Submission by Women Enabled International and Disability Rights International to the Committee on the Elimination of Discrimination Against Women on its elaboration of a General Recommendation on Trafficking in Women and Girls in the Context of Global Migration

February 14, 2019

Women Enabled International (WEI) and Disability Rights International (DRI)[1] appreciate the opportunity to provide this information to the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW Committee) to inform its forthcoming half-day of general discussion to prepare for the elaboration by the CEDAW Committee of a General Recommendation on Trafficking in Women and Girls in the Context of Global Migration.

Women and girls[2] with disabilities are particularly at risk of being trafficked, due to factors related to their gender and disability.[3] These risks are further enhanced for migrating women and for those left behind in the migration process.[4] Despite accounting for almost one-fifth of the world's population of women,[5] policies and programs aimed at combatting trafficking routinely overlook the specific needs of women with disabilities.

This submission focuses on the intersection of trafficking, gender, and disability in the context of migration, both trafficking in women with disabilities and women who become disabled as a result of trafficking. It first provides an overview of the unique risks of trafficking for women with disabilities and the needs of women with disabilities who have experienced trafficking. It further provides an overview of the legal framework surrounding trafficking and migration as it has addressed women with disabilities. The submission concludes with a summary of the salient points that the CEDAW Committee should include in its General Recommendation to strengthen international human rights protections for at-risk or trafficked women with disabilities in the context of global migration.

I. Women with disabilities at risk of or experiencing trafficking.

Women with disabilities experience discrimination based on both their gender and disability.[6] As documented by the International Organization for Migration's (IOM) *Thematic Analytical Study on Violence against Women and Girls and Disability*, "Migrant women with disabilities are triply vulnerable to many human rights violations, as well as facing specific challenges unique to their status as migrants, as women, reflecting gender inequalities in both origin and destination societies, and as persons with disabilities."[7] Women with disabilities are especially at risk of trafficking,[8] which is further enhanced in the context of migration[9] and during times of civil conflict and humanitarian disasters.[10] Despite these increased risks, essential assistance, protection, and rehabilitation services like counselling, shelters, and medical care are often unavailable to women with disabilities because providers are not trained to serve women with disabilities or services are

physically, informationally, or financially inaccessible.[11] This is especially the case for overtaxed services for migrants and refugees.[12]

a. Women with disabilities are at increased risk of being trafficked but are commonly excluded from prevention measures.

Women with disabilities experience the same trafficking risks as women without disabilities in their communities. However, there are a number of factors that enhance their risk, which States must recognize and take into account when developing prevention measures, addressing the root causes of trafficking, promoting safe migration, and identifying perpetrators.

Women with disabilities are at least two to three times more likely than women without disabilities to experience violence and abuse,[13] and they experience that abuse over a longer period of time, resulting in more severe injuries.[14] Although there is limited research on the intersection of disability and trafficking and even less disaggregated data,[15] the research that is available indicates that people with disabilities are especially at risk of trafficking for protracted periods, also resulting in severe injuries. For example, in the United States of America (US), the National Human Trafficking Hotline documented 2,116 potential victims with pre-existing disabilities who contacted the Hotline within a 24 month period.[16] There are also regular reports of women and men with physical disabilities and visual disabilities being targeted for labor trafficking in the form of forced begging because of the purported additional sympathy (and therefore money) their disability produces.[17] For example, in one notorious case, 55 Deaf Mexican men were trafficked into the US to beg and sell trinkets on the subway.[18] Similarly, there are reports of traffickers transporting Tanzanian children with physical disabilities into Kenya for the purposes of forced begging or for work in massage parlors.[19] Relatedly, people with disabilities are at risk of being killed to enable their body parts to be trafficked. In Ukraine, DRI and the BBC have documented cases of newborns with disabilities being trafficked for their organs.[20] Furthermore, news reports and the U.N. Independent Expert on the enjoyment of human rights by persons with albinism have reported on the practice of trafficking in the body parts of albino women, such as the hacking off of body parts for transport to witchdoctors.[21]

Gender and disability then intersect to increase the risk of certain types of trafficking for women with disabilities. Women with specific impairments are sometimes targeted by traffickers purposely because their disabilities make them more attractive to traffickers. For instance, women with intellectual disabilities are often targeted because of their potential susceptibility to manipulation.[22] There is also some evidence to suggest that women with disabilities may be targeted for sex trafficking to meet the demand for prostitutes with disabilities or for videos featuring women with disabilities, particularly rape fantasies.[23]

The following sections summarize some of the available research on the causes of trafficking for people with disabilities, particularly women with disabilities and in the context of global migration.

(1) Lack of Access to Information on Trafficking and Sexuality

The lack of inclusive education programs and inaccessible information about trafficking means that women with disabilities face barriers to recognizing trafficking risks or escaping abusive situations.[24] Around the world, women with disabilities are regularly excluded from comprehensive sexuality education or education generally, which hinders their ability to learn

about their bodies, healthy relationships, and trafficking risk factors.[25] Inaccessible information about trafficking services or protection mechanisms can also prevent women with disabilities from escaping trafficking situations. For example, 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.[26]

(2) Isolation and Institutionalization

Many women with disabilities around the world are isolated in residential institutional settings.[27] Institutional settings, such as orphanages, group homes or psychiatric institutions, inherently place woman with disabilities at risk of abuse and trafficking.[28]

DRI has documented the occurrence of widespread labor and sex trafficking in and enabled by institutions where staff are responsible for providing caregiving services.[29] In both Ukraine and Mexico, DRI has documented multiple examples of how traffickers target institutionalized women and how few, if any, safeguards are in place to protect the women from these traffickers:[30]

- DRI documented multiple accounts of sex trafficking in institutions in Ukraine, including accounts of a brothel being run out of the basement of an orphanage where underage children were trafficked for sex and child pornography.[31] DRI found that institutionalized women with disabilities were considered easy targets for trafficking due to their lack of supports, their desire to escape the institution, and the complicity of staff.[32] A director of a local women's organization in Ukraine further explained, "Prostitution rates are higher in institutions for children with intellectual and developmental disabilities than in regular institutions. Kids who have intellectual disabilities receive the least support, and they are targeted […]. Women who graduate from orphanages are at risk for everything you can imagine."[33] Even after escaping from institutions, DRI found that women with disabilities were still at risk of trafficking due to the trauma they experienced from a lifetime of abuse and their lack of options for employment and rehabilitation.[34]
- DRI also documented how Ukrainian women with disabilities were often "married off," as one of the only available means of escape from the institutions.[35] DRI observed no safeguards to protect against trafficking for women leaving institutions through marriage or adoption. In fact, one former graduate explained, "They were violent, they made us work in the field, pray, and sometimes tried to arrange marriage with outsiders […]. They made themselves our legal guardian and took our pensions."[36]
- In Mexico, DRI similarly documented that children with disabilities "disappeared" after being placed in institutions because of the lack of safeguards and records available in institutions for children with disabilities.[37] At one institution for girls with disabilities, staff reported not knowing the names or diagnoses of any of the girls under their care.[38]
- DRI has also documented numerous examples of labor trafficking of people with disabilities in institutions. DRI found that forced labor was often reported as rehabilitation or occupational activities in group homes or institutions, allowing the traffickers to benefit from the forced labor while also charging the victims for their room, board and "therapies."[39] As one former resident explained, "The staff made us work on the farm to grow produce that they'd sell to make money. When people died they made us dig their graves. If we refused to work, they'd punish us by giving us drugs that made us feel bad."[40]

(3) Social Isolation and Lack of Quality Interpersonal Relationships

One of the primary risk factors for trafficking for women with disabilities is their lack of quality interpersonal relationships in the community, which can result from discrimination or isolation.[41] Traffickers often take advantage of this vulnerability by purporting to offer friendships or intimate partner relationships.[42] One example of this comes from China, where traffickers have been documented targeting people with developmental disabilities whose parents have left them with relatives to migrate to the cities.[43] Furthermore, family members can also facilitate trafficking or traffic the woman themselves,[44] a decision that can be driven in part by the economic demands, lack of supports, and/or societal prejudice related to having a child with a disability.[45]

Sometimes referred to as "mate crimes," there is a recognized pattern of criminals explicitly targeting people with intellectual disabilities for a variety of crimes, including trafficking, due to their lack of interpersonal relationships, while exploiting individuals by purporting to be their friends or partners.[46] Polaris, a US based anti-trafficking organization, documented one case where a woman's disability was manipulated to enable the trafficker:

> [A]n adult potential victim with a developmental disability was recruited at a local recreation and vocational training center. The potential trafficker, who eventually posed as a prospective boyfriend, made her believe that her counselors, caregivers, and parents didn't care about her and wanted to keep treating her as a child. He used her fear of being infantilized against her by claiming he was the only one who wanted to see her live independently and make money as an adult. She believed him and, according to the call, he further coerced her into commercial sex out of their shared home.[47]

Similarly, in the 2018 study of sex trafficked girls with intellectual disabilities cited above, the girls were found to experience similar challenges in distinguishing a trafficker from a friend or boyfriend.[48] Many of the girls reported being "confused and mistook sexual exploitation by buyers of sex for care and affection of a boyfriend."[49] This is consistent with other studies documenting the risks faced by people with intellectual disabilities to sexual victimization due to their intellectual impairment, communication challenges, and dependence on caretakers.[50]

(4) Financial and Caregiver Dependence

Due to the lack of quality independent living supports, the form of a person's disability, or poverty, many women with disabilities are frequently financially and physically dependent on caregivers to assist them with their finances or daily tasks. This can result in power dynamics that place a person at risk for trafficking.[51] Where disability benefits are available, this can also create an additional incentive for traffickers to target women with disabilities to steal their benefits.[52]

For example, in a case from the US, a trafficker targeted six adults with cognitive disabilities by offering them the caregiving support they required and were not receiving from their families. The trafficker convinced the individuals to move into her home and allow her to take over financial responsibility for their benefits. The six adults were then subject to both forced labor and sexual servitude for multiple years, which ultimately led to the death of two of the individuals.[53] Similar cases have been reported throughout the US, where victims were trafficked after being promised caregiving services by the trafficker.[54]

(5) Impediments to Seeking Help and Accessing Justice

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.[55] In migration contexts, these barriers can be enhanced because of the limitations on resources and development of programs without consideration of access for women with disabilities.[56]

Legal barriers facing women with disabilities include laws and policies that directly or indirectly prevent women with disabilities from accessing justice mechanisms. In particular, laws that strip women with disabilities—particularly those with intellectual or psychosocial disabilities—of legal capacity or declare them as being of "unsound mind" may prevent them from seeking help (especially when the trafficker is their legal guardian) or testifying in court.[57]

Furthermore, accessibility-related barriers to services and justice mechanisms are commonplace in both migration and non-migration contexts. These accessibility barriers may be physical, informational, or related to communications, but they all limit how women with disabilities can interact with services and the justice system. For example, the Women's Refugee Commission (WRC) and the International Rescue Committee (IRC) have documented how Deaf women have faced barriers communicating with service providers in refugee camps where there are no sign language interpreters available and have been excluded from community mobilization programs and outreach information.[58]

Attitudinal barriers, especially from family members and service providers further prevent women with disabilities from reporting crimes against them and seeking assistance. Many professionals in the justice and service provision sectors hold misperceptions and stereotyped views about women with disabilities and their rights under the law, while frequently lawyers are not trained to work with women with disabilities.[59] Similarly, family members can present barriers to seeking help. As documented by WRC and the IRC, one service provider explained that even when attempting to get help, "[Family members] may say things like 'You are a disabled person, how did you get raped and pregnant?'"[60]

Lastly, economic barriers further bar women with disabilities from being able to afford costs associated with hiring an attorney, transportation, filing fees, and medical services.[61] These barriers are only increased in the context of migration and when a woman has been trafficked.

The Committee on the Rights of Persons with Disabilities (CRPD Committee) has found that, as a result of these barriers and lack of accountability, "[p]erpetrators [of violence against women with disabilities] may act with impunity because they perceive little risk of discovery or punishment given that access to judicial remedies is severely restricted, and women with disabilities subjected to such violence are unlikely to be able to access helplines or other forms of support to report such violations."[62] This same risk of impunity likely applies to traffickers.

(6) Unemployment and Poverty

Women with disabilities are among the poorest populations in the world and face high rates of unemployment and discrimination in the workplace.[63] Intersecting discrimination on the basis of gender and disability severely limits opportunities for women with disabilities to access education and employment, putting them at greater risk for poverty both before and after periods of

migration.[64] As a result, they are particularly at risk of both labor and sex trafficking given their need for employment, lack of experience in the job market, and potential institutionalization.

Indeed, trafficking of women with disabilities is often disguised as employment opportunities.[65] For example, in a case from South Africa, a young woman with intellectual disabilities was manipulated into leaving school by two older women who offered her a job.[66] The two older women then trafficked the young woman for sex.[67] Another trafficking survivor with disabilities further explained: "I was born disabled and that is what led me to be vulnerable to being trafficked…. [My trafficker] played on that fear that my parents [instilled in me] that I couldn't hold down a real job or support myself. Like this is the only thing I'll ever amount to."[68]

(7) Risk Factors Related to Global Migration, Particularly in the Context of Humanitarian Emergencies

During periods of migration, women with disabilities face changes in their circumstances and greater barriers to accessing services, which increase their risk of trafficking. Women with disabilities are generally excluded from both the planning and the execution of programs relating to migration, such as disaster risk reduction plans and early warning systems for natural disasters.[69] Poor information systems[70] and stigma and discrimination that prompt families to hide the existence of relatives with disabilities[71] result in inaccurate estimates of the number of individuals with disabilities and a failure to capture the range of disabilities that exist.[72] Migration also increases women's risk of becoming disabled or exacerbating an existing disability.[73]

As a result, governments underestimate the need for disability-specific emergency response plans, which means that women with disabilities may only be able to depend on family members or friends for assistance.[74] For example, emergency information and warning signs are often unavailable in alternative communication formats and, as a result, women with sensory disabilities may not be able to understand key warning and evacuation messages.[75] Consequently, women with disabilities are at risk of being left behind during periods of migration or emergencies or may experience greater disorientation, both of which can increase their risk of being targeted by traffickers.[76]

Relatedly, during conflicts or humanitarian emergencies where substantial portions of the population are migrating, institutionalized women with disabilities are at increased risk of trafficking as staff migrate and leave institutions.[77] For example, DRI documented how when a substantial portion of the population in East Ukraine migrated, one institution for women with disabilities was left with six staff for 350 residents.[78] Without a plan in place, the government instead called on the community to take in the women who were left behind,[79] a situation that placed these women at significant risk of exploitation. Furthermore, migration may increase the risk of women with disabilities or women who become disabled on their journeys being institutionalized upon arrival at their destination, due to loss of family members or money, which again increases their risk of trafficking.[80]

Inaccessible programs and services for migrating populations further increase women with disabilities' trafficking risk.[81] All of the barriers that women with disabilities experience generally, as discussed in forgoing section I(a)(5), are exacerbated during periods of migration.[82] Generally, there are insufficient procedures to identify migrants and refugees with disabilities, which further inhibits the ability of women with disabilities to access the services they require to reduce their

risk of trafficking or in the event they have been trafficked.[83] For example, women with disabilities may lose or break assistive devices like hearing aids or wheelchairs and be unable to access the systems necessary to replace these essential devices, which puts them in a much more vulnerable position.[84] Similarly, inaccessible shelters and barriers to accessing food and other ration distributions can create increased vulnerabilities for women with disabilities that enhance their risk of being targeted by traffickers.[85]

b. Trafficked women may develop disabilities as a result of being trafficked or in the process of migration and are entitled to the rights enumerated in the Convention on the Rights of Persons with Disabilities.

Many women acquire long-term impairments through either the process of migration or as a result of being trafficked,[86] the most common forms being physical or psychosocial impairments, such as post-traumatic stress disorder (PTSD).[87] For example, in one study of 1100 trafficking victims from Cambodia, Thailand, and Vietnam, "22% experienced a serious injury, 61% experienced depression, 42% experienced anxiety, 38% had PTSD, and 5% had attempted suicide in the past month."[88]

Labor migration or trafficking can also result in women acquiring long-term impairments through exposure to dangerous work environments, exploitative conditions, or abuse, which can lead to long-term physical, cognitive, or psychosocial disabilities.[89] IOM has found that migrant women who work in under regulated sectors, such as domestic services or agriculture, are at particular risk of serious injuries that could result in disability.[90] There are also risks posed by sectors such as the chemical industry, hospitality services, and cleaning sectors which expose women to toxic substances and repetitive tasks that can have disabling health consequence.[91]

Women who acquire a disability from being trafficked may be overlooked in State efforts to ensure the respect, protection and fulfillment of disability-related rights. Trafficking victims who acquire long-term impairments may or may not identify as disabled; nevertheless, they are still entitled to the rights enumerated in the Convention on the Rights of Persons with Disabilities (CRPD), and States are obligated to consider their disability-related needs as they relate to protection, assistance, and redress measures.

II. Legal Framework

a. Jurisprudence on Trafficking

Although there is an established international framework prohibiting the trafficking of women, the situation of women with disabilities has gone largely unaddressed in international human rights law and other significant international treaties and consensus documents related to trafficking.[92] However, the CEDAW Committee and the CRPD Committee have both applied some of the obligations related to trafficking outlined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the CRPD to the situation of women with disabilities, albeit in a limited way.

According to Article 6 of CEDAW, States are required to "take all appropriate measures, including legislation, to suppress all forms of traffic in women…."[93] The CEDAW Committee has applied

this provisions specifically to women with disabilities on at least two occasions, noting that women with disabilities are at increased risk of being trafficked.[94] The CEDAW Committee in its General Recommendation No. 19 also recognized that some forms of trafficking "put women at special risk of violence and abuse,"[95] and in the context of gender-based violence more generally, the CEDAW Committee has frequently recognized the particular needs of women with disabilities, including related to accessible prevention, protection, assistance, and redress measures.[96] The CEDAW Committee has also consistently called on States to collect data about trafficking[97] and on occasion has called on States to collect or disaggregate data on gender-based violence by disability.[98]

Although none of the CRPD articles specifically address trafficking, the CRPD Committee in its General Comment No. 3 on women and girls with disabilities recognized the heightened risk of women with disabilities to trafficking in violation of article 16[99] and trafficking in institutions in violation of articles 14 and 15.[100] In its General Comment No. 6 on equality and non-discrimination, the CRPD Committee also recognized that people with disabilities, especially people with albinism were at heightened risk of trafficking in body parts, in violation of article 5 (among many other articles).[101] The CRPD Committee has further raised the trafficking of women and children with disabilities in multiple concluding observations.[102]

Human rights treaty bodies have recognized that all trafficking victims must have access to assistance, protection, and rehabilitation services,[103] including appropriate shelters,[104] interpretation,[105] medical care,[106] counseling,[107] social services,[108] legal assistance,[109] and immigration help.[110] Under the CRPD and associated jurisprudence, States have an obligation to employ a twin-track approach to services such as these for women with disabilities.[111] A twin track approach entails both systematic mainstreaming of the interests of women with disabilities "across all national action plans, strategies, and policies concerning women, childhood, and disability" and "targeted and monitored action aimed specifically at women with disabilities." Employing a twin-track approach to trafficking-related programs and services is necessary to fulfil States' obligations towards trafficked women with disabilities.[112]

There is also limited recognition of the situation of women with disabilities related to trafficking by other human rights bodies.[113] For example, the Special Rapporteur on trafficking in persons, especially women and children, recommended in her 2018 report on early identification, referral and protection that with "regard to cooperation and referral mechanisms, States should . . . Ensure assistance is provided unconditionally, and is non-discriminatory, culturally appropriate, gender-responsive and sensitive to disability and age."[114]

b. Jurisprudence on Global Migration

The situation of women with disabilities in the context of global migration has been recognized by several human rights bodies and documents. In General Recommendation No. 32, the CEDAW Committee explained that States should establish early identification mechanisms for asylum seekers with specific protection needs, including women with disabilities and victims of trafficking.[115] Moreover, in General Recommendation No. 37, the CEDAW Committee recognized the increased risk experienced by women with disabilities in situations of disaster due to exacerbation of existing gender inequalities and intersecting forms of discrimination.[116] Accordingly, the Committee recommended that States prioritize women with disabilities in the following essential elements of disaster policies and strategies: all policies, legislation, plans,

programs, budgets and other activities relating to disaster risk reduction and climate change;[117] accordance of equal legal capacity and access to justice for women with disabilities;[118] collection of data disaggregated by sex, and disability;[119] active promotion of accessible early warning information technology for women with disabilities;[120] training, awareness raising and sensitization programs for authorities, emergency services workers and other groups on the various forms of gender-based violence that are prevalent in situations of disaster that includes information about women with disabilities;[121] and investment in gender-responsive social protection and health systems and services that are accessible for women with disabilities.[122]

Article 11 of the CRPD specifically recognizes the obligations of States to take "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."[123] Read in conjunction with article 6 of the CRPD, States must ensure that measures to ensure protection and safety in the context of migration reflect the specific concerns of women with disabilities.[124] Concluding observations by the CRPD Committee provide additional guidance on State obligations relating to women with disabilities in the context of migration. Specifically, the CRPD Committee has recommended the mainstreaming of the rights of persons with disabilities into State policies and programs on migrants, asylum seekers, and refugees and to take measures to provide health and support services, particularly mental health services and support.[125] On at least one occasion, the CRPD Committee has emphasized that States have an obligation to ensure that people with psychosocial disabilities are given appropriate support and rehabilitation and recommended that a State party ratify the 2016 *Charter on Inclusion of Persons with Disabilities in Humanitarian Action*.[126]

The obligation of States to consider the situation of people with disabilities in the context of migration is also laid out in multiple human rights reports and documents.[127]

III. Conclusions and Recommendations

WEI and DRI hope that the CEDAW Committee will recognize that women with disabilities are at unique risk of trafficking in the context of migration, and in particular that:

- Women and girls with disabilities are especially at risk of trafficking because of barriers to accessing information on trafficking and sexuality; isolation 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.[128] Furthermore, these risk factors increase in the context of migration[129] and during times of civil conflict and humanitarian disasters.[130]
- Women and girls often become disabled as a result of migration or being trafficked[131] and are entitled to the rights enumerated in the CRPD.

WEI and DRI also hope that the CEDAW Committee will recommend that States take the following actions in accordance with their obligations to respect, protect, and fulfil the rights of women with disabilities in this context:

- Ensure that women with disabilities participate in the development, implementation, monitoring, and evaluation of all trafficking prevention, protection, assistance, and redress

measures, particularly those developed in the context of migration, and that their specific barriers and needs are incorporated into these measures.

- Adopt specific measures to eliminate trafficking of women with disabilities in institutions, including independent monitoring of institutions, training of staff, and provision of trafficking and sex education programs for institutionalized women with disabilities, while moving towards de-institutionalization and a system of community-based support services for persons with disabilities.
- Ensure that women with disabilities have access to information and services in accessible forms to learn about their bodies, sexuality, healthy relationships, and trafficking.
- 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 are provided with reasonable accommodations, including related to communication.
- Ensure that the educational system does not discriminate against girls with disabilities by excluding them from school.
- Eliminate laws, policies, and practices that strip women with disabilities of their legal capacity.[132]

Thank you again for the opportunity to contribute to the Committee's work on trafficking in women in the context of global migration. For any further inquiries on this matter, please contact Amanda McRae, WEI's Director of U.N. Advocacy, at a.mcrae@womenenabled.org, Anastasia Holoboff, WEI's Legal Advisor, at a.holoboff@womenenabled.org, or Dragana Ciric Milovanovic, DRI's Director, Europe Regional Office, at dciric@driadvocacy.org.

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[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.

[2] For purposes of this submission, WEI will henceforth use the term "women" to refer to all women and girls of all ages, unless otherwise noted.

[3] *See* Office of the United Nations High Commissioner for Human Rights (OHCHR), *Thematic Study on the Issue of Violence Against Women and Disability*, ¶ 25, U.N. Doc. A/HRC/20/5 (Mar. 30, 2012), http://www2.ohchr.org/english/issues/women/docs/A.HRC.20.5.pdf; *Report of the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas Aguilar: Sexual and reproductive health and rights of girls and young women with disabilities*, ¶ 34, U.N Doc. A/72/133 (July 14, 2017); Committee on the Rights of Persons with Disabilities (CRPD Committee), *General Comment No. 3 (2016) Article 6: Women and Girls with Disabilities,* ¶ 53, U.N. Doc. CRPD/C/GC/3 (Nov. 25, 2016) [hereinafter CRPD Committee, *Gen. Comment No. 3*]; OHCHR & GLOBAL MIGRATION WORKING GROUP ON MIGRATION, HUMAN RIGHTS AND GENDER, PRINCIPLES AND GUIDELINES, SUPPORTED BY PRACTICAL GUIDANCE, ON THE HUMAN RIGHTS PROTECTION OF MIGRANTS IN VULNERABLE SITUATIONS 7 (2018), https://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf; UNITED STATES DEPARTMENT OF STATE, TRAFFICKING IN PERSONS REPORT 8, 22-23 (June 2016), https://www.state.gov/documents/organization/258876.pdf [hereinafter USDOS, TIP 2016].

[4] *See* INTERNATIONAL ORGANIZATION FOR MIGRATION, THEMATIC ANALYTICAL STUDY ON VIOLENCE AGAINST WOMEN AND DISABILITY: CONTRIBUTIONS FROM THE INTERNATIONAL ORGANIZATION FOR MIGRATION 1, https://www.ohchr.org/Documents/Issues/Women/WRGS/GirlsAndDisability/UNAgencies/IOM2.doc, [hereinafter IOM, THEMATIC STUDY OF VIOLENCE AGAINST WOMEN AND DISABILITY]; WOMEN'S REFUGEE COMMISSION (WRC) AND INTERNATIONAL RESCUE COMMITTEE (IRC), "I SEE THAT IT IS POSSIBLE:" BUILDING CAPACITY FOR DISABILITY INCLUSION IN GENDER-BASED VIOLENCE PROGRAMMING IN HUMANITARIAN SETTINGS (May 2015), https://www.womensrefugeecommission.org/component/zdocs/document/945-building-capacity-for-disability-inclusion-gender-based-violence-gbv-programming-in-humanitarian-settings [hereinafter WRC & IRC, "I SEE THAT IT IS POSSIBLE"].

[5] WORLD HEALTH ORGANIZATION AND THE WORLD BANK, WORLD REPORT ON DISABILITY 28 (2011), http://www.who.int/disabilities/world_report/2011/en/.

[6] CRPD Committee, *Gen. Comment No. 3*, *supra* note 3, ¶ 25.

[7] *See* OHCHR, *Thematic Study on the Issue of Violence Against Women and Disability*, ¶ 25, U.N. Doc. A/HRC/20/5 (Mar. 30 2012); *Report of the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas Aguilar: Sexual and reproductive health and rights of girls and young women with disabilities*, ¶ 34, U.N Doc. A/72/133 (July 14, 2017); CRPD Committee, *Gen. Comment No. 3, supra* note 3, ¶ 53; OHCHR & GLOBAL MIGRATION WORKING GROUP ON MIGRATION, HUMAN RIGHTS AND GENDER, PRINCIPLES AND GUIDELINES, SUPPORTED BY PRACTICAL GUIDANCE, ON THE HUMAN RIGHTS PROTECTION OF MIGRANTS IN VULNERABLE SITUATIONS 7 (2018), https://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf; UNITED STATES DEPARTMENT OF STATE, TRAFFICKING IN PERSONS REPORT 8, 22-23 (June 2016), https://www.state.gov/documents/organization/258876.pdf

[8] *See* IOM, THEMATIC STUDY OF VIOLENCE AGAINST WOMEN AND DISABILITY, *supra* note 4, at 1.

[9] *Id.*

[10] *See Report of the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas Aguilar: Sexual and reproductive health and rights of girls and young women with disabilities*, para. 35, U.N Doc. A/72/133 (July 14, 2017); https://www.driadvocacy.org/wp-content/uploads/No-Way-Home-final2.pdf

[11] UNITED NATIONS POPULATION FUND & WOMEN ENABLED INTERNATIONAL, WOMEN AND YOUNG PERSONS WITH DISABILITIES: GUIDELINES FOR PROVIDING RIGHTS-BASED AND GENDER-RESPONSIVE SERVICES TO ADDRESS GENDER-BASED VIOLENCE AND SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS 2-4 (Nov. 2018), https://www.womenenabled.org/wei-unfpa-guidelines.html.

[12] European Agency for Fundamental Freedoms, *Thematic Focus: Migrants with Disabilities*, https://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-disability.

[13] UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID), UNITED STATES STRATEGY TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE GLOBALLY 7 (Aug. 10, 2012), http://www.state.gov/documents/organization/196468.pdf. It is worth noting that no global data exists on the incidence of such violence, and studies draw on different sources of data.

[14] UN Special Rapporteur on Violence against Women, *Report of the Special Rapporteur on violence against women, its causes and consequences*, ¶ 31, U.N. Doc. A/67/227 (2012).

[15] *See* IOM, THEMATIC STUDY OF VIOLENCE AGAINST WOMEN AND DISABILITY, *supra* note 4, 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.").

[16] Polaris, *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking* 111 (July 2018), https://polarisproject.org/a-roadmap-for-systems-and-industries-to-prevent-and-disrupt-human-trafficking.

[17] USDOS, TIP 2016, *supra* note 3, at 22-23; IOM, THEMATIC STUDY OF VIOLENCE AGAINST WOMEN AND DISABILITY, *supra* note 4, at 3 (citing European Roma Rights Center, *Parallel submission to CEDAW for the Czech Republic. Article 6: Trafficking in human beings and Romani women* (2010), http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ERRC_2_CzechRepublic_CEDAW47.pdf)

[18] United States v. Paoletti-Lemus, et al., No. 1:97-cr-00768 (E.D.N.Y. 1998).

[19] UNITED STATES DEPARTMENT OF STATE, TRAFFICKING IN PERSONS REPORT 414 (June 2018), https://www.state.gov/documents/organization/282798.pdf [hereinafter USDOS, TIP 2018].

[20] *See* DISABILITY RIGHTS INTERNATIONAL, NO WAY HOME: THE EXPLOITATION AND ABUSE OF CHILDREN IN UKRAINE'S ORPHANAGES 33, 35 (2015), https://www.driadvocacy.org/wp-content/uploads/No-Way-Home-final2.pdf [hereinafter DRI, NO WAY HOME].

[21] Human Rights Council, *Independent Expert on the enjoyment of human rights by persons with albinism*, paras. 77-84, U.N. Doc. A/HRC/34/59 (Jan. 10, 2017), https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/004/01/PDF/G1700401.pdf?OpenElement.

[22] Joan A. Reid, *Sex Trafficking of Girls with Intellectual Disabilities: An Exploratory Mixed Methods Study,* 30(2) Sage Journals (2018) [hereinafter Reid, *Sex Trafficking of Girls with Intellectual Disabilities*].
[23] Mark Sherry, *Sex Trafficking, Activism and Disability* 9-10 (2019) [on file with author].
[24] IOM, THEMATIC STUDY OF VIOLENCE AGAINST WOMEN AND DISABILITY, *supra* note 4, at 3 (citing IOM (2009): *Caring for trafficked persons. Guidance for health-providers* http://publications.iom.int/bookstore/free/CT_Handbook.pdf).
[25] CRPD Committee, *General Comment No. 3, supra* note 3, paras. 40, 56; UNITED NATIONS POPULATION FUND & WOMEN ENABLED INTERNATIONAL, WOMEN AND YOUNG PERSONS WITH DISABILITIES: GUIDELINES FOR PROVIDING RIGHTS-BASED AND GENDER-RESPONSIVE SERVICES TO ADDRESS GENDER-BASED VIOLENCE AND SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS 115-123 (Nov. 2018), https://www.womenenabled.org/wei-unfpa-guidelines.html.
[26] Reid, *Sex Trafficking of Girls with Intellectual Disabilities*, *supra* note 22, at 107-131.
[27] *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*]..
[28] *Id.*, ¶ 72.
[29] DISABILITY RIGHTS INTERNATIONAL, NO JUSTICE: TORTURE, TRAFFICKING AND SEGREGATION IN MEXICO 17 (2015), https://www.driadvocacy.org/wp-content/uploads/Sin-Justicia-MexRep_21_Abr_english-1.pdf [hereinafter DRI, NO JUSTICE]; DISABILITY RIGHTS INTERNATIONAL, ABANDONED AND DISAPPEARED: MEXICO'S SEGREGATION AND ABUSE OF CHILDREN AND ADULTS WITH DISABILITIES 27 (2010), https://www.driadvocacy.org/wp-content/uploads/Abandoned-Disappeared-web.pdf [hereinafter DRI, ABANDONED AND DISAPPEARED].
[30] DRI, NO WAY HOME, *supra* note 20, at 33-37.
[31] *Id.* at 30-31.
[32] *Id.* at 30-35.
[33] *Id.* at 32.
[34] *Id.*
[35] *Id.* at 32.
[36] *Id.* at 33.
[37] DRI, ABANDONED AND DISAPPEARED, *supra* note 29, at viii.
[38] *Id.*
[39]DRI, NO JUSTICE, *supra* note 29, at 17-; DRI, ABANDONED AND DISAPPEARED, *supra* note 29, at 27. *See also* UNITED STATES DEPARTMENT OF STATE, TRAFFICKING IN PERSONS REPORT 22 (June 2018), https://www.state.gov/documents/organization/282798.pdf.
[40] DRI, NO WAY HOME, *supra* note 20, at viii.
[41] U.S. Department of Justice's Office for Victims of Crime (OVC) & Bureau of Justice Assistance (BJA), *Human Trafficking Task Force E-Guide, Victims with Physical, Cognitive or Emotional Disabilities* (last accessed Feb. 6, 2019), https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/45-victim-populations/victims-with-physical-cognitive-or-emotional-disabilities
[42] *Id.*
[43] USDOS, TIP 2018, *supra* note 19, at 141.
[44] USDOS, TIP 2016, *supra* note 3, at 22.
[45] USDOS, TIP 2016, *supra* note 3, at 22 -23; DRI, NO WAY HOME, *supra* note 20, at x.
[46] Reid, *Sex Trafficking of Girls with Intellectual Disabilities*, *supra* note 22, at 110.
[47] Polaris, *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking* 112 (July 2018).
[48] *Id.* at 120-121
[49] *Id.* at 122.
[50] *See id.* at 120, 122; I.B. Wissink, et al. *Sexual abuse involving children with an intellectual disability (ID): A narrative review*, 36 DEVELOPMENTAL DISABILITIES 36 (2015); CRPD Committee, *Gen. Comment No. 3, supra* note 3, ¶ 25; OHCHR, *Thematic Study on the Issue of Violence Against Women and Disability*, para. 21, U.N. Doc. A/HRC/20/5 (Mar. 30, 2012).
[51] U.S. Department of Justice's Office for Victims of Crime (OVC) & Bureau of Justice Assistance (BJA), *Human Trafficking Task Force E-Guide, Victims with Physical, Cognitive or Emotional Disabilities*, https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/45-victim-populations/victims-with-physical-cognitive-or-emotional-disabilities/ (last accessed Feb. 6, 2019),
[52] *See* THE HUMAN TRAFFICKING LEGAL CENTER, FACT SHEET: TRAFFICKING OF PERSONS WITH DISABILITIES IN THE UNITED STATES 1 (March 2018), http://www.htlegalcenter.org/wp-content/uploads/Trafficking-of-Persons-with-Disabilities-in-the-United-States-Fact-Sheet.pdf.
[53] *Id.*

[54] *Id.* at 1-2.
[55] *See* U.S. Department of Justice's Office for Victims of Crime (OVC) & Bureau of Justice Assistance (BJA), *Human Trafficking Task Force E-Guide, Victims with Physical, Cognitive or Emotional Disabilities* (last accessed Feb. 6, 2019), https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/45-victim-populations/victims-with-physical-cognitive-or-emotional-disabilities/.
[56] *See* WRC & IRC, "I SEE THAT IT IS POSSIBLE", *supra note* 4, at 17-20; UN Dept. of Economic and Social Affairs, *Refugees and Migrants with Disabilities*, https://www.un.org/development/desa/disabilities/refugees_migrants_with_disabilities.html
[57] CRPD Committee, *Gen. Comment No. 3, supra* note 3, ¶ 17(a).
[58] WRC & IRC, "I SEE THAT IT IS POSSIBLE, *supra note* 4, at 19.
[59] Stephanie Ortoleva, *Inaccessible Justice: Human Rights, Persons with Disabilities, and the Legal System*, 17:2 ILSA J. OF INT. & COMP. LAW 281 (2011).
[60] WRC & IRC, "I SEE THAT IT IS POSSIBLE, *supra* note 4, at 17.
[61] *See, e.g.*, CRPD Committee, *Gen. Comment No. 3, supra* note 3, ¶ 30.
[62] *Id.*, ¶ 53.
[63] CEDAW Committee, *Concluding Observations: Romania*, ¶ 36(a), U.N. Doc. CEDAW/C/ROU/CO/7-8 (2017); PAPWORTH TRUST, DISABILITY IN THE UNITED KINGDOM 2014: FACTS AND FIGURES 14 (2014), http://www.papworthtrust.org.uk/sites/default/files/UK%20Disability%20facts%20and%20figures%20report%202014.pdf.
[64]*See* SIGHTSAVERS, DISABILITY, DISASTERS, AND EMPOWERMENT: EVIDENCE FROM QUALITATIVE RESEARCH IN A DISABILITY INCLUSIVE DISASTER PREPAREDNESS PROGRAMME 10 (2015), https://www.sightsavers.org/wp-content/uploads/2017/09/Sightsavers-disability-disasters-and-empowerment-.pdf; CRPD Committee, *Gen. Comment No. 3, supra* note 3, at para. 59; Committee on the Rights of Persons with Disabilities (CRPD Committee), *General Comment No. 4 (2016) on the right to inclusive education,* para. 14, U.N. Doc. CRPD/C/GC/4 (Nov. 25, 2016).
[65] *See* DRI, NO WAY HOME, *supra* note 20, at 33, 35 ("Malerek reports that it is common for traffickers to wait for young girls to graduate from orphanages and then induct them into international trafficking, luring the young graduates with false promises of employment overseas. In 2011, the director of the charity organization World Hope Ukraine told the UK-based newspaper *The Guardian* that Ukrainian orphanages routinely sell children— and that in at least one case, they found that a girl's teacher at her orphanage was also her pimp.").
[66] USDOS, TIP 2018, *supra* note 19, at 43.
[67] *Id.*
[68] Polaris, *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking* 21 (July 2018).
[69] Fred Smith, Emma Jolley, and Elena Schmidt, DISABILITY AND DISASTERS: THE IMPORTANCE OF AN INCLUSIVE APPROACH TO VULNERABILITY AND SOCIAL CAPITAL 4 (Oct. 2012).
[70] *Id.*
[71] *Id.* at 7.
[72] *Id.* at 4.
[73] UN Dept. of Economic and Social Affairs, *Refugees and Migrants with Disabilities*, https://www.un.org/development/desa/disabilities/refugees_migrants_with_disabilities.html
[74] Fred Smith, Emma Jolley, and Elena Schmidt, DISABILITY AND DISASTERS: THE IMPORTANCE OF AN INCLUSIVE APPROACH TO VULNERABILITY AND SOCIAL CAPITAL 4 (Oct. 2012).
[75] *Id.* at 6.
[76] *See* CRPD Committee, *Gen. Comment No. 3, supra* note 3, ¶ 50; IOM, THEMATIC STUDY OF VIOLENCE AGAINST WOMEN AND DISABILITY, *supra* note 4, at 1 (citing Shivji, A., "Disability and Displacement," *Forced Migration Review,* 35:5, 2010); Centre for Disability in Development, A BRIEF REPORT FROM BANGLADESH: NATIONAL DIALOGUE ON DISASTER AND PERSONS WITH DISABILITIES 3 (2009), http://www.cbm.org/article/downloads/54741/National_Dialogue_on_Disaster_and_PwDs.pdf.
[77] DRI, NO WAY HOME, *supra* note 20, at 36.
[78] *Id.*
[79] *Id.*
[80] *See* DRI, NO WAY HOME, *supra* note 20, at 38 ("There are a lot of families who fled the east and they have no money, no place to live, and no job. They decide to place their children into institutions to have them "taken care of" — Hope and Homes Ukraine").
[81] European Disability Forum, *Migration & Refugees with Disabilities,* http://www.edf-feph.org/migration-refugees-disabilities (last accessed Feb. 9, 2019)
[82] *See* WRC & IRC, "I SEE THAT IT IS POSSIBLE, *supra* note 4, at 17-20.

[83] European Agency for Fundamental Freedoms, *Thematic Focus: Migrants with Disabilities*, https://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-disability (last accessed Feb. 9, 2019).
[84] IOM, THEMATIC STUDY OF VIOLENCE AGAINST WOMEN AND DISABILITY, *supra* note 4, at 1.
[85] Fred Smith, Emma Jolley, and Elena Schmidt, DISABILITY AND DISASTERS: THE IMPORTANCE OF AN INCLUSIVE APPROACH TO VULNERABILITY AND SOCIAL CAPITAL 6-7 (Oct. 2012).
[86] *See* IOM, CARING FOR TRAFFICKED PERSONS. GUIDANCE FOR HEALTH-PROVIDERS 2009 http://publications.iom.int/bookstore/free/CT_Handbook.pdf; U.S. Department of Justice's Office for Victims of Crime (OVC) & Bureau of Justice Assistance (BJA), *Human Trafficking Task Force E-Guide, Victims with Physical, Cognitive or Emotional Disabilities* (last accessed Feb. 6, 2019), https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/45-victim-populations/victims-with-physical-cognitive-or-emotional-disabilities/; Mark Sherry, *Sex Trafficking, Activism and Disability* 8-9 (2019) [on file with author]; OHCHR, COMMENTARY ON THE RECOMMENDED PRINCIPLES AND GUIDELINES ON HUMAN RIGHTS AND HUMAN TRAFFICKING 71 U.N. DOC HR/PUB/10/2, (Nov. 2010).
[87] DISABLED WOMEN'S NETWORK OF CANADA, CANADIAN WOMEN AND GIRLS WITH DISABILITIES AND HUMAN TRAFFICKING A BRIEF PREPARED FOR THE STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS FOR THEIR STUDY ON HUMAN TRAFFICKING IN CANADA 10 (June 15, 2018) (citing Zimmerman, Cathy & Hossain, Mazeda & Watts, Charlotte. (2011). Human trafficking and health: A conceptual model to inform policy, intervention and research. Social science & medicine (1982). 73. 327-35. 10.1016/j.socscimed.2011.05.028; Sexual Exploitation and Trafficking of Aboriginal Women and Girls: Literature Review and Key Informant Interviews, Native Women's Association of Canada. October 2014 https://www.nwac.ca/wpcontent/uploads/2015/05/2014_NWAC_Human_Trafficking_and_Sexual_Exploitation_Report.pdf).
[88] Mark Sherry, *Sex Trafficking, Activism and Disability* 9-10 (2019) [on file with author]. (citing Kiss, L., Pocock, N. S., Naisanguansri, V., Suos, S., Dickson, B., Thuy, D., et al. (2017). Health of men, women, and children in post-trafficking services in Cambodia, Thailand, and Vietnam: an observational cross-sectional study. *The Lancet Global Health, 3*(3), e154-e161.).
[89] *See* IOM, THEMATIC STUDY OF VIOLENCE AGAINST WOMEN AND DISABILITY, *supra* note 4, at 1.
[90] *Id.*
[91] *Id.*
[92] For instance, the particularized risks and considerations relating to trafficked women with disabilities are not specifically addressed in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking Protocol); or other trafficking related documents. Nor does the United Nations Global Plan of Action to Combat Trafficking mention people with disabilities. While Goal 5 of the Sustainable Development Goals calls on States to eliminate all forms of violence against women, including trafficking, it is unclear how States are ensuring the inclusion of women with disabilities in their work towards this goal.
[93] Convention on the Elimination of All Forms of Discrimination against Women, *adopted* Dec. 18, 1979, art. 6, G.A. Res. 34/180, U.N. GAOR, 34th Sess., Supp. No. 46, at 193, U.N. Doc. A/34/46, U.N.T.S. 13 (*entered into force* Sept. 3, 1981).
[94] CEDAW Committee, *Concluding Observations: Montenegro*, ¶ 24(b), U.N. Doc. CEDAW/C/MNE/CO/2 (2017); *Concluding Observations: Romania*, ¶ 20(a), U.N. Doc. CEDAW/C/ROU/CO/7-8. (2017)
[95] CEDAW Committee, *General recommendation No. 19: Violence against women*, ¶ 14, U.N. Doc. CEDAW/C/GC/19 (1992).
[96] CEDAW Committee, *General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations*, ¶¶ 36, 57(b), U.N. Doc. CEDAW/C/GC/30 (2013); *Concluding Observations: Bolivia*, ¶ 19, U.N. Doc. CEDAW/C/BOL/5-6 (2015); *Poland*, ¶ 25, U.N. Doc. CEDAW/C/POL/CO/7-8 (2014); *Italy*, ¶ 27, U.N. Doc. CEDAW/C/ITA/CO/6 (2011); *Zambia*, ¶ 40, U.N. Doc. CEDAW/C/ZMB/CO/5-6 (2011); *Timor Leste*, ¶ 17, U.N. Doc. CEDAW/C/TLS/CO/2-3 (2015); *Argentina*, ¶ 21, U.N. Doc. CEDAW/C/ARG/CO/7 (2016); *Germany*, ¶ 44, U.N. Doc. CEDAW/C/DEU/CO/6 (2009); *Dominican Republic*, ¶ 25, U.N. Doc. CEDAW/C/DOM/6-7 (2013); *Dominican Republic*, ¶ 25, U.N. Doc. CEDAW/C/DOM/6-7.(2013); *Norway*, ¶ 24, U.N. Doc. CEDAW/C/NOR/CO/8 (2012); *Finland*, ¶ 19, U.N. Doc. CEDAW/C/FIN/7 (2014); *Iceland*, ¶ 22, U.N. Doc. CEDAW/C/ISL/CO/7-8 (2016); *Mongolia*, ¶ 19, U.N. Doc. CEDAW/C/MNG/CO/8-9 (2016); *Uruguay*, ¶ 20 , U.N. Doc. CEDAW/C/URY/CO/8-9 (2016); *Philippines*, ¶ 26, U.N. Doc. CEDAW/C/PHL/CO/7-8 (2016); *Vietnam*, ¶ 19, U.N. Doc. CEDAW/C/VNM/CO/7 (2015).
[97] CEDAW Committee, *Concluding Observations: Nepal*, ¶ 20, U.N. Doc. CEDAW/C/NPL/CO/4-5 (2011); *Norway*, ¶ 26, U.N. Doc. CEDAW/C/NOR/CO/8 (2012); *Panama*, ¶ 31, U.N. Doc. CEDAW/C/PAN/CO/7 (2010); *Rwanda*, ¶ 28, U.N. Doc. CEDAW/C/RWA/CO/6 (2009); *Samoa*, ¶ 25, U.N. Doc. CEDAW/C/WSM/CO/4-5

(2012); *Tunisia*, ¶ 33, U.N. Doc. CEDAW/C/TUN/CO/6 (2010); *Zambia*, ¶ 24, U.N. Doc. CEDAW/C/ZMB/CO/5-6 (2011).

[98] CEDAW Committee, *Concluding Observations: Philippines*, ¶ 26, U.N. Doc. CEDAW/C/PHL/CO/7-8 (2016); *Vietnam*, ¶ 19, U.N. Doc. CEDAW/C/VNM/CO/7-8 (2015); *Zambia*, ¶ 40, U.N. Doc. CEDAW/C/ZMB/CO/5-6 (2011).

[99] CRPD Committee, *Gen, Comment No. 3, supra* note 3, at ¶ 31.

[100] *Id.* at 53.

[101] CRPD Committee, *General Comment No. 6 on equality and non-discrimination,* para 7, U.N. Doc. CRPD/C/GC/6 (April 26, 18).

[102] CRPD Committee, *Concluding Observations: Ukraine*, ¶ 12, U.N. Doc. CRPD/C/UKR/CO/1 (2015); *Dominican Republic*, ¶ 33, U.N. Doc. CRPD/C/DOM/CO/1 (2015); *El Salvador*, ¶ 36, U.N. Doc. CRPD/C/SLV/CO/1 (2014); *Kenya*, ¶ 32, U.N. Doc. CRPD/C/KEN/CO/1 (2015).

[103] Human Rights Committee, *Concluding Observations: Costa Rica*, ¶ 12, U.N. Doc. CCPR/C/CRI/CO/5 (2007); *Czech Republic*, ¶ 12, U.N. Doc. CCPR/C/CZE/CO/2 (2007); *Dominican Republic*, ¶ 17, U.N. Doc. CCPR/C/DOM/CO/5 (2012); *El Salvador*, ¶ 13, U.N. Doc. CCPR/C/SLV/CO/6 (2010); *Finland*, ¶ 9, U.N. Doc. CCPR/C/FIN/CO/6 (2013); *Ireland*, ¶ 16, U.N. Doc. CCPR/C/IRL/CO/3 (2008); *Japan*, ¶ 14, U.N. Doc. CCPR/C/JPN/CO/5 (2008); *Malawi*, ¶ 15, U.N. Doc. CCPR/C/MWI/CO/1 (2012); *Moldova*, ¶ 18, U.N. Doc. CCPR/C/MDA/CO/2 (2009); *Mozambique*, ¶ 17, U.N. Doc. CCPR/C/MOZ/CO/1 (2013); *Nicaragua*, ¶ 9, U.N. Doc. CCPR/C/NIC/CO/3 (2008); *Philippines*, ¶ 18, U.N. Doc. CCPR/C/PHL/CO/4 (2012).

[104] Human Rights Committee, *Concluding Observations: Albania*, ¶ 15, U.N. Doc. CCPR/CO/82/ALB (2004); *Costa Rica*, ¶ 12, U.N. Doc. CCPR/C/CRI/CO/5 (2007); *Czech Republic*, ¶ 13, U.N. Doc. CCPR/CO/72/CZE (2001); *Dominican Republic*, ¶ 17, U.N. Doc. CCPR/C/DOM/CO/5 (2012); *Greece*, ¶ 10, U.N. Doc. CCPR/CO/83/GRC (2005); *Latvia*, ¶ 12, U.N. Doc. CCPR/CO/79/LVA (2003); *Lithuania*, ¶ 14, U.N. Doc. CCPR/CO/80/LTU (2004); *Philippines*, ¶ 18, U.N. Doc. CCPR/C/PHL/CO/4 (2012); *Slovakia*, ¶ 10, U.N. Doc. CCPR/CO/78/SVK (2003); *Slovenia*, ¶ 11, U.N. Doc. CCPR/CO/84/SVN (2005).

[105] Human Rights Committee, *Concluding Observations: Japan*, ¶ 23, U.N. Doc. CCPR/C/JPN/CO/5 (2008).

[106] Human Rights Committee, *Concluding Observations: Japan*, ¶ 23, U.N. Doc. CCPR/C/JPN/CO/5 (2008); *Moldova*, ¶ 18, U.N. Doc. CCPR/C/MDA/CO/2 (2009); *Mozambique*, ¶ 17, U.N. Doc. CCPR/C/MOZ/CO/1 (2013); *Philippines*, ¶ 18, U.N. Doc. CCPR/C/PHL/CO/4 (2012).

[107] Human Rights Committee, *Concluding Observations: Japan*, ¶ 23, U.N. Doc. CCPR/C/JPN/CO/5 (2008); *Moldova*, ¶ 18, U.N. Doc. CCPR/C/MDA/CO/2 (2009).

[108] Human Rights Committee, *Concluding Observations: Moldova*, ¶ 18, U.N. Doc. CCPR/C/MDA/CO/2 (2009); *Mozambique*, ¶ 17, U.N. Doc. CCPR/C/MOZ/CO/1 (2013); *Philippines*, ¶ 18, U.N. Doc. CCPR/C/PHL/CO/4 (2012).

[109] Human Rights Committee, *Concluding Observations: Japan*, ¶ 23, U.N. Doc. CCPR/C/JPN/CO/5 (2008); *Mozambique*, ¶ 17, U.N. Doc. CCPR/C/MOZ/CO/1 (2013); *Philippines*, ¶ 18, U.N. Doc. CCPR/C/PHL/CO/4 (2012).

[110] Human Rights Committee, *Concluding Observations: Japan*, ¶ 23, U.N. Doc. CCPR/C/JPN/CO/5 (2008); *Norway*, ¶ 12, U.N. Doc. CCPR/C/NOR/CO/5 (2006).

[111] CRPD Committee, *Gen. Comment No. 3, supra* note 3, ¶ 27. *See also* WORLD HEALTH ORGANIZATION AND THE WORLD BANK, WORLD REPORT ON DISABILITY 286 (2011), http://www.who.int/disabilities/world_report/2011/en/; OHCHR, *Thematic Study on the Issue of Violence Against Women and Disability*, *supra* note 3, ¶ 52.

[112] CRPD Committee, *Gen. Comment No. 3, supra* note 3, ¶ 27.

[113] For instance, the Human Rights Council recognized the particularized vulnerability to trafficking of women and children with disabilities in its 2016 resolution, *Trafficking in Persons, especially Women and Children: Protecting Victims of Trafficking and Persons at Risk of Trafficking, Especially Women and Children in Conflict and Post-Conflict Situations,* though the resolution does not call on States to take any specific measures to address these vulnerabilities. A/HRC/RES/32/3. While the United Nations Economic and Social Council *Recommended Principles and Guidelines on Human Rights and Human Trafficking* E/2002/68/Add.1, do not explicitly include persons with disabilities, the Office of the High Commissioner for Human Rights (OHCHR) *Recommended Principles and Guidelines on Human Rights and Human Trafficking Commentary* does include a comprehensive chapter on persons with disabilities. OHCHR, COMMENTARY ON THE RECOMMENDED PRINCIPLES AND GUIDELINES ON HUMAN RIGHTS AND HUMAN TRAFFICKING 71 U.N. DOC HR/PUB/10/2, (Nov. 2010).

[114] Human Rights Council, *Report of the Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro: Early identification, referral and protection of victims or potential victims of trafficking in persons in mixed migration movements*, ¶ 78(a), U.N. Doc. A/HRC/38/45 (2018).

[115] CEDAW Committee, *General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women*, ¶ 46, U.N. Doc. CEDAW/C/GC/32 (2014).
[116] CEDAW Committee, *General Recommendation No. 37 on the gender-related dimensions of disaster risk reduction in the context of climate change*, ¶ 2, U.N. Doc. CEDAW/C/GC/37 (2018).
[117] *Id.*, ¶ 26(a).
[118] *Id.*, ¶ 37.
[119] *Id.*, ¶ 40.
[120] *Id.*, ¶ 54(c).
[121] *Id.*, ¶ 57(e).
[122] *Id.*, ¶¶ 64, 68.
[123] Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, U.N. Doc. A/Res/61/106, art. 11 (Dec. 13, 2006) [hereinafter CRPD].
[124] *Id.* at art. 6(2) ("States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.").
[125] CRPD Committee, *Concluding Observations: Slovenia*, ¶ 30, U.N. Doc. CRPD/C/SVN/CO/1 (2018); CRPD Committee, *Concluding Observations: Italy*, ¶ 25, U.N. Doc. CRPD/C/ITA/CO/1 (2018).
[126] CRPD Committee, *Concluding Observations: Italy*, ¶¶ 25-26, U.N. Doc. CRPD/C/ITA/CO/1 (2018).
[127] These include the Global Migration Group (GMG)'s *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations* (OHCHR & GLOBAL MIGRATION WORKING GROUP ON MIGRATION, HUMAN RIGHTS AND GENDER, PRINCIPLES AND GUIDELINES, SUPPORTED BY PRACTICAL GUIDANCE, ON THE HUMAN RIGHTS PROTECTION OF MIGRANTS IN VULNERABLE SITUATIONS 7 (2018), https://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf); the Office of the United Nations High Commissioner for Human Right's *Thematic study on the rights of persons with disabilities under article 11 of the Convention on the Rights of Persons with Disabilities, on situations of risk and humanitarian emergencies* (OHCHR, *Thematic study on the rights of persons with disabilities under article 11 of the Convention on the Rights of Persons with Disabilities, on situations of risk and humanitarian emergencies*, ¶¶ 30-31, U.N. Doc. A/HRC/31/30 (Nov. 2015)); the 2016 *Charter on Inclusion of Persons with Disabilities in Humanitarian Action* (CHARTER ON INCLUSION OF PERSONS WITH DISABILITIES IN HUMANITARIAN ACTION ¶ 1.8 (2017), http://humanitariandisabilitycharter.org/ (Enumerating the need for endorsing States, agencies or organizations to pay specific attention to the situation of women with disabilities, including in the context of migration, and take action to empower and protect them from violence abuse, exploitation and harassment.); the *Global Compact for Safe, Orderly and Regular Migration*; GLOBAL COMPACT ON SAFE, ORDERLY AND REGULAR MIGRATION ¶¶ 23(a)-(b), 31(a), 31(c), 36(e) (July 13, 2018) (Multiple references to persons with disabilities as a particularized group requiring attention and the need for disability-inclusive policies and services, although there is no reference to persons with disabilities in Objective 10, which addresses migrant women and children who have become victims of trafficking); and the *The New York Declaration for Refugees and Migrants* (*New York Declaration for Refugees and Migrants*, ¶ 23, 58, annex I. 5(e), U.N. Doc. A/RES/71/1 (Oct. 3, 2016) (Recognizing the special needs of persons with disabilities as a vulnerable population travelling within large movements of refugees and migrants (¶23); encouragement of states to cooperate in the return of migrants to their home countries who do not have permission to stay in the country of destination with particular attention being paid to migrants facing particular risks such as persons with disabilities and victims of trafficking (¶ 58); and within the annexed comprehensive refugee response framework, a commitment to use the refugee registration process to identify refugees with particularly needs such as refugees with disabilities and victims of trafficking (annex I, ¶ 5(e)))
[128] *See* USDOS, TIP 2016, *supra* note 3, at 22-23; IOM, THEMATIC STUDY OF VIOLENCE AGAINST WOMEN AND DISABILITY, *supra* note 4; CRPD Committee, *Gen. Comment No. 3, supra* note 3; U.S. Department of Justice's Office for Victims of Crime (OVC) & Bureau of Justice Assistance (BJA), *Human Trafficking Task Force E-Guide, Victims with Physical, Cognitive or Emotional Disabilities* (last access Feb. 6, 2019), https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/45-victim-populations/victims-with-physical-cognitive-or-emotional-disabilities/; OHCHR, COMMENTARY ON THE RECOMMENDED PRINCIPLES AND GUIDELINES ON HUMAN RIGHTS AND HUMAN TRAFFICKING 71 U.N. DOC HR/PUB/10/2 (Nov. 2010).
[129] IOM, THEMATIC STUDY OF VIOLENCE AGAINST WOMEN AND DISABILITY, *supra* note 4.
[130] *See Report of the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas Aguilar, Sexual and reproductive health and rights of girls and young women with disabilities*, ¶ 35, U.N Doc. A/72/133 (July 14, 2017); DRI, NO WAY HOME, *supra* note 20, at 36.
[131] Mark Sherry, *Sex Trafficking, Activism and Disability* 8-9 (2019) [on file with author]; OHCHR, COMMENTARY ON THE RECOMMENDED PRINCIPLES AND GUIDELINES ON HUMAN RIGHTS AND HUMAN TRAFFICKING 71 U.N. DOC HR/PUB/10/2 (Nov. 2010).

[132] *See* CRPD Committee, *General Comment No. 1 (2014) Article 12: Equality Recognition Before the Law*, U.N. Doc. CRPD/C/GC/1 (2014).