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# **Contribution from the Lutheran World Federation and the World Council of Churches regarding trafficking in women**

As part of their efforts to overcome violence against women, many churches have gathered at the World Council of Churches and the Lutheran World Federation to concretely address the scourge of human trafficking, with a specific gender sensitive approach. Some of these efforts have been taken by member churches in their own communities. Our inputs to the CEDAW Committee on the General Recommendation on Trafficking, therefore, are based on inputs from our member churches and partners, specially from the Caribbean[[1]](#footnote-1), Colombia[[2]](#footnote-2) and Nepal[[3]](#footnote-3).

1. **Concerning access to justice for survivors of trafficking:**

Maiti Foundation has gathered evidence regarding the difficulty in certain contexts –like Nepal- to adequately protect the survivors and witnesses of trafficking. According to a survey carried out by this foundation among 46 women, 42% percentage of survivors who reported a case of trafficking they were a victim to or that they witnessed, changed their testimony during the judicial process.

This is confirmed by a study[[4]](#footnote-4) of the decisions regarding human trafficking and transportation cases as well as a systematization of interviews conducted with victims of trafficking in Kathmandu, Makwanpur, Banke, Sindhupalchowk, Morang, and Bardiya . The survivors after denouncing their traffickers, decide not to appear in court. The reasons for this include threats from the offender (in 43% of cases), the survivors not being informed about the date for testifying and their reluctance to appear in courts (29% declared they were made aware only later that they would be required to appear in court to ratify their first statement).

Recommendations to protect the survivor’s safety, ensure that their first testimony is considered and increase the likeliness that they will not drop their charges include:

* Taking the certified first instance statement as valid evidence in court proceedings.
* Adopting flexible, gender and culturally sensitive methodologies which makes the environment safe to take the survivor’s statement.
* Improving the communications procedure used by the police and other authorities involved, so that survivors are aware of the timelines and the general expectations required of them.
* Updating the survivor on the progression of the case regularly and ensuring that their voice on the matter is heard.
* Ensuring that survivors and witnesses experience effective protection and have clear information regarding legal proceedings.
* Ensuring confidentiality and anonymity for survivors and witness who fear reprisals.
* Allowing the survivor to present their court statements without the presence of the offender.
* Receiving justice and compensation in a timely manner.

1. **Concerning challenges in implementing anti-trafficking strategies**

* The lack of accurate and disaggregated data regarding the number of victims of trafficking hinders progress. In countries like Colombia, the CSOs (FBOs) express concern for the lack of information regarding survivors rescued by the government, lack of details on whether such actions have taken place within or outside the country and no information on the age groups, gender, ethnicity, socioeconomic status or origin of the survivors. Besides, there is also no updated information on the number of survivors of sexual exploitation or prostitution in the country.
* In some countries, like Colombia, monitoring of trafficking cases and legal and psychosocial accompaniment to survivors is effectively applied only in a few urban contexts. Otherwise survivors are forced to be transferred– often away from their family - to where such services are provided.
* Many countries ground the judicial investigation on the complaints of the survivors or the witnesses, without carrying out a proactive investigation leading to their rescue.
* In countries like Colombia, legislation to regulate prostitution and to protect the ”right to work” of women and men in prostitution do not take into account forms of violence against women[[5]](#footnote-5) and the serious human rights violations they have experienced,[[6]](#footnote-6) which includes an increased number of missing women since 2011. The linkages between prostitution and trafficking are not exhaustively investigated.

**Recommendations:**

* Assessing the connection trafficking in women to drug trafficking and organized crime require public policies and laws that include preventative actions, protection of survivors, prosecution of traffickers and clear strategies to discourage demand.
  + - To interpret CEDAW´s 6th article, using UN instruments which develop the concept of sexual exploitation of the most vulnerable: the Convention for the Suppression of Trafficking in Persons and the Exploitation of the Prostitution of Others (1949) and the Protocol of Palermo (2000). Likewise, CEDAW´s 35th general recommendation (2017) clearly defines the multiple and interrelated forms of discrimination (including prostitution), its aggravating effects on women, and recommends to repeal all provisions that allow, tolerate or condone any form of gender-based violence against women. The implementation of these conventions would reduce the confusion that may exist regarding the application of crimes contemplated in the Colombian Criminal Code when dealing with adult victims.
    - Take urgent measures regarding the increase of sexual exploitation of the prostitution of others and internal and external trafficking for the purpose of sexual exploitation, as a consequence of the armed conflict and post-conflict. This step would be instrumental in situations like the one currently experienced by Colombia, with a massive migratory flow of Venezuelan women and girls to the country.

1. **Concerning good practices on implementing a gender-based approach to combatting trafficking from a faith-based perspective**

* The CEDAW Committee has included women from religious minorities among the groups that are at high risk of being trafficked. Many churches and FBOs already have the relevant mechanisms and structures in place for awareness-raising, empowerment and advocacy. Therefore, considering faith based actors as relevant stakeholders in the prevention of trafficking is of utmost importance.
  + - Governments could combine their progress in law and policy implementation with the involvement of faith communities that use faith-based tools to affirm positive femininities and masculinities. Governments and UN entities could take stock of the research contributions made by faith-based organizations on the interrelationship between trafficking in persons, prostitution, poverty, racism, xenophobia and statelessness.

**Some specific contributions from churches and Faith-Based Organizations:**

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* Production of resources for open Biblical reflection on human trafficking, to help FBOs members to think critically, raise awareness on the issue in order that they might speak out against it.
  + - Churches have provided safe spaces for survivors of trafficking, such as: Living Waters Resource Center in Atlanta, USA supported by the United Methodist Women ; Theodora Foundation in Jamaica (collaboration between FBO and NGOs); Samaritan Creations in Bangkok, Thailand.
* In 2014 , WCC member churches, (the Anglican and Orthodox Churches) and the Catholic Church jointly signed an [anti-slavery declaration](https://w2.vatican.va/content/francesco/en/speeches/2014/december/documents/papa-francesco_20141202_dichiarazione-schiavitu.html).
* FBOs joint advocacy efforts at the local and global level to support the work of women’s human rights advocates, in particular with regards of the wider dissemination of the CEDAW convention and the Universal Periodic Review and their use as a tool to ensure accountability from governments.
* In countries where religious beliefs play an important role, churches and faith-based organizations become relevant stakeholders to condemn any form of discrimination and violence against women and to build bridges between faith communities and other CSOs dedicated to the protection of women’s human rights.

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1. Members of the World Council of Churches in the Caribbean Region [↑](#footnote-ref-1)
2. SHADOW REPORT OF THE MONITORING GROUP FOR THE IMPLEMENTATION OF CEDAW IN COLOMBIA to the CEDAW Committee for the 72 session. <https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fCSS%2fCOL%2f33792&Lang=en> [↑](#footnote-ref-2)
3. [MAITI Nepal](https://maitinepal.org/) [↑](#footnote-ref-3)
4. A study published in the Nepal Law Journal from 2004 to 2018 [↑](#footnote-ref-4)
5. Prostitución y tráfico de personas en nueve países (incluye Colombia): una actualización sobre violencia y desorden de estrés postraumático. Farley y otros, <http://prostitutionresearch.com/wp-content/uploads/2003/03/Prostitucion-in-9-Paises.pdf>. [↑](#footnote-ref-5)
6. Human rights violations include rapes, torture, femicide, disappearances, among others, documented in 30 cases sent by the Iniciativa Pro Euidad de Género in 2017 to the UN Women's Legal and Social Commission. It is also worth noting that from 2011 onwards, the number of women disappeared in the country increases year by year, which coincides with a general increase in violence against women, in Boletín Epidemiológico INMLCF, Violencia de género en Colombia, Análisis Comparativo 2014-16. [↑](#footnote-ref-6)