Excellencies,

Ladies and gentlemen,

To properly set up the scene to begin talking about the intersectionality between disability and trafficking, it is important to remember that we will be using the definition of persons with disabilities enshrined in Article 1 of the Convention of the Rights of Persons with Disabilities (CRPD)[[1]](#footnote-1).

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Also, the definition of trafficking that will be used will be the one provided by the Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children- Palermo protocol- where Trafficking in Human Beings (THB) is defined in Article 3 of the United Nations Convention against Transnational Organized Crime.[[2]](#footnote-2)

Trafficking in persons shall mean 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.

Nowadays, we are at the peak of many emergency situations, people are facing unexpected climate disasters, health crises, and worst of all the highest rates of armed conflicts. Among the people forced to flee from such compelling emergencies, there are considerable numbers of persons with disabilities. As they are the poorest of the poor, mostly uneducated and largely unemployed, they are the worst affected in such situations[[3]](#footnote-3). If they are lucky they are pushed among others to internally and/or externally migrate or be displaced.

It is important to note that humanitarian aid provided in such difficult and serious situations is standardized. This means that the services that cater to all people in distress are one and the same. Nothing is specially tailored for a pregnant woman or a person with mobility constraints. Persons with disabilities are the furthest left behind in cases of emergencies. People with disabilities need urgent help and reasonable accommodation to be able to survive the hardships they unexpectedly confront. Therefore, it is important to invoke article 11 and 5 of the CRPD:

Article 11 – Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure 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.

Article 5- Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 3 (b, c, d, e)[[4]](#footnote-4) of the CRPD is also relevant, as well as the CRPD Committee General Comment No. 6 (2018)[[5]](#footnote-5) that deals with the right of persons with disabilities to equality and non-discrimination and be treated “on an equal basis with others”, which is the essence of the whole convention.

However, in practice, persons with disabilities have been left behind because of their disabilities and because there are no specific services customized to meet their needs or consider their conditions.

It is very well-known that during periods of chaos such as climate change crises, health hazards, and armed conflict, etc. exploitations such as trafficking increase. To mention but a few of the dangers surrounding persons with disabilities in their daily lives, and daily routines, persons with disabilities are in danger of extreme poverty, and unemployment which is exacerbated by emergencies. In many cases this leads to illegal activities such as trafficking. As eloquently said by Mr. Guterres the UN Secretary-General “the poor and vulnerable are the first to suffer, and the worst hit”.[[6]](#footnote-6)

In short, persons with disabilities are at a higher risk from all the above and constantly in greater danger. Therefore, during crises persons with disabilities especially women and children are highly prone to be kidnapped[[7]](#footnote-7), sold and bought for abuse and exploitation. They are used in disability-specific contexts like forced begging, forced labor including domestic work,[[8]](#footnote-8)segregated employment, work in sweatshops, on farms, or in segregated employment for little or no pay at all.

In some cases, working conditions may be harmful to the well-being of persons with disabilities for reasons related to their disability. The fear of exploitation or coercion is to be taken into consideration even when consent has been given. Consent is not sufficient to indicate that someone is not in a situation of slavery, servitude or trafficking.[[9]](#footnote-9)

Displaced people and refugees with disabilities, especially women, girls and children face a lack of access to essential services, such as food, water and accessible shelter. Refugees and internally displaced women and girls with disabilities are experiencing risks of multiple forms of gender-based violence, including violence by intimate partners, family members and/or caregivers. Women and girls with disabilities may be uniquely vulnerable to human trafficking during and after conflicts.[[10]](#footnote-10)

If trafficking is seen as a great danger and a heightened threat to persons with disabilities, women, girls and children with disabilities, mechanisms to regulate and control should be well in place. As mentioned yesterday in panel 1 it is of utmost importance to draw strategies, write policies, and formulate laws that are highly sensitive and inclusive to persons with disabilities and their needs to achieve not only equality and non-discrimination but also full citizenship for all.

Article 16 in the CRPD covers different aspects to protect and prevent all forms of abuse and exploitation of persons with disabilities.

Article 16 - Freedom from Exploitation, Violence and Abuse

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.[[11]](#footnote-11)

As we recognize the devastating impact of all the crises mentioned above and disasters on persons with disabilities, it is important to urge States to protect the rights of persons with disabilities in all risk reduction and response policies; to ensure disability inclusion, non-discrimination and reasonable accommodation in all anti-trafficking measures. Prevention measures should include awareness raising for persons with disabilities and their families about the dangers and forms of trafficking and available services in case of attempts against the person in a comprehensive way. Furthermore, it is of utmost importance to ensure the inclusion and participation of persons with disabilities in all decision-making related to disasters and crises management as they are the ones that better know their needs.[[12]](#footnote-12)

From all the above we can see but a glimpse of the danger and the tragedies surrounding persons with disabilities, especially women and children and some guidelines on how to prevent human trafficking of persons with disabilities in crises and conflict situations.

Excellences,

Ladies and gentlemen, I thank you all.

1. Convention on the Rights of Persons with Disabilities, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> [↑](#footnote-ref-1)
2. Palermo protocol, <https://www.unodc.org/res/human-trafficking/2021the-protocol-tip_html/TIP.pdf> [↑](#footnote-ref-2)
3. Mullally (2021). Climate change repot (A/77/170). [↑](#footnote-ref-3)
4. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities#Article%203%20-%20General%20Principles> [↑](#footnote-ref-4)
5. **General Comment No. 6 (2018) on Equality and Non-discrimination written by CRPD Committee.** <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/119/05/PDF/G1811905.pdf?OpenElement> [↑](#footnote-ref-5)
6. <https://www.bing.com/ck/a?!&&p=8724ede0b29ce5d0JmltdHM9MTcxMjg4MDAwMCZpZ3VpZD0wZDBiMDRkMi1jODI0LTY5N2EtMzc3Yi0xN2ZlYzk1ODY4NWUmaW5zaWQ9NTE5Ng&ptn=3&ver=2&hsh=3&fclid=0d0b04d2-c824-697a-377b-17fec958685e&psq=guterres+un+secretary+general+%e2%80%9cthe+poor+and+vulnerable&u=a1aHR0cHM6Ly93d3cudW4ub3JnL3N1c3RhaW5hYmxlZGV2ZWxvcG1lbnQvYmxvZy8yMDE5LzA1L2NsaW1hdGUtanVzdGljZS8&ntb=1>. [↑](#footnote-ref-6)
7. **General Comment No. 8 (2022) on the Right of Persons with Disabilities to Work and Employment**

   <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/518/57/PDF/G2251857.pdf?OpenElement> [↑](#footnote-ref-7)
8. Joint **Statement** on the Rights of Children with Disabilities adopted by the CRC and the CRPD (23 August 2021)

   <https://www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations> [↑](#footnote-ref-8)
9. General Comment No. 8 (2022) on the Right of Persons with Disabilities to Work and Employment. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/518/57/PDF/G2251857.pdf?OpenElement> [↑](#footnote-ref-9)
10. Report of the Special Rapporteur on the Rights of Persons with Disabilities, Gerard Quinn, UN doc A/76/146 (19 July 2021). <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/196/98/PDF/N2119698.pdf?OpenElement> [↑](#footnote-ref-10)
11. [Article 16 – Freedom from exploitation, violence and abuse | United Nations Enable](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-16-freedom-from-exploitation-violence-and-abuse.html) [↑](#footnote-ref-11)
12. Mullally( 2021), Climate change thematic report(A/77/170). [↑](#footnote-ref-12)