching of the Femicide Watch Platform prototype, developed by ACUNS and I would like to pay a tribute to their work by the ACUNS Vienna Femicide Team and the UN Studies Association. At the international level one of the main challenging aspect, we still have, is to collect data and accurate data on gender-related violence. It is largely due to the fact that most data collection system do not report on the victim-perpetrator relationship and let alone gender-related motivations for the murder. It is difficult to have these points assessed and mentioned.

France is fully aware that if we really want to develop effective policies, we need this reliable data. Therefore, since 2013 my government has established under the authority of the Prime Minister an interagency mission to protect women against violence and the fight against trafficking (MIPROF). One of its mandate is to collect, analyse and disseminate information and data on violence against women. The data is coming from different sources such as research surveys, police

and justice data and civil society organisations data. So it comes from a broad range of input, composed of different national statistic reviews and services and research institutes. The mission is to give impetus to relevant ministries, precisely to update data regularly and respond to the need to improve the quality of this data. And so this allows the monitoring of the trends and progress of France actions against gender-related violence.

So what do we learn from that? In fact, our national survey confirmed the alarming data, which is slightly identical with all the countries in proportion in the world. But I would be very happy to listen to the participants of this side event. In 2016, 123 women were killed by their husbands or former husbands, which means one death every three days in France in 2016 on the population of 67 million people so you can assess the proportion. I must mention also France recent example in Canada and let me convey my condolences to the families who lost their beloved ones here that enlightens the existence of heinous and misogynist networks against women called "incels" which means involuntary celibates so man being on their own. This was the motivation of the person who have killed recently. Of course, paradoxically I want to stress when everybody thought it was a terrorist attack, it draw a lot of international attention and then it turned out it wasn't then I have never heard of that. Since then a lot people died, but it was not a terrorist attack, but it was an attack against women. In fact, the victims were mostly women. So this guy drove his car in the street and on the pavement against women, because he wanted to kill women. Because he was on his own, he thought, that the responsibility belongs to women. We chose that, as we know that the violence against women has no border. Instead it is a global scarce that needs specific responses starting from the harmonization of our different approaches to enhance our engagement in this fight.

Besides our mission response to the recommendation of the Istanbul Convention, the European initiative focuses on preventing violence against women and domestic violence. MIPROF coordinates action at national level as well as outraging and outspreading



the actions that we conduct in France. To make further progress in the integration of the gender perspective MIPROF has defined a national training plan for professionals on violence against women. In particular, it creates certain training tools based on the specificity of different professions and different form of violence. So just to pass this message, to mention the awareness of France on this question, the necessity for us to collect data, the necessity for us to train people to know what this crime is. This are the key messages I wanted to pass today on behalf of my country.

## **2. Statement by Enrico Bisogno, Chief Data Development and Dissemination Unit, UNODC**

I am very happy already as everybody mentioned the importance of data so I will try follow on this and bring some more light on this issue.

At a start of this, I think, we should ask ourselves why data are important. Because there are many numbers outside in our countries, in our organisations and they can be used for different purposes. It is important to understand what are and what can be the specific purposes of this data. There are data that are used to raise awareness and I think it is very important that we already mentioned that. When we bring a topic to get attention of the public, media or the policy makers and so on, it is important that we also have some numbers to reflect, to make justice to those people who are victim of this, in this case of femicide, but also to show the importance of the issue. So when we use data for this purpose, it is not so important to be so rigorous, but to show something that there is a problem and it is urgent to act. We use data to really understand what it is going on, do we have more here or there, now than 10 years ago. That's why it is important to be more specific, more precise, because the numbers can really reflect the reality that they are trying to describe. From the understanding of what are the trends and the patterns we can identify venues for action. We are not collecting data information for the sake, but we want to have information to intervene.

Finally, I would say we have this data, we want good data also to monitor. Once we intervene we start to implement policies. We also want to see whether these policies are effective, provoking change or not. These are the important things. We don't collect data to produce statistical tables, nice charts or rankings. This is what we do here, especially at the UNODC. One important element when we collect statistical

information at the end of the day is to understand and establish differences. Because there will be no change in any given phenomenon, it wouldn't be interesting. If the weather is always the same, we don't look into the weather forecast. So we want to understand differences across time, countries and populations. But to understand differences we have to be sure that the definitions are the same otherwise the differences would be due to definition. When we talk about femicide as in any other area of crime or criminal justice statistics, the first obstacle is that we always have legal definitions and legal definitions by definition are different across countries.

So just to make it clear I picked up two examples of femicide in two countries. One case is the murder committed against a woman when the act is perpetrated by a man and through gender-violence which will help us to understand and assess when it is gender-violence. The other case shows the definition of femicide in another country when in the framework of an intimate relationship the man kills the woman. You can see two different approaches, two different legislations in two countries in Europe and Latin America. They have very different levels of intimate partner homicide, but they have one thing in common. Both countries passed specific legislation on femicide in 2013. So what we can see is that the legislation started to have some effect in one of them, but we don't see any changes in the other one. Therefore, legislation is clearly not enough even if it is very important to act, but we have to be also equipped to a longer term engagement in this area.

When we produce statistics, we try to make definitions for the purposes of statistical production so irrespective of what the legal framework in any given country is. We try to say this phenomenon for statistical purposes has to be understood in this way. Luckily, three years ago a document was produced and endorsed by both the Statics Commission and the Crime Prevention Commission – International classification of crimes for statistical purposes (ICCS). For example, it provides specific definitions in case of homicide and whatever corresponds to these definitions you have to count as a homicide. And we see that this is already producing an impact on the data and countries are beginning to implement it. Starting from this standard definition of homicide we have two ways clearly to identify gender-based killings or femicide that are listed in the ICCS. The first one looks at the relationship victim-perpetrator in particular intimate partner relationship and the second



one looks at the motif of the crime so in this case the gender-based motivation and together they will form the gender-based killings of women. We can see that many countries are more and more able to produce the first group and on the second group we are still working, producing specific guidelines how to identify the motif. It is interesting to say that the countries with the lower level of femicide are mostly in Europe while countries with higher levels of femicide are located in the Americas. Unfortunately, we don't have many countries from Africa and Asia that are able to report on this crime.

In conclusion, I just wanted to remind that we are trying at the UNODC to obviously improve the statistical and evidence information on femicide. Besides assisting countries to produce this data we are finalizing a manual to implement this classification so that we can be more and more precise in terms of guidelines to produce this data, including on gender-based killings. By the end of the year we should start our Third Global Study on Homicide, which includes a large section on gender-based killing. We also continue the annual activity of collecting this data, which it is the backbone of all the other activities that I mentioned.

For the future, in order to improve the provision of high quality data on this there are many things that need to be done. At the national and regional level, we need to improve constantly our work to profile, to give an overview of femicide as well as all the additional information that we need to understand the drivers, the protective factors behind femicide. So it is other information that it is needed. It is not only the numbers, the total numbers but if there is other contextual information specifically often on the perpetrator like abuse of drugs, alcohol and other things. This context information can really help us to understand what really drives femicide. Last but not least, there are many organisations, especially at the regional level that are working on the collection of data, production and provision of analysis and I think it is time that we improve our respective coordination so that we are able to produce maybe less numbers but more high-quality, more standardized and more analysis.

### **3. Statement by Marceline Naudi, First Vice-President of GREVIO & Scientific Director European Femicide Observatory**

I realise I am the last speaker, but definitely a speaker after many speakers in the afternoon of the lunch. I

hope you are still with me and I won't keep you long. I am obedient in that matter.

First of all, thank you very much for the organizers for having invited me!

I just wanted to briefly mention the European Observatory on Femicide. We have heard a lot of things today, we have heard a lot about the importance of collating and collecting data; having not just data as in figures but also more qualified information that can better inform in relation to the context of specific individual cases which can also identify gaps that might be present in the system that actually fails to stop and prevent femicide. We have also heard already about the importance of working together, collaborating, liaising and joining efforts. Well, the European Observatory intends to do all of these things slowly, slowly and step by step.

But the Istanbul Convention, I am sure you have already heard a lot about it over the years that it has been into force. Maybe I will just add a couple of things. One, of course, that it is a legally binding convention so that countries that ratified it are legally bound to fulfil its provisions. Second, we are hoping that all the members of the Council of Europe will eventually sign it and ratified it. But also that it is opened to other bodies outside of the Council of Europe including the EU, which already signed it. It addresses all of forms of violence against women and domestic violence. It lists very specific measures to be taken as part of a holistic approach in terms of prevention, protection and support to victims and most importantly in relation to the prosecution of the perpetrators. The underlying message of the convention is that every single form of gender-based violence must be responded to in a swift and professional manner and that the rights and the needs of the victims their safety and their empowerment must be kept at the centre of the work that we do.

When it comes to femicide, we can refer to several obligations within the Istanbul Convention in different chapters. Starting with the very basic the Convention contains the obligation to criminalize physical violence against women including deathly violence and stalking which as many people will be aware is one of the highest risk factors in relation to femicide. So people who are stalked are at great risk of being killed. That is being Article 34 and Article 35 amongst others. The Convention obliges law enforcement agencies to respond to such violence promptly and appropriately. I

refer to this, obviously, in cases of femicide as in many cases in intimate partner violence there have been reports. Women have reported that they have been victims of violence and if there is another report and if the police do and other law enforcement agencies respond promptly and appropriately, this is a small thing that can be done and it might decrease, prevent the number of femicide. The Convention makes it also a binding obligation to ensure emergencies barring and protection or restraining orders for all the forms of violence. We know there are more and more countries that have adopted some form of barring and protection orders, which it is so important. Women, victims of intimate partner violence, tend to normally underplay not overplay. They tend to minimize, not exaggerate the violence that they go through. If a woman is asking for a protection order, then she should get a protection order, but it is not good just putting it on paper that protection order needs to be monitored appropriately and if it is breached proper action needs to be taken and that would get the message across. The Convention also makes risk assessment and risk management mandatory by all relevant authorities and again this is about assessing the risk.

There are also several other measures in the convention, which are important in relation to the context of the criminal justice. For example, there will be no justification accepted in the terms of cultures, customs, traditions, religion or so-called owner of the perpetrator. This had already been mentioned several times, but the convention is very strong on this. We have to be very clearly on this. We have had a tradition in European countries in relation to crimes of passion. Have you ever heard this term? Crimes of passion are the so-called honour. It is when the man's so-called honour has been offended by his woman daring to look at another man or whatever it is she might have done and in his passion he kills her and then uses it as a defence. Just to be clear when we say no justification culture, customs, traditions, religion or so-called honour we are referring to it widely. The Convention also seeks to put an end to lenient criminal sentences for the killings of women, because they were perceived to be transgressing a role that the perpetrator had imagined for them so this is obviously tight with the previous one. Furthermore, the Convention also requires that women be informed of any early release or escape, which it is also very important again. Because sometimes when man get a custodial sentence for having abused a woman when he comes out, he might

be still a bit angry and we know that femicide can occur at that time. So the Convention says you must warn the victim when the man or the perpetrator is going to be released or has escaped.

The Istanbul Convention has been ratified by 30 states of the Council of Europe and all other members of the Council of Europe except of Russia and Azerbaijan have signed their intention to ratify as well as, of course, the EU has signed, but not ratified. The GREVIO is one by one monitoring the implementation of the countries that have ratified. So Grevio, that's us. We go, we do the actual monitoring, we go to the country, we look at the reports and then we come out with recommendations and those recommendations and report are send to the Committee of the Party, but then it is the Committee of the Party who then says so country you need to this or you need to do that. The whole process is triggered by the sending of the questionnaires so when it is your country's turn the secretary of GREVIO will send out the questionnaire which is a public document on the website and anybody can look at it anytime. And the questionnaire is actually quite detailed. We specifically ask for administrative and judicial data in relation to any cases of violence resulting in the death of a woman. We ask for data in relation to not just the death but any attempt; the overall number of such cases; number of perpetrators convicted in relation to this cases; their sentences and in how many cases the authorities has prior knowledge of women exposure to violence. As you can imagine many states have great difficulties giving us all of these things that we want, we do ask for them, but we don't often get them. The one we get the most it is the numbers like how many women have been killed. However, by asking for these things we are obliging states to collate such data if they aren't doing it yet, we are telling them that we are asking them for this and the ones already know that are going to be monitored next year or the year after or already scrambling around trying put data together. If they don't have data available then the next time they are going to be monitored, I am sure that they will be attempting to do so.

Just as last one I would like to mention the importance of due diligence which again we talked about accountability of the states. GREVIO also frames gender-based killings of women and state inaction as a due diligence issues and its follows the approach taken by the European Court of Human Rights in its *Opuz v. Turkey*.





© "Paula, approximately 30 years old" illustrated by Valeria Araya Tamayo

No Estamos Todas is an illustration project to visualize victims of feminicides and transfemicides in Mexico. A collection of their meaningful work complements this tenth volume of FEMICIDE. Further information can be found on [www.noestamos todas.com](http://www.noestamos todas.com).

## PREVIEW OF FEMICIDE XI

Saide Mobayed  
September 2018

*Online and ICT-facilitated violence against women is understood as “any act of gender-based violence against women that is committed, assisted, or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the Internet, social media platforms or email, against a woman because she is a woman, or affects women disproportionately” (UNSRVAW, 2018).*

On the International Day for the Elimination of Violence Against Women (25<sup>th</sup> of November) there will be a symposium on cybercrimes committed against women.

### GENDER INEQUALITY IN THE DIGITAL ERA: ADDRESSING ONLINE AND ICT-FACILITATED VIOLENCE AGAINST WOMEN

*When women and girls do have access to and use the Internet, they face online forms and manifestations of violence that are part of the continuum multiple, recurring and interrelated forms of gender-based violence against women.*

— Dr. Dubravka Šimonović,

UN Special Rapporteur on violence against women, its causes and consequences

Notwithstanding that the last 40 years have shown an incredible global advance in framing women’s rights as human rights, violence against women and girls (VAW) is far from being dealt with and, moreover, recurrently manifests itself across different spaces: both in the offline and in the online realm. The rapid increase of the current digital age has changed the ways in which people in society meet, interact, interrelate and communicate. Unfortunately, the inequalities produced by patriarchal structures are extrapolated from the offline into the online sphere. Although ICT-facilitated violence against women is considered a relatively new phenomenon, the scarce data collected on this matter estimates that 23% of women have experienced online abuse or harassment at least once in their life and 1 in 10 women have experienced some form of online violence since the age of 15.

Recent documented cyber-attacks against women and girls vary in forms and across nations. The severity of its consequences lead to suicide, being that the case of Amanda Todd, who was only 13 years old when the cyber bullying she was tormented with—which included sexual exploitation—lead her to take her own life in 2012. Similarly, Rehtaeh Parsons was 15 when she committed suicide after being gang raped by her classmates, photographed and exposed to a wide range of victim-blaming online abuses<sup>1</sup>.

Even though the *VAW Learning Network* recognizes six broad categories that encompass forms of online against women and girls: hacking, impersonation, surveillance/tracking, harassment/spamming, recruitment and malicious distribution; and a report of the European Institute for Gender Equality (EIGE) identifies cyber stalking, cyber harassment and non-consensual pornography as ICT-facilitated forms of VAW; the lack of tangible data and international normative frameworks aimed at addressing this heinous phenomenon across Member States are seldom established and regulated.

In her latest report<sup>2</sup> the UN Special Rapporteur on Violence against Women, Dr. Dubravka Šimonović extensively addresses her concern on this phenomenon and calls upon the States and non-State agents to recognize online and ICT-facilitated violence against women and girls as a human rights violation and a form of discrimination and gender-based violence against women. She encourages States to act in accordance with the principle of due diligence to measure and prohibit these new emerging forms of online gender-based violence.

1 UN Women and UNDP, 2015, *Cyber Violence against Women and Girls: A World-Wide Wake-up Call. A Report by the UN Broadband Commission for Digital Development Working Group on Broadband and Gender*. Available at: [http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2015/cyber\\_violence\\_gender%20report.pdf?v=1&d=20150924T154259](http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2015/cyber_violence_gender%20report.pdf?v=1&d=20150924T154259).

2 UNGA, 2018, Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective.

Consequently, in the frame of the International Day for the Elimination of Violence against Women, *ACUNS Vienna Liaison Office Femicide Team* brings together the *Gender Inequality In The Digital Era: Addressing Online And ICT-Facilitated Violence Against Women* event, which aims to join this debate by highlighting the insufficient quantitative and qualitative data collection and thus availability, limited attention and recognition of online and ICT-facilitated violence against women and girls as a form of VAW. Therefore, it seeks to reach the following objectives:

### **Objectives:**

- To introduce and recognize online and ICT<sup>3</sup>-facilitated forms of violence against women and girls (VAW) as a form of VAW;
- To conceptualize online and ICT-facilitated forms of violence against women and girls (VAW) within the gender and human rights international normative framework;
- To discuss the possibilities offered by the international human rights instruments, the international women's human rights law and standards, and the Sustainable Development Goals (SDGs) to tackle online and ICT-facilitated violence against women;
- To explore the responsibilities of Member States, Internet intermediaries and all stakeholders to ensure women's and girls' safe and secure access to online and ICT products and services;
- To debate and identify ways to ensure accurate quantitative and qualitative data collection regarding incidents of online violence against women and girls;
- To share good practices on the rule of law regarding online and ICT-facilitated forms of violence against women;
- To identify justice response mechanisms and preventive measures that Member States and Internet intermediaries should introduce to ensure the prevention, sanction, attention and elimination of online violence against women and girls.

### **ABOUT**

Saïde Mobayed is the current Senior Editor and Content Manager of the "Global Knowledge Hub to Prevent and Eliminate the Gender-related Killing of Women and Girls" (<http://femicide-watch.org/>). She has collaborated with the "Gender and Justice" project at UNODC Mexico and has been an active member of ACUNS Vienna Liaison Femicide Team since 2016. Mobayed holds an Erasmus Mundus Master's Degree in Global Studies, where she thoroughly analysed the transnational dimension of violence against women (VAW), a research that will be continued during her current PhD project at the Centre for Globalisation and Global Governance in the University of Hamburg.

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<sup>3</sup> Information and Communication Technology.



# ESPAÑA: LA PUERTA DE ENTRADA DE LA TRATA DE PERSONAS CON FINES DE EXPLOTACIÓN SEXUAL EN EUROPA

Graciela Atencio y Nerea Novo, [www.feminicidio.net](http://www.feminicidio.net)

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La trata de seres humanos con fines de explotación sexual – esclavitud del siglo XXI – es abordada en este artículo con perspectiva de género. Consideramos que representa una vulneración grave de los derechos humanos vinculada a la existencia del sistema patriarcal – la dominación de los hombres sobre las mujeres y la desigualdad estructural de las mujeres – y a la demanda de prostitución.

¿Por qué España es la puerta de entrada de la trata de personas con fines de explotación sexual en Europa? Para responder a esta pregunta nos referimos a tres factores que influyen y convierten a este país en un punto neurálgico global de este tipo de trata de personas.

## 1. País de origen, tránsito y destino de la trata de personas con fines de explotación sexual

España se ha considerado tradicionalmente como un país de tránsito y destino de víctimas de trata, no como un país de origen. En este sentido, la Comisión Europea en el reporte *Comprehensive Plan to Combat Trafficking in Human Beings for the Purpose of Sexual Exploitation* hace referencia a un informe de la Oficina de las Naciones Unidas contra la Droga y el Delito (UNODC) de 2016 (*Trafficking in Persons: Global Patterns*) en el que concluye que España no es un país de origen pero se considera que tiene un *nivel bajo* (*low level*) de tránsito de víctimas de trata de Brasil, Sudamérica y África. Sin embargo, según el mismo informe, España es considerado un país de destino importante entre víctimas de Colombia, República Dominicana, Nigeria, Rusia, Ucrania, Rumanía, Bulgaria, Brasil, Croacia, República Checa, Hungría, Marruecos, Polonia, entre otros países. Así, un análisis de la trata de personas en España revela que está claramente ligada a la prostitución. Como indica la introducción de dicho documento: “la trata de mujeres y niñas y niños jóvenes existe porque existe la prostitución” (Comisión Europea, 2009–2012: 7).

Más adelante, en 2018, el informe *Trafficking in Persons* publicado por el Departamento de Estado de los Estados Unidos de América, señala: “como lo reportado en los últimos cinco años, España es

un país de destino, origen y tránsito para hombres, mujeres y menores sujetos a trabajos forzados y trata de personas con fines de explotación sexual. Mujeres de Europa del Este (particularmente de Rumanía y Bulgaria), Sudamérica (particularmente de Venezuela, Paraguay, Brasil, Colombia y Ecuador), China y Nigeria, son sujetas a tráfico sexual en España”.

En el informe se recomienda a España mejorar la formación en la identificación proactiva de víctimas, en particular de mujeres en prostitución, migrantes irregulares, menores no acompañados y trabajadores en industrias y regiones agrícolas con grandes índices de explotación laboral” (*U.S. Department of State*, 2018: 392-3).

## 2. La demanda de prostitución en España, entre las más altas de Europa

Según un dato oficial de la “Encuesta de salud y hábitos sexuales” del Instituto Nacional de Estadística (INE, 2003), uno de cada cuatro hombres dijo haber hecho “uso de prostitución” alguna vez en su vida. Más aún, un siete por ciento dijo haberlo hecho en el último año.

De forma similar, según un dato más actual, del “Informe sobre trata con fines de explotación sexual” de la Asociación para la Atención, Prevención, Reinserción de Mujeres Prostituidas (APRAMP, 2011), casi cuatro de cada diez hombres han consumido alguna vez o son consumidores habituales de prostitución. Los pocos estudios realizados coinciden en que España ocupa el primer o segundo lugar de Europa en el consumo de prostitución y trata de mujeres y niñas, y ha pasado de ser un país de tránsito a uno de destino de mujeres traficadas, lo cual se vincula, en parte, al aumento de la demanda.

Pese a dichos números, las encuestas y estudios sobre el sujeto que consume prostitución son escasos y se estima que solo el uno por ciento de los estudios sobre la prostitución tienen como objeto principal de investigación al demandante (Ranea, 2016). Otra de las conclusiones que se tiene de los recientes trabajos académicos en España sobre la demanda de la prostitución es que los demandantes son cada vez más

jóvenes y toman a las prostitutas como simples objetos de consumo y entretenimiento y, en muchas ocasiones, no reconocen que estas mujeres son víctimas de explotación sexual (Ranea, 2016).

### 2.1. Tipos de demandante de prostitución

Uno de los pocos testimonios de supervivientes de trata de personas que hace una clasificación de tipos de demandantes de prostitución es el de Amelia Tiganus, compañera de Feminicidio.net, originaria de Rumanía y superviviente de trata de personas con fines de explotación sexual en España. Tiganus fue explotada sexualmente durante cinco años y pasó por más de 40 prostíbulos de todo el país durante ese tiempo. Con base en su experiencia, se han distinguido tres tipos de demandantes de prostitución (llamados *puteros* en España) (Bindel, 2018):

El **putero majo** era el que hablaba mucho conmigo. [...] Este tipo de demandante no solo quiere comprar el cuerpo sino también el alma, los sentimientos y el afecto. Pasaba de ser el “novio” más cariñoso a llamarme “puta asquerosa”, “mentirosa” y “estafadora”, de la forma más violenta si no ejercía bien el rol por el que había pagado.

El **putero macho** pagaba, penetraba y se iba. [...] Para ellos las putas son cuerpos con agujeros que penetrar. No les importa lo que pensemos. Debemos actuar para él tal y como en las películas: gemir, sonreír y fingir que participamos. Luego se va y deja un cuerpo violado y dolorido.

Si el proxeneta no nos mata, el **putero misógino** es el tercer tipo. Es el más violento. La tortura física y mental que estos sádicos llevan a cabo son difíciles de narrar. Mordidas, pinchadas, apaleadas, insultadas, humilladas, reducidas a nada. Cuanto más dolor, humillación y miedo infligen, más lo disfrutaban.

### 2.2. Feminicidios por prostitución

También es difícil encontrar estudios que hagan referencia a la violencia y violencia extrema que padecen las mujeres que ejercen la prostitución a manos de sus clientes. Desde 2010, en Feminicidio.net, hemos registrado 42 mujeres asesinadas que ejercían la prostitución (el 4,4% de las 962 víctimas registradas). De ellas, tres de cada cuatro fueron víctimas de feminicidios por prostitución, asesinadas

por demandantes de prostitución (el 76,2%, es decir, 32 casos), siete fueron asesinadas por sus parejas o exparejas en feminicidios íntimos (el 14,3%) y las otras tres fueron registradas en tres tipos diferentes: un feminicidio transfóbico, un asesinato de mujeres por crimen organizado y/o narcotráfico y un asesinato sin datos suficientes. De las 42 víctimas asesinadas, solo cinco (feminicidios íntimos) fueron reconocidas oficialmente como víctimas mortales por violencia de género (Geofeminicidio.com, 2018).

### 2.3. La Resolución Honeyball

La resolución del Parlamento Europeo del 26 de febrero de 2014, sobre explotación sexual y prostitución y su impacto en la igualdad de género (2013/2103(INI)), afirma con rotundidad que “la prostitución y la prostitución forzada están intrínsecamente ligadas a la desigualdad de género en la sociedad y tienen un efecto en la posición social de las mujeres y los hombres en la sociedad así como en la percepción de las relaciones entre mujeres y hombres y en la sexualidad, perpetuando los estereotipos de género y el pensamiento estereotipado sobre las mujeres que venden sexo, así como la idea de que el cuerpo de las mujeres y niñas está en venta para satisfacer la demanda masculina de sexo”.

Esta resolución histórica marca un antes y un después sobre la visión de la explotación sexual debido a que relaciona la explotación con la demanda y exhorta a los Estados europeos a que pongan el foco en la penalización de los demandantes de prostitución ante el fenómeno de la trata.

### 3. El negocio de la prostitución y el turismo sexual

En España, desde la entrada en vigor del artículo 177 bis del “Código Penal por delito de trata de seres humanos” (BOE-A-2015-3439, 2015), los datos sobre procesos penales son recogidos por la Unidad de Extranjería de la Fiscalía General del Estado y según esa fuente judicial, el 90% de los procesos penales seguidos de este delito están vinculados al negocio de la prostitución; un 32% más que la media mundial. En palabras de Patricia Fernández Olalla, Fiscal de la Audiencia Provincial de Madrid: “esta cifra es extrapolable a las más de cincuenta sentencias condenatorias que hasta la fecha (2018) se han dictado por las Audiencias Provinciales por este delito. Por lo tanto la relación directa entre la trata y la prostitución es, a mi juicio, incuestionable”.

Las personas detectadas en situación de riesgo de trata por haber sido localizadas en entornos vinculados con el ejercicio de la prostitución “son casi exclusivamente mujeres”, la mayoría tienen entre 24 y 35 años y en casi todos los casos a excepción de una persona, los demandantes son hombres consumidores de los tres tipos de prostitución, callejera, en locales de alterne y en pisos (Fernández Olalla, 2018).

### **3.1. La crisis económica y la vulnerabilidad de mujeres y niñas**

El vínculo de la trata de personas con la prostitución viene especialmente reforzado por las situaciones de vulnerabilidad en las que se encuentran muchas mujeres y niñas antes de ser traficadas. En este sentido, un informe de Europol en 2016 concluía lo siguiente:

“Como resultado de la crisis económica, hay un aumento de la demanda de mano de obra barata. Aunque los consumidores crean demanda de productos y servicios, incluyendo el sexo comercial, el trabajo doméstico y los trabajos de cuidados, solo unos pocos son conscientes de las obligaciones contractuales y las condiciones laborales de los empleados. Por ejemplo, en países en los que la prostitución es legal y está regulada, es posible que el trabajo sexual se vea afectado por la demanda de mano de obra barata” (Europol, 2016:11).

Estas condiciones, asegura el informe, “son clave para la toma de decisiones de los tratantes: “Austria, Bélgica, Francia, Alemania, Italia, Países Bajos, España, Suiza y el Reino Unido, son los destinos más elegidos por los traficantes debido a la gran demanda de servicios sexuales y mano de obra barata” (Europol, 2016:16).

### **3.2. La prostitución es ilegal**

En España la prostitución no está regulada, como tampoco lo están en Portugal e Italia. No se criminaliza a las prostitutas pero se persigue el proxenetismo. Podemos concluir, entonces, que la trata de personas con fines de explotación sexual y la demanda de la prostitución han crecido con este modelo legal que actualmente resulta insuficiente para combatir la esclavitud del siglo XXI.

Además, en España desde 2014, el Instituto Nacional de Estadísticas (INE) introdujo una estimación de cuánto aporta la prostitución al Producto Interior Bruto nacional (PIB): un 0,35% del PIB, lo que supone actualmente un ingreso anual de 4.100 millones de

euros o su equivalente: 10 millones de euros por día. Pero estas no dejan de ser estimaciones ya que el Estado español no es transparente en este tema. Para empezar, debería realizarse un censo de mujeres en situación de prostitución debido a que sólo existen cálculos estimativos del número de víctimas explotadas sexualmente, que según el Centro de Inteligencia contra el Crimen Organizado (CITCO), serían unas 45.000 mientras que otras fuentes elevan las cifras a más de 100.000.

### **3.3. España, destino de turismo sexual**

Por otro lado, hay registrados 1.500 clubes de alterne permitidos, pero no existen cifras aproximadas de cuántos pisos (prostitución ejercida en viviendas particulares, la modalidad que más está creciendo) dedicados a la oferta de prostitución.

Por último, en el 2017 ingresaron a España 85 millones de turistas que han gastado 85.000 millones de euros en un año. ¿Cuántos de esos turistas forman parte del turismo sexual? Este país es uno de los principales destinos a nivel global para demandantes de prostitución, al igual que Tailandia, Brasil o Indonesia (El Mundo, 2018). Comunidades Autónomas como Islas Canarias o Catalunya, son consideradas destinos de turismo sexual para algunos expertos y ONG que luchan contra la trata de personas. Las instituciones públicas y los gobiernos no han tomado cartas en el asunto todavía ni existen estudios ni campañas de prevención de la trata de personas y la explotación sexual de mujeres y niñas.

### **3.4. Una Ley Integral contra la Trata de Personas**

España ha firmado y ratificado instrumentos internacionales de vital importancia para la lucha contra la trata de personas con fines de explotación sexual. Nos referimos al “Protocolo de Palermo” (Naciones Unidas, 2000), el “Convenio número 197” del Consejo de Europa sobre la lucha contra la trata de personas, y la “Directiva 2011/36” de la Unión Europea.

Sin embargo y a pesar del compromiso asumido por el Estado español a través de instrumentos internacionales firmados y ratificados, todavía tiene una asignatura pendiente que demandan organizaciones sociales, expertos, el movimiento feminista y defensores de derechos humanos: la aprobación de una Ley Integral contra la Trata de Personas, que no sólo abarque todas las formas de este delito sino que también criminalice

la demanda, incorpore la perspectiva de género y la interseccionalidad; que incluya la reparación de las víctimas y supervivientes “todavía invisibles” (Daza Bonachela, 2016, p. 316). La reparación debe estar enmarcada en políticas públicas que les permita a las mujeres y niñas salir de la exclusión social y recuperarse de las secuelas de la explotación sexual. La sanción de dicha ley implica todo un reto que el Estado español no puede seguir postergando.

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# SUICIDAL-FEMICIDE CONDITIONING: A TACTIC OF FAMILY-BASED NON-STATE TORTURERS AND TRAFFICKERS OF A DAUGHTER

Jeanne Sarson and Linda MacDonald

September 2018

This paper expands on the discussion recorded in the minutes of the 2015 Civil Society Hearing that occurred during the 24<sup>th</sup> session of the Commission on Crime Prevention and Criminal Justice. The minutes read, “victim assistance: interest was expressed to bring the issue of survivors of non-state torture to the attention of the Crime Commission (e.g. case of girls trafficked by their parents, which falls under UNTOC)”. The specific focus of this paper is exposing family-based torturers’ method of forced conditioning of daughters from a very young age—as pre-schoolers—to practice committing suicide if ever they disclose the organized family-based non-State torture (NST) and human trafficking crimes perpetrated against them. This tactic if successful—that is, the girl or as a woman commits ‘suicide’—ensures the perpetrators’ will not be detected. Non-State torturers can be fathers, mothers, extended family members, and other persons families have built like-minded local, national, or transnational networks with.

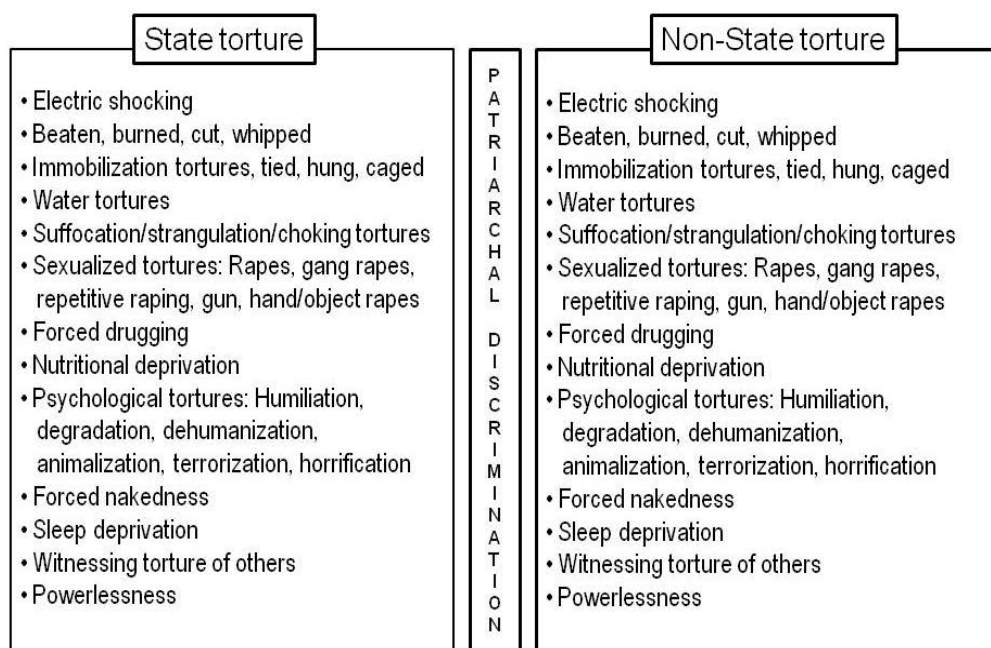
But first, we share our model of patriarchal discrimination (figure 1). It lists non-State torturers’ acts that mimic State torturers’ acts. Suffering torture has been globally and legally discriminately generalized as a non-human right of women and girls when perpetrated in the domestic/private sphere by non-State actors.

Rather it has been predominately operationalized as a human right violation when inflicted against warring men. However, there are exceptions. For example, Queensland, Australia’s law, section 320A Torture, criminalizes torture regardless of the torturer’s status; Canada, conversely, refuses to criminalize NST. Canada’s message to a woman so victimized is that naming and criminalizing NST is “redundant” because NST will be addressed as aggravated assault for example.

Women describe surviving many, all, or more of the forms of NST listed in the patriarchal discrimination model. Additionally, for some women this includes suffering NST psychological conditioning to commit suicide if ever telling on “the family”, consequently suicidal-femicidal conditioning can occur during healing-telling recovery interventions. One woman, Elizabeth, describes the NST suicidal-femicide conditioning inflicted onto her as a pre-schooler that lasted for decades. She writes:

It took recovery and healing to know and understand what they did because for a long time I was in flashbacks feeling/seeing releasing the torture ordeals. I was seeing the men’s hands around mine on the knife holding it pressed into my stomach hearing their words “die if you tell”. I understood I had to kill myself if I told

Naming and understanding acts of State and non-State torture



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. . . . When I began to tell or even thought about telling the knife torture flashback would be right up front . . . . If I killed my-Self with the knife they would be able to say “she was crazy...she did it to her-Self” because it would be my hands on the knife and my finger prints . . . they told me this lots of times . . . . men usually the Uncle . . . forced me to hold the knife to my stomach and told me to kill my-Self with the knife if I ever told (email communication September 1, 2018).

This paper is the first time we have written of violent NST suicidal-femicidal conditioning victimization perpetrated against girls and women within intimate relationships. Counselling or aiding suicide is, for instance, a specific *Criminal Code* offence in Canada under section 241. It reads:

Everyone who (a) counsels a person to commit suicide, or (b) aids or abets a person to commit suicide, whether suicide ensues or not, is guilty of an indictable offence, and is liable to imprisonment for a term not exceeding fourteen years.

Therefore, denial that such a violent victimization can occur is unjust. Furthermore, if criminal codes do not codify NST crimes this gravely distorts the complex human right violating tactics perpetrated by non-State torturers including the conditioning of suicidal-femicide responses. And if family-based NST and human trafficking relationships remain invisibilized these torturers will continue to function with impunity. Additionally, NST victimization-traumatization responses such as suicidal-femicide conditioning flashbacks described by Elizabeth means she and her NST victimization-traumatization responses will likely be misunderstood and potentially inappropriately addressed.

#### **What can be done? We suggest the following operative interventions of:**

1. Naming NST as a specific human rights violation, remedying this gap with a resolution identifying that all women and girls have the human right not to be subjected to torture by non-State actors in the domestic/private sphere. The UN Universal Declaration of Human Rights dictates in article 5 that no one—including women and girls—shall be subjected to torture. This promotes Sustainable Development Goals: Goal 5 eliminating all forms of gender-based discrimination and violence; Goal 10 promoting

equality in law; and Goal 16 ending torture, violence, and exploitation of children.

2. Including all forms of suicidality that are conditioned, counselled, or aided tactics inflicted by perpetrators of gender-based violence as a specific form of femicide.

3. Promoting the development of NST victimization-traumatization informed care so NST victimizations including suicidal-femicide conditioning and all NST survival responses can be knowledgeably addressed. Women frequently explain to us that suicides occurred within NST families and networks; maybe such suicides could be among the unsolved femicides discussed by Dawson.

4. Supporting Everywoman Everywhere, which is a global coalition working towards the development of a global legally binding human rights treaty addressing violence against women and girls, a recommendation of Rashida Manjoo, previous UN Special Rapporteur on violence against women.

5. Promoting women’s and girls’ human rights equality and preventing ongoing gender-based misogynistic discrimination by initiating the United Nations Declaration on Human Rights Education and Training within all sectors of society.

6. Critiquing written and verbal language when referring to *sexualized violence and sexualized NST* by **not using** the phrases ‘sexual violence or sexual torture.’ There is absolutely nothing ‘sexual’—meaning relating to sex acts—about such a violent crime as NST. We suggest, therefore, using “sexualized NST” for example to also de-sex torture and all forms of sexualized violence.

#### **End Notes**

<sup>i</sup> Available on Google internet as: 2015-05-19 Summary Civil Society Hearing.docx.

<sup>ii</sup> Sarson, J., & MacDonald, L. (2016). Seeking equality, justice and women’s and girls’ human right not to be subjected to non-state torture. In J. Scutt (Ed.), *Women, Law and Culture Conformity, Contradiction and Conflict* (pp. 263-281), London, UK: Palgrave.

<sup>iii</sup> Adapted from: Sarson, J., & MacDonald, L. (2009 winter). Torturing by non-state actors invisibilized, a patriarchal divide and spillover violence from the military sphere into the domestic sphere. *Peace Studies Journal*, 2(2), 16-38.

<sup>iv</sup> Mendez, J.E. (2018). Introduction. In *Gender Perspectives on Torture: Law and Practice* (pp. xi-xiv). Center for Human Rights & Humanitarian Law’s Anti-

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<sup>v</sup> *Criminal Code Act 1899 Qld* (Australia).

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<sup>vii</sup> Ibid.

<sup>viii</sup> We, however, did present in 2015, "Non-State Torture & Suicidality: Another way Perpetrators try to Kill Women & Girls", during the 59<sup>th</sup> Session of the CSW in a parallel event titled, "Stop Femicide! States' obligations and the role of women's NGO", sponsored by NGO WAVE.

<sup>ix</sup> Retrieved from *Criminal Code of Canada* <http://www.criminal-code.ca/criminal-code-of-canada-section-241-counselling-or-aiding-suicide/index.html>

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<sup>xi</sup> Dawson, M. (2018). Femicide in Canada: Accountability and punishment. *Femicide Volume IX, Femicide, State Accountability and Punishment*, 14-23.

<sup>xii</sup> See <http://everywomaneverywhere.org>

<sup>xiii</sup> Manjoo, R. (2018). Closing the normative gap in international law on violence against women: Developments, initiatives and possible options. In R. Manjoo & J. Jones (Eds.), *The Legal Protection of Women from Violence* (pp. 199-214), London, UK: Routledge.

<sup>xiv</sup> See A/RES/66/137, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/467/04/PDF/N1146704.pdf?OpenElement>

began in 1993 only five years after the work of the UN Committee against Torture which began in 1988. Additionally, they had been working in this invisibilized space for fifteen years before the Committee released its General Comment No. 2 wherein they spoke about, for the first time, non-State actors and violence against women and girls that manifested as non-State torture. Their website: [www.nonstatetorture.org](http://www.nonstatetorture.org).

## ABOUT

Linda MacDonald and Jeanne Sarson, co-founders of Persons Against Non-State Torture, are nurses, feminists, grass roots human rights activists, published authors, and researchers. They continually focus on finding ways to break the silence that invisibilizes women's survival of non-State torture, both as children or when adults. They are pioneers in that their work

# CAMPAIGNS AGAINST FEMICIDE

**Helena Gabriel**

*September 2018*

The existence of the practice of femicide is widely accepted, laws against it have been implemented and policies fighting gender-related killings have been established – on paper a lot has changed since Diana E. H. Russell introduced the term femicide for the first time during the International Tribunal on Crimes Against Women in 1976.

Nevertheless, the famous findings of Jacqueline Campbell are still valid, “all women are at risk of femicide” and the fear of becoming a victim of gender-related killing accompanies a large number of women day by day. Globally the number of gender-motivated killings is rising. Further, in many regions discriminatory societal systems intensify due to war, extremism or humanitarian crises such as extreme poverty. In many societies women are still automatically of lower value than men. Hence, all legal efforts to end femicides and violence against women have not yet fully reached the social level, where gender-related killings are actually happening. Femicide, the most extreme case of gender-based violence, can thus be seen as a "barometer" in terms of testing the attitudes of a whole nation towards violence against women.

**This is where the importance of educational campaigns and civil society movements has to be outlined.**

Over years social engagements have been the driving force of a growing political will and legal adjustments to end violence against women and also the cornerstone of the empowerment of women and girls in combating and eliminating violence against themselves. They work hard to end the societal and medial invisibility of violence against women, which is often aggravated by a hierarchy of the dead.

Further, joint rebellion has led to a broader recognition of the actual extent of this worrying subject and with that to a stronger consciousness of the costs and consequences of gender-motivated violence or killings for not only women but also men. Thus, many educational campaigns follow a strategy of fighting root causes instead of single symptoms as femicide can only be antagonized with the extermination of all kinds of gender discrimination, social, political and legal misogyny as well as structures of male dominance.

The world has seen a wave of powerful protest against gender-related killings. Millions of women and men all over the world have contributed and sacrificed a lot in order to end violence against women. Others must join these challenging efforts in order to make the content of the booklet at hand history instead of reality.

**The following paragraphs are dedicated to the most inspirational and effective campaigns against femicide, their purposes, outcomes and strategies.**

## **Orange the World**

Every year UN Women and its partners around the world mark the 16 Days of Activism Against Gender-Based Violence from November 25th (International Day for the Elimination of Violence against Women) to 10th December (International Human Rights Day) using the colour orange as a visible signature. Worldwide important buildings and monuments are orange during that specific period of time in order to set a visible sign to end violence against women. The orange lighting of important buildings is accompanied by an educational campaign and diverse informational events around the world.

Further information can be found on [www.unwomen.org](http://www.unwomen.org).

## **Ni Una Menos**

#NiUnaMenos which translates to #NotOneLess symbolizes a highly effective Argentinean campaign against gender-based violence. The movement arose from the fact that in Argentina every 30 hours a woman is murdered simply because she is a woman. Starting with the awareness raising of a few journalists, activists and artists the campaign developed into a collective outcry demanding the end of femicide in Argentina. Thousands of people joined hundreds of organizations throughout the whole country. On June 3rd 2015 #NiUnaMenos reached its peak, when 200,000 people protested on the Plaza del Congreso in Buenos Aires, due to the number of recent and extremely brutal cases of gender-motivated killings.

Further information can be found on [www.niunamenos.com.ar](http://www.niunamenos.com.ar).

## **Red Shoes movement**

Zapatos Rojos or Red Shoes is an artistic installation setting a sign against gender-based killings in Mexico by the Mexican artist Elina Chauvet. The so-called “silent protest” consisted of 33 red or red-painted shoes, which were arranged like a protest march of absent women, women who became victims of gender-related killings and never received justice. The first project of this kind was realized in May 2015 in Ciudad Juarez, a border city between Mexico and the United States, where the number of gender-related murders is disproportionately high. Public attention towards Zapatos Rojos was high. Soon imitators around the world intensified the outreach of this attempt to raise awareness of the societal costs of the practice of femicide.

## **White Ribbon Campaign**

Violence against women is rooted in gender inequalities that, to a certain extent, still exist in all societies around this world. The White Ribbon Campaign is one attempt to change this, following a completely new approach. The White Ribbon Campaign is a collective outcry of men and boys to end violence against women. Men who are wearing the White Ribbon officially declare their rejection of violence against women and promise to stand up against it. The campaign was initiated in Canada in 1991 and has expanded its sphere of action ever since. Men are part of the solution and cannot be excluded from the fight against gender-based violence or killings.

Further information can, inter-alia, be found on [www.eige.europa.eu](http://www.eige.europa.eu).

## **UNiTE to End Violence against Women**

UNiTE was launched in 2008. Since then it has aimed to raise public as well as political awareness of the prevention and elimination of all forms of gender-based violence. The aim of this campaign is to mobilize individuals as well as communities, governments and international organizations to join forces in order to enable change. UNiTE unites all actors within the fight against gender-based violence and its most severe form, namely, femicide.

Further information can be found on [www.un.org/en/women/endviolence](http://www.un.org/en/women/endviolence).

## **Blue Heart Campaign**

“Have a heart for victims of human trafficking” is the principle of the Blue Heart Campaign, an initiative that makes aware of a crime that shames us all. Millions of people become victims of human trafficking, a modern form of slavery, every year. In order to raise awareness on this issue the UNODC has created this campaign, which is open to all those who want to participate and wear the Blue Heart to set a visible sign against human trafficking.

Further information can be found on [www.unodc.org/BlueHeart](http://www.unodc.org/BlueHeart).

## **ABOUT**

Helena Gabriel is a passionate human right activist with a strong focus on women’s rights. During her work in this field ending violence against women has become a matter close to her heart. Currently she engages at the UN Women National Committee Austria, where she works on the Orange the World campaign and ACUNS Vienna Liaison, where she just recently became the managing editor of FEMICIDE, the resource book at hand.

# NO ESTAMOS TODAS

## A voice for the civil society in Mexico

*September 2018*

We are living in a country with the highest rate of feminicides and transfeminicides. Talking about this form of violence in Mexico is talking about a society that sees women as the only responsible party for the violence they receive; men that see us as part of their property and a government that looks away while most of the murders happen freely.

These words aren't new for us; some years ago our eyes were over Ciudad Juárez and the horrible atrocities that happened (and continue happening) there. Today that reality echoes in all our territories. The disappearance and murder of cis and trans women in Mexico only represent the last tier of the long chain of violence that women face in this nation educated by machismo and misogyny.

Even when these hate crimes occur daily and continue increasing, we feel that we don't speak enough about it. Feminicides and transfeminicides are rarely in our conversation and are seen as something distant. It's because of this we are occupying every space we can with urgency. We have to share, educate, include, we have to defend the rights of cis and trans women, we have to do it here, we have to do it now, next to our sisters, we have to demand from the Mexican government the immediate total eradication of feminicides and transfeminicides.

Our project is an attempt to continue talking about this reality. We have protested with illustrations, naming them, remembering her age and the place where they were killed, to say this pandemic is affecting all us women per equal. We refuse to talk about them as a number, but as lives that were taken, as dreams that got stolen, as sisters we loved and won't be able to see again; we want to speak about them as they used to be, honoring their memory, because we aren't talking about statistics and numbers here, their lives cannot be reduced only to the way they were destroyed.

We are raising our voices for Dany, a 15-year-old girl who founded the Ministry of the Deaf in her city; she used to teach sign language and created more inclusive spaces. One day after school she went to meet a classmate and got murdered; the killer was found guilty and will soon be free as his charge was only for

two years. We want to speak for Serymar, a woman full of illusions who dreamed about getting married; her life was taken by her fiancé, the one that should love and protect her. For Mary Chuy, a loved daughter, who was a dedicated student and wanted to become a petroleum engineer, whose murder was attempted to be covered up as a suicide, even though her teacher and classmates were the last persons seen with her and there's strong evidence of them as suspects; two years later her mother is still looking for justice. For Veronica, who is remembered by her family in every sunflower, she was only 20 when her husband took her life, and left her beloved baby an orphan. Alexis, a girl who loved animals and wished to become a veterinarian one day; a dream that never came true as she was killed by her boyfriend. Rosalinda, the youngest of nine siblings, who raised 4 children alone, 4 children that were ignored the day they had to go to the authorities to report her disappearance. Fanny, a 29-year-old loving mother who enjoyed visiting museums and going on walks with her dogs. Brenda, who was really close to her family and loved to spend time with them; they used to share a lot together and now can only do it in their dreams. Magda, a mother, a wife, a friend who was always helping others and loved her job as a nurse. We want to remember Sirena, as the traveler she always dreamed of being, whose aspirations were sharply stolen in her first trip to Costa Rica. For Itzel, who proudly represented Nuestra Belleza Gay in her city, for Paola, Victoria, Alessa, and for all those whose bodies have not been identified; the list continues growing and appears to be endless.

It's absolutely imperative that the media which covers these cases stop acting in a misogynist way, perpetuating this culture of revictimization, emitting personal judgments about their lives, exposing photos of their bodies, and treating them as a statistic; feminicides and transfeminicides can no longer be seen just as a number to compare cities or governments.

We cannot continue in silence while women are being killed, we cannot remain in silence while thousands of women in our Mexico live under violence, we refuse to stay in silence when female trafficking is a reality and every day there are women that are deprived of their liberty, we won't stop raising our voices while the



poverty has an indigenous female face, we cannot stay quiet while our country is filled with transphobia and our sisters are living in discriminating conditions.

We must demand the authorities prosecute and punish the guilty, even as many administrative bodies currently stop or interrupt this process. The sanctions must be exemplary and consequences must exist for people who attempt against women's lives. It is urgent that the state has some coherence and fulfill its promises to guarantee women a violence-free life. We cannot continue ignoring the victims of this crime; we demand reparation to their families that the orphans of femicide won't ever be left unprotected again.

We hope that talking about this violence will help us become conscious of what is happening and be able to identify and change the violent situation we live in or where the people around us live.

For all the people we haven't mentioned who were victims of femicide / transfemicide, the ones that are still missing, the ones living in violence and torture, the ones trapped in prostitution, for the orphans that these crimes left, the people protesting in the street, the ones that have to look for their daughters in clandestine graves, for all the families that have to suffer the loss of a loved one and don't give up in the face of this long passage of looking for justice in a corrupt system that ignores them.

Not a single more death! / ¡Ni una muerta más!

**NO  
ESTAMOS  
TODAS**



© “Elena, 29 years old” illustrated by Nicole Domínguez / Oko

No Estamos Todas is an illustration project to visualize victims of feminicides and transfemicides in Mexico. A collection of their meaningful work complements this tenth volume of FEMICIDE. Further information can be found on [www.noestamostodas.com](http://www.noestamostodas.com).

## **FURTHER READING**

**Alliance 8.7, the global partnership for eradicating forced labour, modern slavery, human trafficking and child labour around the world**

<https://www.alliance87.org/>

**A Practitioner's Toolkit on Women's Access to Justice Programming**

[http://www.unodc.org/pdf/criminal\\_justice/WA2J\\_Consolidated.pdf](http://www.unodc.org/pdf/criminal_justice/WA2J_Consolidated.pdf)

**Canadian Femicide Observatory for Justice and Accountability**

<https://femicideincanada.ca/>

**Dados Sobre Feminicídio No Brasil**

<http://artigo19.org/wp-content/blogs.dir/24/files/2018/03/Dados-Sobre-Feminic%C3%ADdio-no-Brasil-.pdf>

**Ending child marriage – A guide for global policy action**

<https://www.unfpa.org/sites/default/files/pub-pdf/endchildmarriage.pdf>

**Ending child marriage – Progress and prospects**

[https://www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR..pdf](https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf)

**Escape From Hell**

[https://www.amnesty.org.uk/files/escape\\_from\\_hell\\_-\\_torture\\_and\\_sexual\\_slavery\\_in\\_islamic\\_state\\_captivity\\_in\\_iraq\\_-\\_english\\_2.pdf](https://www.amnesty.org.uk/files/escape_from_hell_-_torture_and_sexual_slavery_in_islamic_state_captivity_in_iraq_-_english_2.pdf)

**Essential services package for women and girls subject to violence**

<https://www.unodc.org/documents/justice-and-prison-reform/EN-Modules-AllInOne.pdf>

**Forced Marriage Reports**

<https://www.antislavery.org/reports-and-resources/research-reports/forced-marriage-reports/>

**Gender-Related Killings of Women and Girls**

[https://www2.ohchr.org/english/issues/women/docs/Gender\\_motivated\\_killings.pdf](https://www2.ohchr.org/english/issues/women/docs/Gender_motivated_killings.pdf)

**Gender-Related killing of Women and Girls Brochure**

[https://www.unodc.org/documents/justice-and-prison-reform/15-08233\\_A4-GRK\\_eBook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/15-08233_A4-GRK_eBook.pdf)

**Global Estimates of Modern Slavery**

[https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf)

## **Global Knowledge Hub to prevent and eliminate the gender-related killing of women and girls**

<http://femicide-watch.org/about>

## **Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: the Role of the Justice System**

[http://www.unodc.org/documents/justice-and-prison-reform/Child-Victims/Handbook\\_on\\_Children\\_Recruited\\_and\\_Exploited\\_by\\_Terrorist\\_and\\_Violent\\_Extremist\\_Groups\\_the\\_Role\\_of\\_the\\_Justice\\_System.E.pdf](http://www.unodc.org/documents/justice-and-prison-reform/Child-Victims/Handbook_on_Children_Recruited_and_Exploited_by_Terrorist_and_Violent_Extremist_Groups_the_Role_of_the_Justice_System.E.pdf)

## **Handbook on Effective Police Responses to Violence against Women**

[https://www.unodc.org/documents/justice-and-prison-reform/Handbook\\_on\\_Effective\\_police\\_responses\\_to\\_violence\\_against\\_women\\_English.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Handbook_on_Effective_police_responses_to_violence_against_women_English.pdf)

## **Human Trafficking and Modern Slavery Report 2018**

<https://www.antislaverycommissioner.co.uk/media/1203/evening-standard-modern-slavery-report.pdf>

## **Human trafficking: Opportunities and Challenges in the 21st Century**

(2018). Lambert Academic Publishing. Co-editor: Prof. Jackie Jones (Bristol Un.). To view/order/see: <https://www.lap-publishing.com/catalog/search>

## **Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide)**

<http://www.un.org/en/women/endviolence/pdf/LatinAmericanProtocolForInvestigationOfFemicide.pdf>

## **Resource Book for Trainers on Effective Prosecution Responses to Violence against Women and Girls**

[http://www.unodc.org/documents/justice-and-prison-reform/Gender/16-09583\\_ebook.pdf](http://www.unodc.org/documents/justice-and-prison-reform/Gender/16-09583_ebook.pdf)

## **Statement: The invisible wounds to women and girls damage all of us**

<http://www.unwomen.org/en/news/stories/2018/8/statement-ed-joint-world-humanitarian-day>

## **Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women**

[https://www.unodc.org/documents/justice-and-prison-reform/Strengthening\\_Crime\\_Prevention\\_and\\_Criminal\\_Justice\\_Responses\\_to\\_Violence\\_against\\_Women.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Strengthening_Crime_Prevention_and_Criminal_Justice_Responses_to_Violence_against_Women.pdf)

## **“They Said We Are Their Slaves”**

[https://www.hrw.org/sites/default/files/report\\_pdf/car1017\\_web\\_1.pdf](https://www.hrw.org/sites/default/files/report_pdf/car1017_web_1.pdf)

## **Toolkit on Strengthening the Medico-Legal Response to Sexual Violence**

[http://www.unodc.org/documents/publications/WHO\\_RHR\\_15.24\\_eng.pdf](http://www.unodc.org/documents/publications/WHO_RHR_15.24_eng.pdf)

## **Training Curriculum on Effective Police Responses to Violence against Women**

[https://www.unodc.org/pdf/criminal\\_justice/Training\\_Curriculum\\_on\\_Effective\\_Police\\_Responses\\_to\\_Violence\\_against\\_Women.pdf](https://www.unodc.org/pdf/criminal_justice/Training_Curriculum_on_Effective_Police_Responses_to_Violence_against_Women.pdf)

**Training Programme on the Treatment of Child Victims and Child Witnesses of Crime – for Law Enforcement Officials**

[http://www.unodc.org/documents/justice-and-prison-reform/Training\\_Programme\\_on\\_the\\_Treatment\\_of\\_Child\\_Victims\\_and\\_Child\\_Witnesses\\_of\\_Crime\\_-\\_Law\\_Enforcement.pdf](http://www.unodc.org/documents/justice-and-prison-reform/Training_Programme_on_the_Treatment_of_Child_Victims_and_Child_Witnesses_of_Crime_-_Law_Enforcement.pdf)

**Training Programme on the Treatment of Child Victims and Child Witnesses of Crime – for Prosecutors and Judges**

[http://www.unodc.org/documents/justice-and-prison-reform/Training\\_Programme\\_on\\_the\\_Treatment\\_of\\_Child\\_Victims\\_and\\_Child\\_Witnesses\\_of\\_Crime\\_-\\_Prosecutors\\_and\\_Judges.pdf](http://www.unodc.org/documents/justice-and-prison-reform/Training_Programme_on_the_Treatment_of_Child_Victims_and_Child_Witnesses_of_Crime_-_Prosecutors_and_Judges.pdf)

**UN Joint Global Programme calls for coordinated, multi-sectoral responses to gender-based violence**

<http://www.unodc.org/unodc/en/frontpage/2018/May/un-joint-global-programme-calls-for-coordinated--multi-sectoral-responses-to-gender-based-violence.html>

**UN Women interactive infographic on violence against women**

<http://interactive.unwomen.org/multimedia/infographic/violenceagainstwomen/en/index.html#intimate-4>

**World crime trends and emerging issues and responses in the field of crime prevention and criminal justice**

<http://undocs.org/E/CN.15/2018/10>





***“Recognizing the reality and scope of femicides is every single country is the first step to revolutionizing consciousness about the incalculable costs of these lethal manifestations of misogyny.”***

*- Diana E. H. Russell, Sociologist and Feminist Author, 2012 -*

***“Gender-motivated killings of women occur everywhere, in every country and culture of the world. It is an issue of universal human rights and inherent human dignity that concerns us all, involves us all, and requires concerted and urgent action from all of us.”***

*- Michelle Bachelet, UN High Commissioner for Human Rights, 2013 -*

***“In the exercise of my mandate, I have observed that gender-motivated killings of women have taken on disturbing proportions in the last few years.”***

*- Rashida Manjoo, UN Special Rapporteur on Violence Against Women, its causes and consequences, 2014 -*

***“I ask you to fight against the scourge of femicide.”***

*- Pope Francis, 2018 -*