Women Enabled International and Disability Rights International’s Comments on the Committee on the Elimination of Discrimination Against Women’s Draft General Recommendation on Trafficking in Women and Girls in the Context of Global Migration

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Women Enabled International (WEI) and Disability Rights International (DRI)¹ are grateful for the opportunity to give comments on the Draft General Recommendation on Trafficking in Women and Girls in the Context of Global Migration (hereinafter “Draft General Recommendation”) to the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW Committee). Previously, WEI and DRI provided background information to inform the half-day of general discussion to prepare for the Draft General Recommendation.² Building upon that submission, the following comments directly respond to the Draft General Recommendation text and provide updated information.

WEI and DRI appreciate the inclusion in the Draft General Recommendation of language recommending States disaggregate data collected on victims by disability.³ However, we suggest that the CEDAW Committee include further details about the experience and needs of women and girls⁴ with disabilities and specific recommendations to States on how they can meet their obligations to women with disabilities. Doing so is imperative to ensuring that women with disabilities are not left behind globally as States take measures to suppress all forms of trafficking in women and exploitation of prostitution of women.

Background

Worldwide, measures to suppress and address trafficking generally exclude women with disabilities despite the increased risk they face to being trafficked.⁵ Migration only further enhances these risks and the barriers faced by migrating women with disabilities and for those left behind in the migration process.⁶ Women with disabilities are at least two to three times more likely than women without disabilities to experience violence and abuse,⁷ and they experience that abuse over a longer period of time.⁸ Research demonstrates that people with disabilities are especially at risk of trafficking for protracted periods and resulting in severe injuries ⁹ and are particularly vulnerable to certain types of trafficking because of their disabilities (for example, sex trafficking, forced begging, and trafficking in body parts).¹⁰

Several factors increase the vulnerability of women with disabilities to trafficking during periods of migration. The first is the lack of inclusive general education and sexuality education programs, as well as inaccessible information about trafficking, which means that women with disabilities face barriers to recognizing trafficking risks or escaping abusive situations.¹¹ Second, many women with disabilities around the world are isolated in residential institutional settings.¹² Institutional settings—such as orphanages, group homes or psychiatric institutions—inherently place woman with disabilities at risk of abuse and trafficking, which increases substantially during
periods of migration. Third, many women with disabilities lack quality community relationships, resulting from discrimination or isolation, which is magnified during periods of migration. Traffickers often take advantage of this vulnerability by purporting to offer friendships or intimate partner relationships. Fourth, many women with disabilities are financially and physically dependent on caregivers to assist them with tasks of daily living or with finances. This dependence has been documented as a risk factor in multiple trafficking cases involving victims with disabilities. Migration likely increases this dependence while decreasing the safeguards that minimize the risk. Lastly, women with disabilities face significant barriers—including legal, accessibility, attitudinal and economic barriers—to seeking help and accessing justice, which increases their risk of trafficking and extends the period of abuse. In migration contexts, these barriers are often larger because of the limitations on resources and the development of trafficking- and exploitation-related programs without consideration of women with disabilities and their needs. Notably the current COVID-19 crisis has only exacerbated the foregoing factors, placing women with disabilities at even greater risk of trafficking and exploitation.

Dedicated Sections

WEI and DRI suggest that the CEDAW Committee consider including dedicated paragraphs about the increased risks and the multiple and compounded discrimination that women with disabilities experience in the context of trafficking. Inclusion of such paragraphs is essential to remind States of their obligations to women with disabilities who are at risk of or have experienced trafficking, particularly because many States may have overlooked this population in the past. We suggest inserting the following paragraphs into the text:

- Insert after paragraph 18 or paragraph 52: Women and girls with disabilities are especially at risk of trafficking, because of barriers to accessing information on trafficking and sexuality; segregation and institutionalization; social isolation and lack of quality interpersonal relationships; financial and caregiver dependence; impediments to accessing services and justice; unemployment and poverty; and risk factors inherent in global migration situations. In particular, women and girls with disabilities who live in institutions of all sizes, including orphanages, group homes or psychiatric institutions, are at particular risk of both sex and labor trafficking. This increased risk is generally due to the women’s trauma and desire to escape the institution, a lack of safeguards, and the complicity of staff. These risk factors are amplified in the context of migration and during times of civil conflict and humanitarian disasters. Moreover, women and girls who become disabled as a result of migration or trafficking are entitled to the same protections as other women with disabilities, including the rights enumerated in the Convention on the Rights of Persons with Disabilities.

- Insert after paragraph 22: In general, people with disabilities are excluded from comprehensive sexuality education and mainstream educational services, which hinders their ability to learn about their bodies, healthy relationships, and trafficking risk factors. Women and girls with disabilities in particular often lack access to information on trafficking, how traffickers operate and trafficking services or protection mechanisms because most information materials and public awareness raising campaigns are
produced in inaccessible formats. This lack of information increases their vulnerability to exploitation.

- Insert after paragraph 26: Ensure that information about trafficking and exploitation risks, along with public awareness raising campaigns, are available in accessible formats. States should provide information and communication about the risk of human trafficking in accessible formats, such as Braille and easy-to-read, and in a variety of accessible modes, including sign language and digital forms.

Specific Recommendations

Given the increased risks faced by women with disabilities laid out above and in our previous submission, WEI and DRI recommend that the CEDAW Committee encourage States to specifically consider the needs of women with disabilities and to take specific actions in accordance with their obligations to respect, protect, and fulfil the rights of women with disabilities in the global migration context. To that end, we suggest amendments to the following paragraphs (changes to the Draft General Recommendation language are denoted in brackets and in bold):

- Amend paragraph 8 to include the forms of trafficking experienced by women with disabilities.
  - “…. victims are often subjected to multiple forms of exploitation such as in cases where women and girls are trafficked for sham, forced, child/early and/or servile marriage, as well as for sexual exploitation, forced labour, [forced begging, body parts,] and domestic servitude.”

- Amend paragraph 12 to include women with disabilities in the list of women facing particularized multiple and intersecting forms of discrimination.
  - “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 and girls [women and girls with disabilities] and women and girl migrants.”

- Amend paragraph 22 to include how information inaccessibility increases the risks faced by women with disabilities.
  - “Facing such circumstances, some women and girls, who often lack access to sustainable livelihoods and/or have no access to information on trafficking and how traffickers operate [(including information in disability-accessible formats)], are susceptible to being lured by promises of a means of escape from impoverished circumstances.”

- Amend paragraph 25, subsection (c), to include a new recommendation on collection of data specifically on women with disabilities.
  - NEW SUB-PARAGRAPH: [xi. The number of trafficked women and girls identified as having a disability before they became victims of trafficking and those who acquired a disability as a result of being trafficked.]

- Amend paragraph 26 to ensure that actions to address the root causes of trafficking are accessible.
  - (b) “Providing women and girls in situations of disadvantage with access to basic [disability-accessible] services, including education, information, health care and employment opportunities;”
o (d) “Stepping up [disability-accessible] nationwide public awareness-raising campaigns, particularly in rural communities, on the risk of human trafficking, the methods employed by traffickers and measures to reduce these risks;”

- Amend paragraph 32 to include a new list of often unrepresented groups whom States must include when seeking meaningful participation from victims of trafficking.
  o NEW SUB-PARAGRAPH: [c) Ensure participation of trafficking victims subjected to multiple forms of discrimination, including women and girls with disabilities, ….]39

- Amend paragraph 42 to include a recommendation on women with disabilities.
  o NEW SUB-PARAGRAPH: “[h) Address issues of vulnerability that are experienced by women and girls with disabilities, particularly those in large or small residential institutional settings or at risk of institutionalization due to displacement.40] i) Train law enforcement agents….”

- Amend paragraph 66 to include the experience of women with disabilities in being identified as victims.
  o “Their experience of trauma may also impede their ability to seek help. [This is especially the case for women and girls with disabilities who are less likely to be able to identify that they are victims of a crime or be able to report the crime due to inaccessibility of the justice system and disability-related stigma.41]”

- Amend paragraph 67 to include the experience of women with disabilities in accessing healthcare.
  o “Migrant victims of trafficking, particularly those in irregular migration situations, face administrative, linguistic, cultural and other barriers in accessing health services, including fear of retaliation from perpetrators and fear of being denounced by health service professionals for their irregular immigration status. [Furthermore, women and girls with disabilities often experience discrimination in healthcare settings due to their gender and disability which results in a fear of accessing healthcare and barriers to receiving quality healthcare. As a result, healthcare providers are less likely to identify when women with disabilities are victims of trafficking.42]

- Amend paragraph 68 to recommend integration of a disability-sensitive approach.
  o “a) Create national guidelines and standard operating procedures on victim identification and referral that is benchmarked to international standards, integrating a gender-sensitive, victim-centered, age-, gender-sensitive[, disability-sensitive]43 and trauma-informed approach, and which is uniformly applicable throughout the territory of the State party; b) ….iii. Gender-sensitive [, disability-sensitive] and child-sensitive protocols for dealing with victims.”

- Amend paragraph 71 to include inaccessibility as a barrier to services.
  o “The cost and language delivery of services, and lack of gender or cultural sensitivity are further barriers [, as are the inaccessibility of services and lack of disability sensitivity, which prevent or deter women and girls with disabilities from using assistance and protection services.]44

- Amend paragraph 72 to include a new recommendation that all assistance and protection programs be accessible to women with disabilities.
  o NEW SUB-PARAGRAPH: [r) Guarantee that all essential assistance, protection, and rehabilitation services available to trafficking victims are physically, informationally, and financially accessible, are free from prejudices and
stereotypes about women and persons with disabilities, and provide reasonable accommodations. Implement disability-sensitive policies and procedures into manuals for the protection of trafficking victims.[45]

- Amend paragraph 75 to include women with disabilities as one of the groups the State must take additional measures to ensure receive adequate protection.
  - “Ensure that women who are victims of trafficking, irrespective of their ethnic, national or social background[, disability] [46] and legal status, are provided with adequate protection during and after the proceedings of cases, such as witness protection programmes, [accessible] court procedures that take into account their specific needs, and temporary residence permits for non-citizen women.…”

- Amend paragraph 81 to include the discrimination experienced by women with disabilities.
  - “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 including for trafficking victims, forcibly displaced, stateless, [disabled] [47] or migrant women. …. Non-citizen women who have been trafficked may be restricted from accessing the national court system. Trafficked women with disabilities may be unable to access the justice system at any level because it is inaccessible to them or they may be kept in a trafficking situation because of lack of legal capacity.”

- Amend paragraph 84 to recommend disability-sensitive access to justice measures.
  - “b) Establish [disability-] accessible legal aid systems and legal information sharing systems for victims;”[48]
  - NEW SUB-PARAGRAPH: “[f] Develop comprehensive disability-sensitive policies, strategies and programmes aimed at facilitating trafficking victims’ access to justice by addressing the legal, accessibility, attitudinal and economic barriers women and girls with disabilities experience when trying to access justice;[49] g) Repeal or amend laws that prevent any woman . . .”

- Amend paragraph 88(c)-(d) to include discrimination based on disability.
  - “c) Provide capacity building for judges, prosecutors and police officers on the robust application of criminal law provisions to prosecute traffickers, on the principles of equality and non-discrimination on the basis of sex and gender [and disability], including effective gender and culturally-sensitive ways to deal with trafficking victims; d) . . . where appropriate, the possibility of deposing via television or video links or pursuant to mutual assistance arrangements. [Women and girls with disabilities should have access to the reasonable accommodations they require to equally access the justice system.]”[50]

- Amend paragraph 96(a) to include disability status.
  - “Ensure that all trafficked women, irrespective of their ethnic, national or social background[, disability][51] and legal immigration status, obtain effective protection and redress, including rehabilitation and compensation;”

Thank you again for the opportunity to contribute to the Committee’s Draft General Recommendation. For any further inquiries on this matter, please contact Amanda McRae, WEI Director of U.N. Advocacy, at a.mcrae@womenenabled.org, or Anastasia Holoboff, WEI Senior Legal Advisor, at a.holoboff@womenenabled.org.
1 WEI works at the intersection of women’s rights and disability rights to advance the rights of women and girls with disabilities around the world. Through advocacy and education, WEI increases international attention to—and strengthens international and regional human rights standards on—issues such as violence against women, sexual and reproductive health and rights, access to justice, education, legal capacity, and humanitarian emergencies. Working in collaboration with women with disabilities rights organizations and women’s rights organizations worldwide, WEI fosters cooperation across movements to improve understanding and develop cross-cutting advocacy strategies to realize the rights of all women and girls.

DRI is dedicated to promoting the human rights and full participation in society of people with disabilities worldwide. Drawing on the skills and experience of attorneys, mental health professionals, human rights advocates, people with disabilities and their family members, DRI trains and supports advocates seeking legal and service system reform and assists governments in developing laws and policies to promote community integration and human rights enforcement for people with disabilities. DRI is forging new alliances throughout the world to challenge the discrimination and abuse faced by people with disabilities, as well as working with locally based advocates to create new advocacy projects and to promote citizen participation and human rights for children and adults.


4 For purposes of this submission, WEI and DRI will henceforth use the term “women” to refer to all women and girls of all ages, unless otherwise noted.


because traffickers perceived them as reported having numerous cases in which victims with developmental disabilities were purposefully recruited. The traffickers use social media and other websites as

and Latvia have been documented to target people with disabilities experiencing forced begging. Similar findings were made in Bulgaria on page 113 and Burundi on page 123.

The 2019 report noted how criminal gangs operating in Iraq targeted internally displaced and refugee children with disabilities for forced begging. Similar findings were made in Bulgaria on page 113 and Burundi on page 123.

IOM, THEMATIC STUDY OF VIOLENCE AGAINST WOMEN AND DISABILITY, supra note 6, at 3 (citing IOM (2009): Caring for trafficked persons. Guidance for health-providers


See CRPD Committee, General Comment No. 5 (2017) on living independently and being included in the community, ¶ 25, U.N. Doc. CRPD/C/GC/5 (2017) [hereinafter CRPD Committee, Gen. Comment No. 5].

Id., ¶ 72.


Id.; USDOS, TIP 2019, supra note 10, at 266, 290 (New citation- The 2019 report noted how traffickers in Japan and Latvia have been documented as targeting women with disabilities through social media and online platforms. The traffickers use social media and other websites as a tool to target people with disabilities experiencing social isolation and a lack of quality interpersonal relationships).

cases family members took advantage of their developmentally disabled relatives, either exploiting them directly or arranging their recruitment by traffickers, specifically in domestic work.”)


18 See WRC & IRC, “I SEE THAT IT IS POSSIBLE,” supra note 6, at 17-20; U.N. Dept. of Economic and Social Affairs, Refugees and Migrants with Disabilities, Final2.pdf.


23 Id.


31 See CRPD Committee, Gen. Comment No. 3, supra note 5, ¶ 21.


33 See Reid, Sex Trafficking of Girls with Intellectual Disabilities, supra note 10, at 107-131 (In a 2018 study of juvenile girls with intellectual disabilities who had experienced sex trafficking, the victim’s lack of awareness of the exploitation and its dangerousness and inability of the girls to identify themselves as victims of trafficking were key factors contributing to the girls being trafficked).


37 See CEDAW Committee, Concluding Observations: Italy, ¶ 27(d), U.N. Doc. CEDAW/C/ITA/CO/6 (2011); Zambia, ¶ 40(a), U.N. Doc. CEDAW/C/ZMB/CO/5-6 (2011); Vietnam, ¶ 19(g), U.N. Doc. CEDAW/C/VNM/CO/7 (2015); Philippines, ¶ 26(f), U.N. Doc. CEDAW/C/PHL/CO/7-8 (2016); IOM, THEMATIC STUDY OF VIOLENCE AGAINST WOMEN AND DISABILITY, supra note 6, at 3 (“The current lack of reliable statistical data on persons with disabilities in the human trafficking context makes it nonetheless very difficult to assess the scope of this particular phenomenon.”).


43 See e.g. CEDAW Committee, Concluding Observations: Argentina, ¶ 21(f), U.N. Doc. CEDAW/C/ARG/CO/7 (2016).


45 See CRPD, supra note 27, at arts. 5, 19; CRPD Committee, Gen. Comment No. 3, supra note 5, ¶ 21-23; CEDAW Committee, Concluding Observations: Dominican Republic, ¶ 25(a), U.N. Doc. CEDAW/C/DOM/6-7 (2013);
CEDAW Committee, *Concluding Observations: Argentina*, ¶ 21(f), U.N. Doc. CEDAW/C/ARG/CO/7 (2016);

46 See *CEDAW Committee Concluding Observations: Dominican Republic*, ¶ 25(a), U.N. Doc. CEDAW/C/DOM/6-7 (2013).


50 See CRPD, supra note 27, at arts. 5, 19; CRPD Committee, *Gen. Comment No. 3*, supra note 5, ¶ 23.