



[International Disability Alliance](http://www.internationaldisabilityalliance.org/) and [European Disability Forum](http://edf-feph.org/)’s submission to the Committee on Elimination of Discrimination Against Women on:

**General Recommendation on trafficking of women and girls in the context of global migration**

18 February 2018

 Introduction

The [International Disability Alliance](http://www.internationaldisabilityalliance.org/) is an alliance of eight global and six regional organisations of persons with disabilities. We advocate at the United Nations for a more inclusive global environment for persons with disabilities and their organisations. We support organisations of persons with disabilities worldwide to take part in UN and international human rights processes, and use international accountability mechanisms. With member organisations globally, IDA represents the estimated one billion people worldwide with disabilities. This is the world's largest and most frequently overlooked marginalised group.

The [European Disability Forum](http://edf-feph.org/) is an umbrella organisation of persons with disabilities that defends the interests of over 80 million Europeans with disabilities. We are a unique platform which brings together representative organisation of persons with disabilities from across Europe. We are run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

The International Disability Alliance and the European Disability Forum made the following joint-submission to the Committee on Elimination of Discrimination Against Women) for its half-day general discussion on trafficking in women and girls in the context of global migration in Geneva, Switzerland on 22 February 2019. The purpose of this submission is to inform the Committee of the specific situation of women and girls with disabilities in relation to trafficking in the context of global migration.

Higher risk of trafficking faced by women and girls with disabilities

**According to recent studies and reports,[[1]](#footnote-1) women and girls with disabilities are at a higher risk of exploitation and may be more at risk of trafficking in persons, including in the context of global migration.**

The UN Committee on the Rights of Persons with Disabilities (CRPD Committee) expressed concerns and made several references to trafficking and sexual abuse and exploitation of persons with disabilities, and more particularly women and girls with disabilities, in nine of its concluding observations relative to States review.[[2]](#footnote-2) It noted in particular the lack of data, policies and programmes on protection from and prevention of sexual abuse and trafficking specifically addressing women and girls with disabilities. It referred to specific vulnerable groups such as women and girls with disabilities in institutions, victims of trafficking, sexual abuse and exploitation,[[3]](#footnote-3) children with disabilities in institutions, victims of organs trafficking,[[4]](#footnote-4) and Roma persons with disabilities subjected to begging.[[5]](#footnote-5)

Recent reports presented evidence of the **direct link between some forms of disability and different patterns of trafficking**, such as forced begging and labour exploitative practices.[[6]](#footnote-6) Women and girls, with physical or visible disabilities are more likely of being trafficked into forced begging because a visible disability may have a stronger impact on public sympathy.[[7]](#footnote-7) Women and girls with intellectual or psychosocial disabilities are more at risks of sexual exploitation because the traffickers consider them easier to manipulate, as they may not immediately identify themselves as victims, or are less likely to be believed when reporting the abuse.[[8]](#footnote-8)

The OHCHR’s thematic study on the issue of violence against women and girls with disabilities reveals that women and girls with disabilities are also likely to face abuses and trafficking **in the context of migration**, and in particular, in situations of conflict or natural disasters which may force migration and displacement .[[9]](#footnote-9) The UN Special Rapporteur on the Rights of Persons with Disabilities specifically noted that humanitarian crises and conflict and post-conflict settings generate additional risks of sexual violence and trafficking that affect women and girls with disabilities.[[10]](#footnote-10) For example, the CRPD Committee expressed concerns regarding situations of exploitation and sexual assaults faced by women and girls with disabilities in post-earthquake camps.[[11]](#footnote-11)

Yet, despite the strong evidence that women and girls with disabilities face higher risks of being trafficked, international instruments on the issue, such as the UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, fail to address their specific situations.

Root causes of trafficking of women and girls with disabilities

Several factors lead women and girls with disabilities to be at higher risk of trafficking in persons.

1. **Lack of awareness**

The lack awareness of women and girls with disabilities of their rights, and of what constitute exploitation and its endangerments, leads to their inability to self-identity as victims and makes it easier for traffickers to manipulate them. Traffickers may particularly target women and girls with intellectual disabilities[[12]](#footnote-12) who often are not made aware of their rights and are not taught to identify situations of violence and exploitation.

There is also a lack of awareness of States and other relevant stakeholders, including civil society organisations, on the rights of women and girls with disabilities and the specific issues they may face. Moreover, they often are unaware of the extent of which human trafficking affect women and girls with disabilities. Because of this lack of awareness, they do not take appropriate prevention or response measures to protect their rights.

1. **Lack of data**

The CRPD Committee expressed concerns regarding the lack of data on trafficking disaggregated by disability.[[13]](#footnote-13) This lack of information on the number of women and girls with disabilities subjected to trafficking in persons and the failure to systematically disaggregate data and statistics by sex, age and disability, substantively hinder the adoption of adequate age and disability-appropriate measures of prevention and protection by States and other relevant stakeholders.

1. **Structural violations of the rights of women and girls with disabilities**

Structural and systematic violations of the rights of women and girls with disabilities enshrined in the UN Convention on the Rights of Persons with Disabilities and in the UN Convention on the Elimination of Discrimination Against Women increase their risks of falling victims of traffickers and of not being granted necessary support as victims:

* **Lack of accessibility and failure to provide adequate safeguards, including reasonable accommodation and support measures** increase the risks of women and girls with disabilities of being subjected to trafficking and exploitation, and of not being granted support as victims. This may be the case in global migration, when the support provided to victims of humanitarian crisis and trafficking are not accessible to women and girls with disabilities.
* **Low access to education and work, and high risk of poverty,** make women and girls with disabilities more likely to be targeted by trafficking networks. The CRPD Committee expressed concerns that women and girls living in poverty were often at risk of exploitation and abuse, including begging and human trafficking for labour and sexual exploitation.[[14]](#footnote-14)
* **Deprivation of liberty, segregation and institutionalisation** of women and girls with disabilities highly increases their risks of being trafficked. The CRPD Committee stressed that women and girls with disabilities deprived of their liberty in places such as psychiatric institutions, or placed in segregated setting, such as special education institutions, are exposed to higher risk of sexual violence and trafficking.[[15]](#footnote-15) It raises strong concerns regarding the reports of sexual abuse and exploitation of children with disabilities in institutions, their trafficking abroad and reports of organ trafficking.[[16]](#footnote-16) In the context of global migration, this may apply to detention and settlement camps for refugees and asylum seekers, or any segregated settings. The CRPD Committee noted that women and girls with disabilities in post-earthquake camps in Haiti were facing trafficking, exploitation and sexual assaults.[[17]](#footnote-17)
1. **Invisibility of women and girls with disabilities in international instruments prohibiting trafficking**

Women and girls with disabilities remain invisible in international instruments prohibiting trafficking in persons, such as the UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. Both documents do not mention disability.

Recommendations

The International Disability Alliance and the European Disability Forum welcome the fact that the CEDAW Committee has recognised women with disabilities as a group at a higher risk of being trafficked in its Concept Note on the General Recommendation on trafficking of women and girls in the context of global migration (paragraph 31).

We call the Committee to further acknowledge and address the specific root causes of their trafficking. The Committees General Recommendations should ensure that **all** women and girls with disabilities are **equally** and **appropriately** protected against trafficking in the context of migration, in line with the CRPD, CEDAW and Sustainable Development Goals (Target 5.2).

In particular, we encourage the Committee to address the following issues in its General Recommendation:

1. **Harmonisation of national laws on trafficking in persons** to ensure that the definition of trafficking specifically covers women and girls with disabilities, by inserting specific references to the groups at higher risk such as children, girls and women with disabilities
2. **Proper data collection disaggregated by disability**: States should systematically desegregate data and statistics in the context of migration by sex, age and disability. They should collect specific data on trafficking and exploitation of women and girls with disabilities and on disability as a result of violence suffered through trafficking, sexual exploitation and exploitation.
3. **Accessible and inclusive prevention and response measures and programmes**:
	* States should develop enhanced safeguards to prevent trafficking and exploitation, including sexual exploitation, of women and girls with disabilities, and response measures for women and girls with disabilities victims of trafficking. States should also pay specific attention to women and girls acquiring disability as a consequence of trafficking.
	* All measures and services should be accessible to all women and girls with disabilities. Denial of access should be considered to constitute a discriminatory act, regardless of whether the perpetrator is a public or private entity.[[18]](#footnote-18) Policies and programmes should take into account the specific needs of women and girls with disabilities. States and relevant stakeholders should ensure that information is provided in accessible formats, including braille, sign languages and easy-to-read. Shelters and services should be fully accessible to victims with disabilities and provide appropriate support, including supported decision making when needed. States should conduct an evaluation of the accessibility of current buildings, including shelters, services and information aimed at migrants and victims of trafficking in person, to ensure they fully meet the needs of women and girls with disabilities. Current barriers should be removed gradually in a systematic and continuously monitored manners, with the aim of achieving full accessibility.[[19]](#footnote-19)
	* States should ensure that all stakeholders involved in fighting trafficking, including those involved in early detection, protection and referral of women who survived gender-based violence, female genital mutilation, and victims of trafficking in persons, are trained on women and disability rights.
	* States and other relevant stakeholders should involve women and girls with disabilities, and their representative organisations, in the development, implementation and monitoring of prevention and response measures and programmes.
4. **Full implementation of the rights of women and girls with disabilities**: States should fully ensure the rights of women and girls with disabilities, in particular their rights to equality and non-discrimination, education, work and employment, equal recognition before the law and legal capacity, liberty and security, living independently and being included in the community, and an adequate standard of living, to avoid placing them at higher risks of trafficking and exploitation.
5. **Effective access to justice**: States should ensure that women and girls with disabilities can access justice on an equal basis with others. They should ensure full accessibility within the justice system and provide training for practitioners, including with the objective to combat stereotypes and myths surrounding gender and disability that may affect their access to justice.
6. **Harsher penalties**: States should consider adopting stiffer sanctions for traffickers exploiting women and girls because of their disability (aggravating circumstance).
1. See for instance: Thematic study on the issue of violence against women and girls with disabilities of the Office of the United Nations High Commissioner for Human Rights (2012); and General Comment No. 3 on Women and girls with disabilities of the CRPD Committee (2014). [↑](#footnote-ref-1)
2. CRPD Committee, Concluding observations on: Dominican Republic, paragraph 32; Guatemala paragraph 46; Haiti, paragraphs 30-31; Lithuania paragraphs 17 and 34; Moldova, paragraph 8; Morocco, paragraph 15; Paraguay paragraphs 17 and 41-42; Thailand, paragraphs 33-34; and Ukraine paragraphs 11-14 and 20-21. [↑](#footnote-ref-2)
3. CRPD Committee, Concluding observations on Ukraine, paragraph 11. [↑](#footnote-ref-3)
4. CRPD Committee, Concluding observations on Ukraine, paragraph 20. [↑](#footnote-ref-4)
5. CRPD Committee, Concluding observations on Moldova, paragraph 8. [↑](#footnote-ref-5)
6. OHCHR, Thematic study on the issue of violence against women and girls and disability, paragraph 25. [↑](#footnote-ref-6)
7. Committee on the Rights of Persons with Disabilities, General Comment No. 3 on women and girls with disabilities. [↑](#footnote-ref-7)
8. Joan A. Reid, Sex trafficking of girls with intellectual disabilities: an exploratory mixed methods study; Human Trafficking Pro Bono and National Disability Rights Network, [Trafficking & Disability Fact Sheet](http://iofa.org/wp-content/uploads/2017/09/Trafficking-Disability-Fact-Sheet-Disability-Adovcates-Investigators....pdf). [↑](#footnote-ref-8)
9. OHCHR, Thematic study on the issue of violence against women and girls and disability, paragraph 26. [↑](#footnote-ref-9)
10. Special Rapporteur on the Rights of Persons with Disabilities, Report on Sexual and reproductive health and rights of girls and young women with disabilities, paragraph 35. [↑](#footnote-ref-10)
11. CRPD Committee, Concluding observations on Haiti, paragraph 30. [↑](#footnote-ref-11)
12. Joan A. Reid, Sex trafficking of girls with intellectual disabilities: an exploratory mixed methods study. [↑](#footnote-ref-12)
13. CRPD Committee, Concluding observations on Lithuania, paragraph 34. [↑](#footnote-ref-13)
14. CRPD Committee, Concluding observations on Thailand, paragraph 33. [↑](#footnote-ref-14)
15. Committee on the Rights of Persons with Disabilities, General Comment No. 3 on women and girls with disabilities, paragraph 53. [↑](#footnote-ref-15)
16. CRPD Committee, Concluding observations on Ukraine, paragraphs 13 and 20. [↑](#footnote-ref-16)
17. CRPD Committee, Concluding observations on Haiti, paragraph 30. [↑](#footnote-ref-17)
18. As enshrined in CRPD General Comment no. 2 on accessibility, paragraph 13. [↑](#footnote-ref-18)
19. Ibid, paragraph 14. [↑](#footnote-ref-19)