Contribution of Femmes pour le Dire, Femmes pour Agir
On the DRAFT general recommendation on trafficking in human beings
Women and Girls in the Context of Global Migration

At

Committee on the Elimination of Discrimination against Women (CEDAW)

The organisation Femmes pour le Dire, Femmes pour Agir (FDFA) brings together primarily women with disabilities, whatever their singularity, but also men with disabilities and able-bodied women and men who share the same objectives.

The aim of the association is to fight against the double discrimination caused by the fact of being a woman and a disabled person. We want to shout out loud and clear that we are women and citizens before we are "disabled".

The organisation Femmes pour le Dire, Femmes pour Agir (Women to Speak Out, Women to Act) thanks the Committee for this opportunity to comment on its draft recommendation concerning trafficking in human beings and in particular the sexual exploitation of migrant women and girls with disabilities. The organisation Femmes pour le Dire, Femmes pour Agir, concerned about the visibility of women and girls with disabilities, therefore contributes its following comments.

I General comments[[1]](#footnote-2)

1 Article 20

**Dry up the demand[[2]](#footnote-3)**

Trafficking in women is, assaid in article 14, "a *gender-based violence against women rooted in gender-based discrimination”* and in article 20 ”*Trafficking in women is rooted in gender-based discrimination, gender-based structural inequality*”. For FDFA, prostitution is at the root of inequality between women and men. As long as men can buy women's bodies, there would be no real equality, since women could always be considered as objects, as a commodity to be bought, and therefore potential property of men, reinforcing the patriarchal system.

It is therefore necessary first and foremost to dry up demand by making "buyers of sexual services" responsible and by raising children's awareness from an early age of gender equality and respect for others, which cannot be bought.

The term "*the demand for sexual exploitation*" therefore reduces trafficking and sexual exploitation to a market with supply and demand. However, "putting" women and girls into a market cannot respect their rights. And the challenge is **to dry up the demand through a prevention policy** that includes education on sexuality and emotional life from a very young age, an end to impunity for "buyers of sexual services" by punishing them and making them accountable, an end to the organization of prostitution settings for armies and the punishment of soldiers who exchange "sexual services" for food or an advantage, and vigilance in refugee camps.

2 Article 58.*Employment and labour framework a)* which proposes labour legislation "*in unregulated or unmonitored economic sectors that rely on migrant women's labour*" **must exclude prostitution,** which is not recognized as work.

**Prostitution cannot be considered as a work or service, it is violence.**

The organisation Femmes pour le Dire, Femmes pour Agir, as an organisation defending women's rights, considers that under no circumstances can prostitution be considered as work or a service. Prostitution is the result of men's power over women in our male-dominated societies, a power that is increased by the situation of inferiority of women victims of trafficking: poverty, insecurity, conflicts, displacement and migration, violence experienced during childhood and adulthood, membership of discriminated ethnic minorities, women and girls with disabilities, etc.

It seems to us, therefore, that access to a job should be facilitated and prioritised through training to provide an alternative to prostitution for migrant and trafficked women rather than to improve the conditions in which they live as a result of their sexual exploitation. Funding is also needed to help women who want to leave prostitution and sexual exploitation.

3. Article 58 items b) and c)

**"Sexual services" do not constitute care**

In the *care* sector, indicated in point b of Article 58, it is important to specify that under no circumstances can the "sex surrogacy" advocated by some for persons with disabilities be considered as constituting care. Male sexual difficulties cannot be solved by the misery of pseudo-medicalized compassionate prostitution.

4. Article 58 item f)

**No unionization possible as prostitution is not work**

*“The self-organisation and unionisation of women migrant workers in unregulated or unmonitored labour sectors”* must exclude prostitution. Such unions of prostitutes are taken over and manipulated by traffickers and prostitutes to justify their practices and to avoid penalising clients.

5. Article 68 item j)

**Beware of external influences**

*“Empower communities through support and consultation to build strong allies for anti-trafficking efforts, including faith-based actors, who could provide critical information about trafficked women. “*

The organisation Femmes pour le Dire, Femmes pour Agir considers that victims of trafficking and sexual exploitation, because of their vulnerability, can be manipulated by outsiders, possibly *faith-based actors*. We know how decisions can be made under influence. Therefore, it is best not to mention these actors.

*6. Article 72 item l*

**No invocation of cultural traditions**

The organisation Femmes pour le Dire, Femmes pour Agir demands the utmost attention regarding “respect for the *cultural identity of the victims”.* It is well known to what extent cultural traditions and customs can be instrumentalised, to the detriment of women's rights.

**II Women with disabilities in migration and trafficking**

The organisation Femmes pour le Dire, Femmes pour Agir would like to thank the Committee for this opportunity to bring out of oblivion disabled girls and women, some of whom are disabled as a result of conflict, violence or prostitution.

The World Health Organization estimates that approximately 15% of the population is disabled, with a higher proportion in communities affected by war or natural disasters. On this basis, it can therefore be concluded that of the 43.5 million displaced persons worldwide, **6.5 million are disabled.** Persons with disabilities are among the most invisible and neglected of all IDPs, being excluded from - or unable to access - most aid programmes due to physical and social barriers or negative attitudes and prejudices against them, with women and girls experiencing additional gender discrimination and violence[[3]](#footnote-4).

7. Article 12: women at higher risk

Add **women and girls with disabilities** after migrant women and girls.

8. Article 18: marginalized women and girls

Add **women and girls with disabilities** after women and girls with an irregular migration status.

9. Article 24: women and girls at specific risks

Add **women and girls with disabilities** after indigenous women and girls

*10. Article 25 b): statistical methodologies and conceptual frameworks related to data collection*

**Invisibility of refugees and migrants with disabilities, even more of women and girls**

There is a lack of data on the situation and number of migrant persons with disabilities, on women and girls with disabilities, in migration and trafficking. They are thus forgotten and de facto excluded from aid programmes. Refugees with disabilities are more likely to be marginalized in all aspects of humanitarian assistance because of physical, environmental and societal barriers that prevent them from accessing information, health and rehabilitation services and human rights protection (UNHCR, 2011). Article 25 b) makes it clear that statistics must be drawn up using the criterion of disability. **But we must insist on having indicators according to the different disabilities and their origin and cross-reference them with gender.**

In item f) ii.add **women and girls with disabilities** after women and girls vulnerable to trafficking

11. Article 26:Access to services

b) Add after employment opportunities, **accessible for women and girls with disabilities**

d)Add after particularly in rural communities **and for women and girls with disabilities**

12. Article 27**: “***Discourage the demand »*

Add **training all stakeholders involved in fighting trafficking.**

13. Article 32 f)

**Increased risk of violence and exploitation**

*Forced displacement increases the risk of violence against refugees with disabilities, including sexual and domestic abuse, exploitation by family members, discrimination and exclusion from access to education, livelihoods, nationality and other public services.*

The United Nations (UN) Security Council has recognised that refugee and internally displaced women and girls are at heightened risk of various forms of human rights violations and abuses.[[4]](#footnote-5)

They are exposed to discrimination, exploitation, violence, and sexual and gender-based violence. Women and girls with disabilities are more vulnerable and at greater risk when seeking assistance, support and protection as refugees. They also face increasing barriers in accessing basic services, including education, health care and employment and may be excluded from support and services.,[[5]](#footnote-6)

**f.** Add after Forcibly displaced women and girls face a higher risk of being trafficked, **particularly if they are with disabilities.**

14. Article 42 g): *Access to education and livelihood*

Access to education and training is a fundamental lever for achieving economic and financial autonomy, thus reducing poverty and exposure to trafficking and sexual exploitation. However, girls with disabilities are often overlooked and excluded from education.

Add a point: **Ensure that girls and women with disabilities have access to education and vocational training.**

15. Article 68

**Invisibility of disabled refugees and migrants within the international normative framework**

Experience has shown that humanitarian assistance alone is underfunded and under-capacitated to effectively or sustainably address the development needs of displaced women and girls with disabilities. Development outcomes for women and girls with disabilities are therefore compromised by persistent inequalities and exclusion[[6]](#footnote-7). This exacerbates the extreme poverty and insecurity in which women and girls with disabilities find themselves, and their vulnerability to trafficking. Conflict can also affect traditional community structures, often destroying the support networks that women and girls with disabilities had before the conflict[[7]](#footnote-8), leaving them unprotected and easy prey for traffickers. Most of the disabilities they carry are invisible disabilities and in particular mental disabilities. They are then the victims of predilection of the family circle, if any remain, for prostitution networks.

Item a) : add **disability** after gender-sensitive and trauma-informed approach

Item b) iii. add **disability** after gender-sensitive

and child-sensitive protocols[[8]](#footnote-9) for dealing with victims.

16. Article 81: access to justice

Add **such as women and girls with disabilities** ”after for specific groups of women”,.

17. Article 84 g)

“*creating adequate conditions to bring complaints, in a language that they can understand*”, Add: “**and in other accessible means of communication : sign language, easy to read information, braille…**.”

18. Article 87: *Investigations*

Trafficking and sexual exploitation networks are now very active on the Internet and social networks. Women and girls with disabilities are thus exploited through dating sites specializing and "proposing" women with disabilities, some men having a fantasy for people with disabilities or amputees.

After "harmonizing legal procedures to prosecute traffickers" add **including trafficking by digital means and cyber networks.**

**Conclusion**

The organisation Femmes pour le Dire, Femmes pour Agir thanks the CEDAW Committee for integrating its comments and proposals into its reflection on the subject of violence, discrimination and trafficking experienced by migrant women and girls, particularly disabled women and girls, which leads to prostitution and trafficking for the purpose of sexual exploitation.

**Annexe 1**

**The General Recommendation could rely on articles of the UN Convention on the Rights of Persons with Disabilities[[9]](#footnote-10).**

It contains several articles that can be invoked concerning migration and cases of trafficking and sexual exploitation:

* Article 11 **Situations of risk and humanitarian emergencies** of the CRPD Convention specifically addresses “*the protection and safety of persons with disabilities* ***in situations of risk,*** *including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters”.*

Two Articles 16 and 17 oppose trafficking and sexual exploitation

* Article 16: **Right not to be subjected to exploitation, violence and abuse**

*1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.*

* Article 17: **Protecting the integrity of the person**

*Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.*

Sexual exploitation is an offence against the integrity of the person.

**Annexe 2**

**Consideration of persons with disabilities in the normative framework**

* **The World Programme of Action** (1982) notes the additional burden of being a refugee and a person with disabilities. The Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993) calls for the equalization of opportunities for refugees with disabilities to be integrated into general development programmes (Rule 21).
* **The Development agenda for 2030** recognizes the importance of empowering people in vulnerable situations, including persons with disabilities, refugees and internally displaced persons. In particular, Goal 8 on **decent work** and economic growth includes a specific target to protect labour rights and promote safe and secure working environments for migrant workers. Goal 10 on reducing inequality includes two separate targets to empower persons with disabilities and to facilitate orderly, safe, regular and responsible migration and mobility of persons.

Annexe 3

**A pilot programme**

People with intellectual disabilities are four times more likely to be victims of human trafficking, such as prostitution or forced labour. In Windsor, Canada, a pilot program is being tested to raise awareness of these abuses among the most vulnerable. “The typical person most at risk of being trafficked is a young teenage girl with a disability," says Brandon Chase, manager of Ontario's first-ever training program for people with a developmental disability. He says there is an urgent need for action in a region where human trafficking cases are on the rise. [[10]](#footnote-11)

1. In italics, the text of the draft [↑](#footnote-ref-2)
2. In bold characters, FDFA's suggestions [↑](#footnote-ref-3)
3. Department of Economic and Social Affairs Disability United Nations <https://www.un.org/development/desa/disabilities/refugees_migrants_with_disabilities.html> [↑](#footnote-ref-4)
4. UN Security Council, Presidential Statement on 28 October 2014, UN Doc. S/PRST/2014/21. [↑](#footnote-ref-5)
5. UNHCR 2010 https://www.unhcr.org/4cbeb1a99.html [↑](#footnote-ref-6)
6. Side-event in conjunction with the UN Summit on Refugees and Migrants : **Advancing the rights, well-being and perspectives of women and girls with disabilities in displacement through development and humanitarian responses 16 September, 2016, at United Nations Headquarters, Co-organised by the Permanent Mission of Japan and UN DESA, in collaboration with** UNICEF, UN WOMEN, International Disability Alliance, Handicap International, Human Rights Watch,  Rehabilitation International and Women’s Refugee Commission https://www.un.org/development/desa/disabilities/women-with-disabilities-displacement.html [↑](#footnote-ref-7)
7. Human Rights Watch 2010 [↑](#footnote-ref-8)
8. para. 26(b), CEDAW/C/BRB/CO/5-8; para. 31(a), CEDAW/C/UKR/CO/8. [↑](#footnote-ref-9)
9. https://www.un.org/.../convention-on-the-rights-of-persons-with-disabilities.html [↑](#footnote-ref-10)
10. Article of Rose St-Pierre Published 27 June 2019
<https://ici.radio-canada.ca/nouvelle/1200465/trafic-personne-prostitution-travail-force-handicap> [↑](#footnote-ref-11)