 

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

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

15 May 2020

## Introduction

The [International Disability Alliance](http://www.internationaldisabilityalliance.org/) (IDA) is an alliance of eight global and six regional organisations of persons with disabilities. Its advocates 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/) (EDF) is an umbrella organisation of persons with disabilities that defends the interests of over 100 million Europeans with disabilities. It is 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.

IDA and EDF submitted their views in February 2018 to inform the Committee of the specific situation of women and girls with disabilities in relation to trafficking in the context of global general migration. **With this new submission we wish to provide proposals for changes to the language as to ensure that the** [**draft General Recommendation**](https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CallTraffickingGlobalMigration.aspx) **becomes more inclusive of the rights and perspectives of all women and girls with disabilities.**

IDA and EDF welcome the fact that the CEDAW Committee has recognised women with disabilities as a group at a higher risk of being trafficked in its draft General Recommendation on trafficking of women and girls in the context of global migration: in paragraph 25 on disaggregated data collection by disability, several references to groups of women facing multiple and intersectional forms of discrimination such as women and girls with disabilities and in paragraph 82 on the accessibility of the justice system. **However, the document lacks specific references to the unique challenges faced by women and girls with disabilities and measures needed to protect their rights.**

## Higher risk of trafficking faced by women and girls with disabilities

As mentioned in our first submission, 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 studies presented evidence of the **direct link between some forms of disability and different patterns of trafficking**, such as forced begging and labour exploitative practices.[[2]](#footnote-2)

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.

We call the Committee to further acknowledge and address the specific rights and perspectives of women and girls with disabilities. The Committee’s General Recommendation 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).

## Proposed amendments to the draft General Recommendation

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

### IV. Root causes and discouraging the demand that fosters exploitation through trafficking

1. **Paragraph 12**: **“**The Committee identifies the higher risk faced by women and girls subjected to multiple and intersecting forms of discrimination, particularly women and girls in poverty, living in remote areas, forcibly displaced women, girls and women and girl migrants and **women and girls with disabilities**”.
2. **Paragraph 18**: “States parties are required to proactively identify as rights-bearers women and girls within the jurisdiction of the State party who are marginalized, being subjected to multiple forms of discrimination, including non-citizen, migrant, refugee, asylum-seeking and stateless women and girls, and women and girls with an irregular migration status, and **women and girls that are part of the most excluded groups in society, such as women and girls with disabilities**”.

Rationale behind amendment: Women and girls with disabilities face multiple and intersectional discrimination in all areas of life, including, socio-economic disadvantages, social isolation, violence against women, forced sterilisation and abortion, lack of access to community services, low quality housing, institutionalisation, inadequate healthcare and denial of the opportunity to contribute and engage actively in society. Women with disabilities are also two to five times more likely to face violence. Traffickers may particularly target women and girls with intellectual disabilities[[3]](#footnote-3) who often are not made aware of their rights and are not taught to identify situations of violence and exploitation. Rape of people with intellectual disabilities is also sometimes supported by beliefs and stereotypes such as “granting them a service”.

1. **Paragraph 24**: “Women and girls living in rural and remote areas, indigenous women and girls, **women and girls with disabilities** and those with an irregular migration status, as well as stateless women and girls and those at risk of statelessness[[4]](#footnote-4) who experience social, political and economic exclusion face specific risks of being trafficked”.

Rationale behind amendment: 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.[[5]](#footnote-5) Deprivation of liberty, segregation and institutionalisationof women and girls with disabilities highly increases their risks of being trafficked.

1. **Paragraph 25.b**:we suggest adding that ‘**state parties 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”**.
2. **Paragraph 25.f.ii:** “include in the design those affected by anti-trafficking policies, including trafficking victims and women and girls vulnerable to trafficking **and exposed to multiple and intersectional forms of discrimination.”**
3. **Paragraph 25.f.:** we suggest adding **“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**”.
4. **Paragraph 26.b:** “Providing women and girls in situations of disadvantage with **~~access to basic~~ accessible and inclusive mainstream** services, including education, information, health care, **justice** and employment opportunities”

Rationale behind amendment: 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.

1. **Paragraph 26.d:** “Stepping up nationwide public awareness-raising campaigns, particularly in rural communities **and amongst women and girls from excluded groups**, on **their rights**, the risk of human trafficking, the methods employed by traffickers and measures to reduce these risks”

Rationale behind proposed amendment: 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.

1. **Paragraph 27**: we suggest adding that “States should also pay specific attention to women and girls **acquiring disability as a consequence of trafficking”**
2. **Paragraph 27**: we suggest adding **“training 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, on women and disability rights”.**
3. **Paragraph 29.c:** “Has as its objective to combat trafficking for purposes of, among others, child and forced marriage, debt bondage, serfdom, **begging**, forced or compulsory labour, slavery and sexual exploitation”.
4. **Paragraph 29.e:** “Includes specific provisions addressing the prevention of trafficking in women and girls and the economic and physical and psychological rehabilitation of victims**, including those who acquired a disability because of trafficking”**
5. **Paragraph 29.g:** “Establishes, on an equal basis for women migrants, including irregular migrants, ~~facilitated access to~~ **accessible and inclusive** justice mechanisms to resolve complaints of exploitation and abuse;
6. **Paragraph 29:** we suggest adding **“include the voices and perspectives of the most excluded groups of women and girls, such as women and girls with disabilities and ensure 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.”**
7. **Paragraph 29:** we suggest adding “**adopting stiffer sanctions for traffickers exploiting women and girls because of their disability (aggravating circumstance)”.**
8. **Paragraph 31:** we suggest including **“include the perspectives and voices of women and girls who are amongst the most excluded in society and face higher risks of human trafficking, such as women and girls with disabilities”.**
9. **Paragraph 32:** “The expertise and voices of women and girl victims of trafficking must be included, **with a particular focus on the perspectives of women and girls from the most excluded groups”**

Rationale behind amendement: The CRPD obliges states and other relevant stakeholders to **involve and consult with** women and girls with disabilities, and their representative organisations, in the development, implementation and monitoring of prevention and response measures and programmes.

1. **Paragraph 42.e**: “Adopt a comprehensive gender-sensitive and rights-based migration and refugee policy that takes into consideration **the multiple and intersectional discrimination, abuse and exploitation faced by the most excluded groups of women and girls, such as women and girls with disabilities** ~~the vulnerability of displaced women to trafficking”~~**;**
2. **Paragraph 42.f: “**Raise awareness among displaced women and girls about all forms of trafficking and **their rights and means of redress”.**
3. **Paragraph 45.a:** “Establish mechanisms for the identification of victims of trafficking within the asylum procedure as well as referral mechanisms to ensure that asylum claims are assessed in an age**, disability** and gender-sensitive procedure in order to respond to the specific protection needs of trafficked women and girls;”

### VI. Victim identification, assistance and protection

1. **Paragraph 68:** include a disability sensitive approach in (a) and (b)iii;
2. **Paragraph 78:** include a disability sensitive approach in (c) and (d);
3. **Paragraph 78:** we suggest including **“Ensure that services for victims of trafficking are inclusive and accessible, paying particular attention to the specific needs of women and girls with disabilities”**
4. **Paragraph 78(g):** “In consultation with women civil society organizations, **and other civil society organisations such as organisations of women with disabilities,** develop and implement standard operating procedures for these shelters which ensure consistent and high level service provision for **all** victims;”
5. **Paragraph 78(q):** “Adopt targeted laws, policies and programmes to ensure equal rights for women belonging to disadvantaged and marginalized groups, such as forcibly displaced women ~~and~~ migrant women, **and women with disabilities,** by ensuring that they receive adequate assistance, and that they benefit from integration policies as well as family reunification measures.”

### VI. Victims’ access to justice

1. **paragraph 80: “**The complexity of proceedings, lack of special court procedures and **inaccessibility of the justice system** to accommodate victims’ needs".
2. **paragraph 81**: “The Committee has documented many examples of the negative impact of intersecting forms of discrimination on access to justice, including ineffective remedies, for specific groups of women, **such as women and girls with disabilities**”.
3. **paragraph 83**: “Women must have access to education and information **in accesible formats** about their rights and the remedies that are available and how to gain access to them.”
4. **paragraph 84.c**: “Ensure that, in administrative and judicial proceedings, including detention and expulsion proceedings, trafficking victims are guaranteed due process before the courts and **provided with procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages**”.
5. **paragraph 84.f: “**Repeal or amend laws that prevent any woman, including non-citizen women and **women deprived of their legal capacity**, from using the courts and other systems of redress”.
6. **paragraph 84.g**: “Particularly for non-citizen women, provide effective channels for seeking protection and redress for violations of their rights by creating adequate conditions to bring complaints, in a language that they can understand, **and in other accessible means of communication**”.
7. **Paragraph 96(b)**: “Ensure that trafficked women are provided with timely**, accessible** and comprehensive information about their right to access legal aid, compensation, and remedies in a language and manner that they can understand, regardless of their residence status;”

Rationale behind amendments: 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.

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. OHCHR, Thematic study on the issue of violence against women and girls and disability, paragraph 25. [↑](#footnote-ref-2)
3. Joan A. Reid, Sex trafficking of girls with intellectual disabilities: an exploratory mixed methods study. [↑](#footnote-ref-3)
4. A/73/263 (2018), para. 29. [↑](#footnote-ref-4)
5. CRPD Committee, Concluding observations on Thailand, paragraph 33. [↑](#footnote-ref-5)