

## **NEXUS BETWEEN HUMAN TRAFFICKING AND DISABILITY: A GENERAL OVERVIEW**

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### **ABSTRACT**

*The human race has carefully evolved its consciousness over the ages, becoming one of nature's most advanced social creatures. In order to ensure that the essence of humanity offers collectiveness rather than individualism, humanity attempted to develop a set of obligations and constraints within their community based on experiences, a feeling of dignity, and a desire to help fellow members of the race. The phenomenon of rules, norms, values, morals, and ethics that an individual must accept and abide by as a member of the same species was created by these duties and constraints. morals and ethics, which a person must embrace and adhere to as a member of the same species. Humanity's acceptance of these phenomena led to the development of society and social ideals as well as its dedication to promoting the well-being and prosperity of all of its constituents, regardless of their gender, age, race, religion, culture, ethnicity, or language. But eventually, the challenges of accessing scarce resources resulted in transgressions of these societal norms and values. Individual interests started to take precedence over group interests or societal interests. Vulnerabilities, marginalization, and the loss of human prosperity and well-being were the outcomes of these transgressions. The degree of vulnerability has increased to the point that one member of the human race has turned into an exploiter of others with little access to resources and little influence over societal structures. One of the greatest forms of exploitation and abuse that people have ever experienced or considered is human trafficking in the twenty-first century. This study seeks to determine how disability interacts across the trafficking journey. Traffickers take advantage of several aspects of people with disabilities, such as their functional challenges, the need for assistive technology, their socioeconomic challenges, and their social and therapeutic requirements.*

*Keywords: Disabilities, Human Trafficking, Vulnerability, Dignity, Socioeconomic*

## INTRODUCTION

According to United Nations' Palermo Protocol, "*Trafficking in persons can be defined as 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 should 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 organ*"<sup>1</sup>

One of the main issues of the twenty-first century is human trafficking, which has accelerated under the influence of globalization since the introduction of free movement and free trade. It is important to distinguish human trafficking from human smuggling and migration. Smuggling, on the one hand, is the illegal crossing of a nation-state boundary with the consent and good intentions of the individual, whereas migration is simply the voluntary movement of people. However, human trafficking has been carried out against the will of the victims, leaving them vulnerable and exploited. People of conscience everywhere find the widespread exploitation of men, women, and children in the modern world intolerable. Conventional methods of stopping human trafficking, protecting and helping victims, and prosecuting offenders have had a limited but insufficient effect on the worldwide issue. The fact that even one young person is deprived of childhood pleasures, that one young woman endures the terrible humiliation of sexual exploitation, and that one man is sold into slavery by a cruel taskmaster abroad are all unmistakable signs that we need to redouble our efforts to protect the weak. People who are weak, lonely, and impoverished are the targets of human trafficking. Policies and practices that marginalize entire groups of people and make them especially susceptible to human trafficking are the cause of problems including disempowerment, social exclusion, and economic vulnerability. Political unrest, natural calamities, and conflicts erode already shaky social safety nets. However, circumstances in their countries of origin are not the only factors that make people susceptible to human trafficking. People are drawn into potentially hazardous situations where they run the risk of being exploited by the attraction of opportunity, the constant need for low-cost goods and services, and the expectation of steady income.

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<sup>1</sup>United Nations' Palermo Protocol,

Women and girls with disabilities are particularly vulnerable to human trafficking, which disproportionately affects people with impairments. Additionally, trafficking may exacerbate pre-existing disabilities or result in new ones. However, the relationships between human trafficking and the rights and realities of people with disabilities have not been well documented. One This results in knowledge gaps about the patterns of trafficking in disabled people, how trafficking causes new impairments or exacerbates pre-existing ones, the obstacles that trafficked people with disabilities encounter when trying to obtain assistance and remedies, and how international law can address the relationship between trafficking and disability. These deficiencies frequently also result in the under recognition of human trafficking among people with impairments. As a result, disabled individuals who have been trafficked are denied the protection, prevention, and remedies to which they are entitled as victims of both disability-based discrimination and human trafficking. Measures to stop the trafficking of people with disabilities, protect those who have been trafficked, and offer practical and easily available remedies are insufficient as a result of these shortcomings. In the context of anti-trafficking initiatives and in accordance with international law, national law particularly the U.N. Convention on the Rights of Persons with Disabilities, this briefing paper starts to close that knowledge gap and guarantee that all stakeholders fulfill their obligations to respect, protect, and fulfill the rights of persons with disabilities.

## **TRAFFICKING IN PEOPLE WITH DISABILITIES**

All forms of human trafficking are forbidden by international law.<sup>3</sup> In addition to protecting and advancing the rights of individuals with disabilities, including the entire spectrum of disabilities safeguarded by international law, a human and disability rights-centered approach to human trafficking must take into consideration how the definitional components of trafficking may appear differently in situations involving individuals with disabilities than those involving individuals without disabilities.<sup>2</sup> People with a variety of "long-term"<sup>3</sup> impairments, such as "but... not limited to"<sup>4</sup> impairments that are "physical, mental, intellectual, or sensory," are considered "persons with disabilities" under the CRPD<sup>5</sup>. When

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<sup>2</sup> Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the U.N. Convention Against Transnational Organized Crime, Nov. 15, 2000, 2237 U.N.T.S. 319 [hereinafter U.N. Trafficking Protocol].

<sup>3</sup> Convention on the Rights of Persons with Disabilities, art. 1, Dec. 13, 2006, 2351 U.N.T.S. 351 [hereinafter CRPD].

<sup>4</sup> Comm. on the Rts. of Pers. with Disabilities, X. v. United Republic of Tanzania, 7.6, U.N. Doc. CRPD/C/18/D/22/2014 (Oct. 5, 2017).

<sup>5</sup> CRPD, *supra* note 4, art. 1.

combined with other obstacles, these impairments may make it more difficult for people with disabilities to fully and effectively participate in society on an equal basis with others.

The U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children [henceforth referred to as the U.N. Trafficking Protocol] contains the globally recognized definition of human trafficking, which consists of three components for adult trafficking: an act, a means, and an exploitative purpose.<sup>6</sup> "Recruitment, transportation, transfer, harboring, or receipt of human beings" are some possible forms of the "act."<sup>7</sup> 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" are some examples of the methods.<sup>8</sup> "At a minimum... prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs" are among the non-exhaustive list of exploitative purposes listed in the U.N. trafficking protocol.<sup>9</sup> According to this concept, a victim cannot provide their assent to trafficking since meaningful consent cannot be given when incorrect methods are used.<sup>10</sup> The U.N. Trafficking Protocol states that child trafficking happens when an individual under the age of 18 is the victim of an "act" intended to exploit them.<sup>11</sup>

Since a kid can never formally consent to their own exploitation, there is no need to demonstrate the "means," unlike with adult trafficking victims. These criteria cover both domestic and international trafficking, as well as trafficking in times of peace and armed conflict.<sup>12</sup>

All types of human trafficking can and do affect people with disabilities. The definition of trafficking in persons will be applied to the treatment of people with disabilities in this section.

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<sup>6</sup> U.N. Trafficking Protocol, *supra* note 3, art. 3(a). The U.N. Trafficking Protocol defines trafficking as "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

<sup>7</sup> *ibid*

<sup>8</sup> *ibid*

<sup>9</sup> *ibid*

<sup>10</sup> *Id.* at art. 3(b).

<sup>11</sup> *Id.* at art. 3(c)

<sup>12</sup> Off. of the Special Representative of the Sec'y Gen. for Child. & Armed Conflict, Child trafficking and armed conflict 10 (2023), <https://childrenandarmedconflict.un.org/wp-content/uploads/2024/10/Child-trafficking-and-armed-conflict-2.pdf>.

- Trafficking in persons is defined by the U.N. Trafficking Protocol as involving a "act," which may be "committed by any of a broad range of actors."<sup>13</sup> These actors may include guardians<sup>14</sup>(in cases where individuals with disabilities are subjected to substitute decision-making regimes<sup>15</sup>), medical professionals,<sup>16</sup> teachers,<sup>17</sup> family members, friends, caregivers or other service providers, and others in the context of human trafficking.<sup>18</sup>The act may occur in a variety of settings, such as private residences, online, segregated settings like residential institutions, and in medical facilities,<sup>19</sup> and in refugee camps.<sup>20</sup> Furthermore, the definition of "acts," like "recruitment," is "to be understood in a broad sense, meaning it encompasses any activity from the commitment or engagement of another individual to his or her exploitation."<sup>21</sup> For instance, traffickers may use internet promises of friendship or love relationships to entice people with disabilities, particularly those who are socially isolated. Children with impairments may be kidnapped or bought so they can be used in forced begging.<sup>22</sup> Traffickers may move disabled people from residential facilities to secondary areas where they could be taken advantage of.<sup>23</sup>
- Means: In accordance with the U.N. Trafficking Protocol, human trafficking entails a "means" of committing the aforementioned crimes.<sup>24</sup> The methods could be more covert, such "deception," "abuse of a position of vulnerability," or "abuse of power," or they could be more overt, like kidnapping.<sup>40</sup> In reality, coercive tactics, both overt and covert, are used to traffic adults with disabilities. For instance, guardianship regimes and other such alternative decision-

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<sup>13</sup> OSCE, Trafficking in Human Beings and Terrorism: Where and how they intersect 33 (2021), <https://www.osce.org/cthb/491983>.

<sup>14</sup> Human Trafficking Prevention Month: Spotlight on Trafficking of People with Disabilities, Activating Change, <https://www.activatingchange.org/news-and-stories/human-trafficking-prevention-month-spotlight-on-trafficking-of-people-with-disabilities>.

<sup>15</sup> Comm. on the Rts. of Pers. with Disabilities, General Comment No. 1 (2014) on Article 12: Equal recognition before the law, 7, U.N. Doc. CRPD/C/GC/1 (May 19, 2014).

<sup>16</sup> Catalina Devandas Aguilar (Special Rapporteur on the Rts. of Pers. with Disabilities), Rep. on the rights of persons with disabilities, 24, U.N. Doc. A/HRC/40/54 (Jan. 11, 2019).

<sup>17</sup> See, e.g., ASEAN-ACT, Exploring the intersection between disability and trafficking in persons, *supra* note 1, at 15.

<sup>18</sup> OSCE, Invisible Victims, *supra* note 1, at 15

<sup>19</sup> The Inter-Agency Coordination Grp. Against Trafficking in Pers., Issue Brief No. 3: Trafficking in Persons and Refugee Status (2017), h

<sup>20</sup> U.N. Doc. A/HRC/40/54, *supra* note 26, 24.

<sup>21</sup> Council of Eur. & U.N., Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs 78 (2009), <https://rm.coe.int/16805ad1bb>.

<sup>22</sup> U.N. Child's Fund (UNICEF), Advocacy Brief: Child Labour and Disability 2 (2021), <https://www.unicef.org/rosa/media/13236/file/Advocacy%20Brief%20-%20Child%20Labour%20and%20Disability.pdf>.

<sup>23</sup> Disability Rts. Int'l, Infanticide and Abuse, *supra* note 31, at 19

<sup>24</sup> U.N. Trafficking Protocol, *supra* note 3, art. 3(a).

making arrangements are commonly used by authorities to deny people with disabilities legal competence, which puts them in a vulnerable position that guardians may take advantage of.<sup>25</sup> In order to use government disability payments for their personal wealth, care providers may mislead individuals with disabilities and keep them in "captivity."<sup>26</sup> Those in charge of residential institutions may misuse their authority to coerce people under their supervision into engaging in a variety of exploitative practices.<sup>27</sup> People with disabilities may be duped by private actors who "promise opportunities to earn a living" on reasonable terms, only to later back out of such commitments.<sup>28</sup>

- Goal: Trafficking in persons is defined by the U.N. Trafficking Protocol as having an exploitative goal.<sup>29</sup> People with impairments are trafficked for a variety of exploitative intent. These include forced work, forced begging, forced marriage (including child marriage), forced sexual exploitation, forced labor, and benefits exploitation.

People with disabilities—particularly women and girls with disabilities—may be trafficked for sexual exploitation, including sex work and online sexual exploitation, as well as forced marriage, including "temporary or "contract" marriages.<sup>30</sup> Families that are overburdened with caregiving duties and financial limitations occasionally force their adult disabled children to marry in order to secure their future care.<sup>31</sup> In order to obtain financial or other spousal rights, a male may occasionally pay a family member or private broker to arrange an unconensual marriage with a woman who has a disability; in these circumstances, the goal of exploitation is both forced marriage and benefit access.<sup>32</sup>

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<sup>25</sup> Activating Change, Human Trafficking Prevention Month, *supra* note 24.

<sup>26</sup> See Janet E. Lord & Hezzy Smith, *Giving Visibility to the Impact of Slavery Crimes on Persons with Disabilities* 7 (2024), [https://hpod.law.harvard.edu/pdf/UBalt\\_Harvard OTP\\_Slavery\\_Crimes\\_Disability\\_Inputs\\_30\\_April\\_2024.pdf](https://hpod.law.harvard.edu/pdf/UBalt_Harvard OTP_Slavery_Crimes_Disability_Inputs_30_April_2024.pdf).

<sup>27</sup> Women and Girls, Disability Rts. Int'l, <https://www.driadvocacy.org/women-and-girls>.

<sup>28</sup> See, e.g., Caroline Jagoe, Pei Ying Natalie Toh & Gillian Wylie, *Disability and the Risk of Vulnerability to Human Trafficking: An Analysis of Case Law*, 11 *J. Hum. Trafficking* 220, 228 (2022), <https://www.tandfonline.com/doi/full/10.1080/23322705.2022.2111507?scroll=top&needAccess=true#abstract>.

<sup>29</sup> U.N. Trafficking Protocol, *supra* note 3, art. 3(a).

<sup>30</sup> See, e.g., ASEAN-ACT, *Exploring the intersection between disability and trafficking in persons*, *supra* note 1, at 18–21; see also Int'l Labour Org., Walk Free, & Int'l Org. on Migration, *Global Estimates of Modern Slavery, Forced Labour and Forced Marriage* 48 (2022), [https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed\\_norm/%40ipec/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40ipec/documents/publication/wcms_854733.pdf).

<sup>31</sup> Michelle McCarthy, Rachael Clawson, Anne Patterson, Rachel Fyson & Luftha Khan, *Risk of forced marriage amongst people with learning disabilities in the UK: Perspectives of South Asian carers*, 34 *J. Applied Res. Intellectual Disabilities* 200, 201 (2021)

<sup>32</sup> Kateryna Rodak & Rostyslav Abramets, *Blind marriage: Fake marriages with women with disabilities are booming in Ukraine*. NGL.media found out how it works, NGL.media (Mar. 15, 2024), <https://ngl.media/en/2024/03/15/blind-marriage/>

People with disabilities are regularly sexually exploited in institutional settings,<sup>33</sup> but can also be carried out by family members and other caregivers in private settings. Compared to their peers without disabilities, girls with disabilities are disproportionately more likely to be trafficked for sexual exploitation.<sup>34</sup> The use of artificial intelligence to create images of women and girls with disabilities for the purpose of making money on adult content platforms is another example of sexual exploitation. Examples of this include deep faking the faces of human influencers to make them appear to have Down Syndrome or creating images of women with amputated limbs.<sup>35</sup> Although women and girls with disabilities are disproportionately affected by trafficking for sexual exploitation, people with disabilities of all genders and sexual orientations are also trafficked for sexual exploitation.<sup>36</sup> People with impairments are also trafficked for forced begging<sup>37</sup> particularly children with disabilities.<sup>38</sup>

Due to their perceived social sympathy as beggars, traffickers target people with highly evident physical and/or sensory disabilities<sup>39</sup>, making them more vulnerable to trafficking for forced begging.<sup>40</sup>

In addition, both inside and outside of institutional settings, people with disabilities are trafficked for forced labor.<sup>41</sup> Heavy manual labor, like that seen on farms, household work, and employment in sheltered workshops are examples of forced labor.<sup>42</sup>

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<sup>33</sup> Disability Rts. Int'l, Infanticide and Abuse, supra note 31, at 24.

<sup>34</sup> See, e.g., Hannabeth Franchino-Olsen, Hanna A. Silverstein, Nicole F. Khan & Sandra L. Martin, Minor sex trafficking of girls with disabilities, 13 Int'l J. Hum. Rts. Healthcare 103 (2020)

<sup>35</sup> See, e.g., Emanuel Maiberg, People Are Using AI to Create Influencers With Down Syndrome Who Sell Nudes, 404 Media (Mar. 19, 2025), <https://www.404media.co/people-are-using-ai-to-create-influencers-with-down-syndrome-who-sell-nudes/>.

<sup>36</sup> Urban Light, Tell them what happened to me, supra note 29, at 8.

<sup>37</sup> Comm. on the Rts. of the Child, General Comment No. 9 on the rights of children with disabilities, ¶ 76, U.N. Doc. CRC/C/GC/9 (Feb. 27, 2007).

<sup>38</sup> Int'l Org. on Migration & U.S. Agency for Int'l Dev., Fact Sheet: Human Trafficking for Forced Begging (2017), [https://www.iom.int/sites/g/files/tmzbdl486/files/our\\_work/DMM/MAD/07312017/ForcedBegging.pdf](https://www.iom.int/sites/g/files/tmzbdl486/files/our_work/DMM/MAD/07312017/ForcedBegging.pdf); UNICEF, Advocacy Brief, supra note 36, at 3.

<sup>39</sup> See, e.g., Nora Groce & Barbara Murray, Disabled Beggars in Addis Ababa, Ethiopia, Int'l Labour Off. Emp't Working Paper 12–14 (2014), [https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed\\_emp/%40ifp\\_skills/documents/publication/wcms\\_213889.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_emp/%40ifp_skills/documents/publication/wcms_213889.pdf).

<sup>40</sup> Comm. on the Rts. of Pers. with Disabilities, General Comment No. 3 on women and girls with disabilities, ¶ 34, U.N. Doc. CRPD/C/GC/3 (Nov. 25, 2016).

<sup>41</sup> Disability Rts. Int'l, No Way Home: The Exploitation and Abuse of Children in Ukraine's Orphanages v (2015), <https://www.driadvocacy.org/sites/default/files/2023-11/No-Way-Home-final.pdf>.

<sup>42</sup> Position Statement: The Urgent Need to End 14(c) and Sheltered Workshops for People with Developmental Disabilities and Transition to Integrated, Inclusive Employment, Nat'l Ass'n of Councils on Developmental Disabilities, <https://nacdd.org/14cstatement/>.

Future spouses<sup>43</sup> and/or caregivers may also plan to take advantage of people with disabilities in order to wrongfully obtain their government benefits or other financial resources, even though this is not specifically mentioned in the U.N. Trafficking Protocol's non-exhaustive list of exploitative reasons.<sup>44</sup> Because people with disabilities may be "held against their will [or] moved from location to location," the "act" and "means" of human trafficking can also be closely associated with this goal of financial or economic exploitation.<sup>45</sup> These "acts" are also carried out by care providers using other prohibited methods, such as abusing their position of authority as legal representatives and exploiting the fragility of the disabled people entrusted to their care.<sup>46</sup>

## TRAFFICKING RISK FACTORS AND IMPLICATIONS FOR DISABLED PEOPLE

Because discriminatory sociocultural settings increase the risk of damage, people with disabilities are more vulnerable to a variety of human rights breaches, including human trafficking.<sup>47</sup> Additionally, human trafficking may cause new impairments or worsen pre-existing ones.<sup>48</sup>

A variety of factors create or elevate the risk of trafficking for persons with disabilities. These factors include:

- Prejudice and stigma on both an individual and systemic level: People with disabilities frequently "experience stigma and prejudice," which may raise their risk of "exploitation by traffickers"<sup>49</sup>. Children with impairments may be turned over to traffickers by families, while children without disabilities may not be given to traffickers.<sup>50</sup> People with impairments may

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<sup>43</sup>Rodak & Abramets, *supra* note 49

<sup>44</sup> See, e.g., Lord & Smith, *Giving Visibility to the Impact of Slavery Crimes*, *supra* note 42, at 4; Hum. Rts. Watch, *Better to Make Yourself Invisible: Family Violence against People with Disabilities in Mexico* (2020) <https://www.hrw.org/report/2020/06/04/better-make-yourself-invisible/family-violence-against-people-disabilities-mexico>.

<sup>45</sup> Anna Thomas & Heather Strickland, *Benefits Trafficking: Human trafficking of older adults and adults with disabilities*, 4 *Frontiers Rehab. Sciences* 1, 1 (2024)

<sup>46</sup>See *infra* notes 76–79 and accompanying text

<sup>47</sup> OSCE, *Out of the Shadows: Addressing the Dynamics of Trafficking in Persons Belonging to Minorities, Including National Minorities* (2024) [https://www.osce.org/files/f/documents/1/6/574475\\_1.pdf](https://www.osce.org/files/f/documents/1/6/574475_1.pdf); Lord & Smith, *Giving Visibility to the Impact of Slavery Crimes*, *supra* note 42, at 2.

<sup>48</sup> OSCE, *Invisible Victims*, *supra* note 1, at 16

<sup>49</sup> *Id.* at 15.

<sup>50</sup> UNICEF, *Advocacy Brief*, *supra* note 36, at 3.

seek personal connection elsewhere<sup>51</sup>, especially online, where traffickers may operate, due to social isolation and stigma.<sup>52</sup>

- Disability overrepresentation among marginalized groups: Individuals with disabilities are overrepresented among other marginalized groups, such as those who are impoverished.<sup>53</sup> Individuals with disabilities may be more marginalized and at higher risk of human trafficking due to their age, gender, race, ethnicity, language, religion, country, socioeconomic level, and/or one or more impairments.<sup>54</sup>
- Issues concerning guardianship regimes and the autonomy and legal ability of people with disabilities: Due to stigma and misunderstandings about their disability, people with disabilities frequently face limitations on their ability to exercise their legal competence and make decisions for themselves, such as through formal guardianship arrangements.<sup>55</sup> The CRPD opposes guardianship and other comparable challenges to legal ability.<sup>56</sup> Traffickers may take advantage of guardianship and similar policies in order to "manipulate" and "gain control over" those with disabilities and prevent them from "participating in decision-making regarding their own lives."<sup>57</sup>
- Lack of services and resources for people with disabilities and those who care for and support them: It's possible that people with disabilities and those who care for and support them do not have access to sufficient, reasonably priced, or easily accessible services and resources.<sup>58</sup> For instance, in situations involving armed conflict, kids might not contact much with official child protection systems.<sup>59</sup> Because "persons with disabilities may be at risk of exploitation in their endeavors to meet their needs to assistive devices or therapeutic services," poverty, prejudice, and social isolation, when coupled with inaccessible services, create an environment that is conducive to exploitation.<sup>60</sup> Insufficient resources can lead to neglect and/or abuse of

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<sup>51</sup> Women Enabled Int'l & Disability Rts. Int'l, 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 1–2 (2020).

<sup>52</sup> Wolfson, Harding & Pepin, Gap Analysis, *supra* note 35, at 2–3

<sup>53</sup> Comm. on the Rts. of Pers. with Disabilities, General Comment No. 5 on living independently and being included in the community, 5, U.N. Doc. CRPD/C/GC/5 (Oct. 27, 2017).

<sup>54</sup> OSCE, Out of the Shadows, *supra* note 67, at 19

<sup>55</sup> U.N. Doc. CRPD/C/GC/1, *supra* note 25, ¶ 7.

<sup>56</sup> *Id.*

<sup>57</sup> Wolfson, Harding & Pepin, Gap Analysis, *supra* note 35, at 2.

<sup>58</sup> Elizabeth Presler-Marshall, Nicola Jones & Kifah Bani Odeh, 'Even though I Am Blind I Am Still Human!': the Neglect of Adolescents with Disabilities' Human Rights in Conflict-Affected Contexts, 13 Child Indicators Res. 513–531 (2020), <https://doi.org/10.1007/s12187-019-09700-z>.

<sup>59</sup> Hum. Rts. Watch, "It Was Really Hard to Protect Myself," *supra* note 47.

<sup>60</sup> Jagoe, Toh & Wylie, Disability and the risk of vulnerability to human trafficking, *supra* note 44, at 228.

individuals under their care, which increases their "risk of trafficking" by leaving a gap that traffickers can exploit by "taking advantage" of the situation and providing necessary security.<sup>61</sup>

- Segregation by institutionalization and other means: Individuals with disabilities, especially women and girls<sup>62</sup>, are at risk when they are separated through exclusive employment programs (like sheltered workshops) that restrict their economic opportunities, or when they are abandoned or placed in residential and/or medical institutions, such as group homes, psychiatric hospitals, orphanages, and others.<sup>63</sup> These organizations and other initiatives raise the possibility of human trafficking and exploitation, especially for sex<sup>64</sup> or forced pregnancy.<sup>65</sup>
- Persons with impairments, including women and girls with disabilities, are particularly vulnerable to human trafficking when they are displaced, migrate (even for employment), or become refugees.<sup>66</sup> This is because these environments are characterized by preexisting risks, vulnerabilities associated with age and gender, a breakdown in the rule of law, and a reduction in social services.<sup>67</sup> Because their rights to "independent living, mobility, legal capacity, health, or education"<sup>68</sup> are frequently denied (for example, because they lack citizenship and because services are expensive and inaccessible) in the countries where they are seeking asylum, refugees with disabilities—such as women in camps<sup>69</sup> who have intellectual, cognitive, or other impairments—may be especially vulnerable to human trafficking.
- Armed war and other humanitarian crises, such as natural disasters brought on by climate change: People with disabilities are more vulnerable to human trafficking during times of armed war and other humanitarian crises.<sup>70</sup> When evacuation routes are inaccessible to people with

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<sup>61</sup> Wolfson, Harding & Pepin, *Gap Analysis*, *supra* note 35, at 4

<sup>62</sup> Disability Rts. Int'l, Women and Girls, *supra* note 43.

<sup>63</sup> Nat'l Ass'n of Councils on Developmental Disabilities, *Position Statement*, *supra* note 62.

<sup>64</sup> Disability Rts. Int'l, Infanticide and Abuse, *supra* note 31, at 24.

<sup>65</sup> See generally Ruthie Marie Beckwith, *Disability Servitude: From Peonage to Poverty* (2016).

<sup>66</sup> The ongoing conflict in Ukraine and its impact on refugees with disabilities, Glob. Disability Fund, <https://globaldisabilityfund.org/the-ongoing-conflict-in-ukraine-and-its-impact-on-refugees-with-disabilities/>

<sup>67</sup> U.N. Off. of the High Comm'r for Hum. Rts., *Human Rights Council Discuss es Report on Trafficking in Persons*, *supra* note 93.

<sup>68</sup> U.N. High Comm'r for Refugees (UNHCR) & Int'l Disability Alliance, *Memo randum of Understanding*, 2 (2020), [https://www.internationaldisabilityalliance.org/sites/default/files/introducing\\_ida-unhcr\\_collaboration\\_final\\_eng.pdf](https://www.internationaldisabilityalliance.org/sites/default/files/introducing_ida-unhcr_collaboration_final_eng.pdf).

<sup>69</sup> Women's Refugee Comm'n, *Disabilities Among Refugees and Conflict-Affected Populations* 32–33 (2008), <https://emergency.unhcr.org/sites/default/files/Disability%20among%20refugees%20and%20conflict-affected%20populations.pdf>.

<sup>70</sup> Siobhán Mullally (Special Rapporteur on Trafficking in Pers., Especially Wom en & Child.), *Submission on the Draft General Comment on Persons with Disabilities in Situations of Risk and Humanitarian Emergencies (Article 11 of the Convention on the Rights of Persons with Disabilities)* (2023); Keelin Bar ry, *Joint Submission from the Irish Centre for Human Rights and the Centre for Disability Law and Policy to the Draft General Comment on Persons with Disabilities in Situations of Risk and Humanitarian Emergencies (Article 11 of the Convention on the Rights of Persons with Disabilities)* (2023).

disabilities, families may abandon family members with disabilities without assistance.<sup>71</sup> Due to evacuation difficulties<sup>72</sup> and the dangers of growing up in an institution, children with "mobility" and other disabilities are more likely to be trafficked during times of armed conflict.<sup>73</sup> Disasters linked to climate change increase this risk as well since it is more difficult for people with disabilities to survive, evacuate from, and return home after such events.<sup>74</sup> Extreme poverty and/or institutionalization may follow, both of which foster circumstances that raise the possibility of human trafficking.<sup>75</sup> During times of conflict and displacement, women and girls with disabilities are particularly vulnerable to "risks and vulnerabilities." These risks include being "left behind," making them "more vulnerable to attack," losing access to necessary assistive devices or other forms of support, which puts them at "greater risk of exploitation," and experiencing "increased levels of sexual and gender based violence."<sup>76</sup>

Person trafficking can cause new impairments or worsen pre-existing ones, and these impairments are frequently left untreated. Chronic psychosocial impairments, such as post-traumatic stress disorder (PTSD), which may qualify as a handicap, can result from human trafficking.<sup>77</sup> Additionally, victims of human trafficking may develop new physical and/or cognitive impairments. For instance, traffickers may cause noticeable physical impairments to victims of forced begging in order to increase "public sympathy" and financial gain.<sup>78</sup> Traffickers also expose trafficked individuals, especially women, to sexual and/or physical abuse, which can result in long-term cognitive and/or physical problems.<sup>79</sup> People trafficked for forced labor, especially children, may sustain injuries that result in "physical, cognitive, and psychosocial

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<sup>71</sup> Fight for Right, Evacuation of People with Disabilities: Int'l Standards & Ukrainian Realities 31 (2022)

<sup>72</sup> Protecting children with disabilities during armed conflict, UNICEF, <https://www.unicef.org/disabilities/emergencies/armed-conflict>.

<sup>73</sup> Disability Rts. Int'l, Families Find a Way: Children with Disabilities in War-Torn Ukraine 6–7 (2023), <https://www.driadvocacy.org/sites/default/files/2024-06/Families%20Find%20a%20Way%20%28English%29.pdf>.

<sup>74</sup> Brendan Hyatt, Connecting the Dots: Disability, Human Trafficking, and Climate Change, Hum. Trafficking Search (May 16, 2023), <https://humantraffickingsearch.org/connecting-the-dots-disability-human-trafficking-and-climate-change/>

<sup>75</sup> Id.

<sup>76</sup> Brigitte Rohwerder, Helpdesk Report: Women and girls with disabilities in conflict and crises, Knowledge, Evidence & Learning for Dev. 2 (2017), [https://assets.publishing.service.gov.uk/media/5b9a458540f0b67866ffb\\_d56/032-Women\\_and\\_girls\\_with\\_disabilities\\_in\\_crisis\\_and\\_conflict.pdf](https://assets.publishing.service.gov.uk/media/5b9a458540f0b67866ffb_d56/032-Women_and_girls_with_disabilities_in_crisis_and_conflict.pdf).

<sup>77</sup> See, e.g., Comm. on the Rts. of Pers. with Disabilities, Z.H. v. Sweden, U.N. Doc. CRPD/C/25/D/58/2019 (Oct. 11, 2021) (finding that PTSD with psychotic symptoms comprises a disability); Gavin C. Newberry, Post-traumatic stress disorder in trafficking in persons survivors: A systematic review, 30 Mod. Psychol. Stud. 1, 8 (2024).

<sup>78</sup> OSCE, Invisible Victims, *supra* note 1, at 12.

<sup>79</sup> Heidi Stöckl, Camilla Fabbri, Harry Cook, Claire Galez-Davis, Naomi Grant, Yuki Lo, Ligia Kiss & Cathy Zimmerman, Human trafficking and violence: Findings from the largest global dataset of trafficking survivors, 4 J. Migration & Health 1, 2 (2021).

damage, including permanent impairments" due to the unsafe working conditions in informal labor situations.<sup>80</sup>

## **INTERNATIONAL LAW FRAMEWORK REGARDING HUMAN TRAFFICKING AND THE RIGHTS OF INDIVIDUALS WITH DISABILITIES**

The following are the fundamental and supplementary duties under each of the several international legal regimes—anti-trafficking, human rights, humanitarian, criminal, and refugee laws—to address trafficking and its connections to the rights of people with disabilities:

- States are required under international human rights and anti-trafficking legislation to safeguard people with disabilities, particularly those who are being trafficked for the purpose of coerced criminality, and to prevent, investigate, and punish such trafficking.<sup>81</sup> According to international human rights law, states must also guarantee the "physical, cognitive and psychological recovery, rehabilitation and social reintegration" of those with disabilities who have suffered damages associated with abuse, violence, and exploitation.<sup>82</sup> Giving victims "reasonable accommodation"<sup>83</sup> from the moment that a person with a disability requires access to non-accessible situations or environments, or wants to exercise his or her rights" is a necessary part of aiding and protecting them.<sup>84</sup> Assuring respect for the "inherent dignity,"<sup>85</sup> individual autonomy,<sup>86</sup> and "independence" of people with disabilities (including the freedom to make their own decisions),<sup>87</sup> and their "full and effective participation and inclusion in society,"<sup>88</sup> on an equal basis with others," are further elements of support and protection.<sup>89</sup>
- criminalize, look into, and bring to justice State and non-State offenders of human trafficking, including that of people with disabilities (for the latter, by applying the due diligence requirement);
- Provide "the provision of procedural and age appropriate accommodations,"<sup>90</sup> as well as efficient remedies, in order to guarantee access to justice "for persons with disabilities on an

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<sup>80</sup>UNICEF, Advocacy Brief, *supra* note 36, at 1.

<sup>81</sup> Id. ¶ 27.

<sup>82</sup> CRPD, *supra* note 4, art. 16(4).

<sup>83</sup> Id. at art. 5(3).

<sup>84</sup> U.N. Doc. CRPD/C/GC/6, *supra* note 13, ¶ 24(b).

<sup>85</sup> CRPD, *supra* note 4, art. 1.

<sup>86</sup> Id. at art. 3(a)

<sup>87</sup> Id.

<sup>88</sup> Id. at art. 3(c).

<sup>89</sup> Id. at art. 9.

<sup>90</sup> Id.

equal basis with others.<sup>91</sup> This includes providing free or reasonably priced legal aid to those with disabilities;<sup>92</sup>

- Provide information in accessible formats and technologies so that people with disabilities can "seek, receive, and impart information and ideas on an equal basis with others and through all forms of communication of their choice."<sup>93</sup> and
- Apply all of the aforementioned requirements in a way that is consistent with other cross-cutting obligations in international law, especially those found in the CRPD. These obligations include those to refrain from discrimination, which include intersectional discrimination, and whether they are made by "any person, organization, or private enterprise" or by government actors.<sup>94</sup> There may also be relevance to other substantive rights guaranteed by international human rights legislation, such as those for children in general and children with disabilities in particular<sup>95</sup>.
- Although international humanitarian law does not specifically forbid human trafficking or protect the rights of individuals with disabilities, it does contain a number of pertinent guarantees that dictate the treatment of those who are trafficked.<sup>96</sup> First, trafficked individuals with disabilities are covered by international humanitarian law protections that are especially pertinent for addressing the harms associated with human trafficking, such as bans on forced labor,<sup>97</sup> enforced disappearances,<sup>98</sup> recruitment or involvement of minors in hostilities,<sup>99</sup> slavery

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<sup>91</sup> U.N. Trafficking Protocol, *supra* note 3, art. 6(6); International Covenant on Civil and Political Rights art. 2(3), Dec. 16, 1966, 999 U.N.T.S. 171; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 14, Dec. 10, 1984, 1465 U.N.T.S. 85; International Convention on the Elimination of All Forms of Racial Discrimination art. 6, Mar. 7, 1966, 660 U.N.T.S. 195. See also U.N., *Commentary: Recommended Principles and Guidelines*, *supra* note 117, at 223 & 252–53; Joy Ngozi Ezeilo (Special Rapporteur on Trafficking in Persons, Especially Women & Children), Rep. on Trafficking in persons, especially women and children, Annex ¶ 1, U.N. Doc. A/69/269 (Aug. 6, 2014).

<sup>92</sup> U.N. Doc. CRPD/C/GC/6, *supra* note 8, ¶ 49

<sup>93</sup> CRPD, *supra* note 4, art. 21.

<sup>94</sup> CRPD, *supra* note 4, art. 4(1)(e).

<sup>95</sup> Convention on the Rights of the Child, *supra* note 124; see also Off. of the Special Representative of the Sec'y Gen. for Child. & Armed Conflict, *Child trafficking and armed conflict*, *supra* note 22, at 27–28.

<sup>96</sup> See, e.g., CRPD, *supra* note 4, art. 11.

<sup>97</sup> Geneva Convention relative to the Treatment of Prisoners of War arts. 49–57, Aug. 12, 1949, 75 U.N.T.S. 135 [hereinafter Third Geneva Convention]; Geneva Convention relative to the Protection of Civilian Persons in Time of War arts. 40, 51 & 95, Aug. 12, 1949, 75 U.N.T.S. 287 [hereinafter Fourth Geneva Convention]; Rule 95: Forced Labour, Customary Int'l Humanitarian L. Database, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule95](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule95).

<sup>98</sup> Rule 98: Enforced Disappearance, Customary Int'l Humanitarian L. Data base, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule98](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule98).

<sup>99</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) art. 77(2), June 8, 1977, 1125 U.N.T.S. 3 [hereinafter Additional Protocol I]; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) art. 4(3)(c), June 8, 1977, 1125 U.N.T.S. 609 [hereinafter Additional Protocol II].

and the slave trade in all its forms,<sup>100</sup> and rape and other forms of sexual violence. Furthermore, trafficked individuals, especially those with disabilities, are subject to "arbitrary deprivation of liberty," "outrages upon personal dignity," "cruel or inhuman treatment," and torture, all of which are forbidden by international humanitarian law. Second, trafficked individuals with disabilities who are at higher risk because of their age, gender, and/or migration status can also benefit from guarantees intended to protect specific groups of people, such as children,<sup>101</sup> women,<sup>102</sup> refugees, and internally displaced persons.<sup>103</sup> Third, the "wounded," "sick," or "infirm"<sup>104</sup> are specifically protected under international humanitarian law, even if the wording . Those in need of "medical assistance or care"<sup>105</sup> must be "respected and protected," "treated humanely," and "received," according to the antiquated medical paradigm of disability. . . . the medical attention and care that their condition requires."<sup>106</sup> People with disabilities are also subject to all of these obligations. Lastly, in order to guarantee that "persons with disabilities have a right to its full and equal protection," international humanitarian law must be enforced without prejudice due to the concurrent application<sup>107</sup> of international human rights law<sup>108</sup>.

- International anti-trafficking and human rights law and international criminal law have pertinent interactions, even if international criminal law "does not specifically and explicitly criminalize trafficking in persons as a stand-alone offense."<sup>109</sup> Most significantly,

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<sup>100</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field Aug. 12, 1949, 75 U.N.T.S. 31 [herein after First Geneva Convention], Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Aug. 12, 1949, 75 U.N.T.S. 85 [hereinafter Second Geneva Convention], Third Geneva Convention, *supra* note 149, Fourth Geneva Convention, *supra* note 149, common art. 3(1)(c) [hereinafter Geneva Conventions]; Additional Protocol I, *supra* note 151, art. 75(2)(b); Additional Protocol II, *supra* note 151, art. 4(2)(f); Rule 94: Slavery and Slave Trade, Customary Int'l Humanitarian L. Database, [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule94](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule94).

<sup>101</sup> Fourth Geneva Convention, *supra* note 149, arts. 14, 17, 23, 24, 38, 50, 76, 82, 89, 94 & 132; Additional Protocol I, *supra* note 151, arts. 70 & 77–78; Additional Protocol II, *supra* note 151, art. 4(3); Rule 135: Children, Customary Int'l Humanitarian L. Database, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule135>; Rule 136: Recruitment of Child Soldiers, Customary Int'l Humanitarian L. Database, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule136>; Rule 137: Participation of Child Soldiers in Hostilities, Customary Int'l Humanitarian L. Database, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule137>

<sup>102</sup> First Geneva Convention, *supra* note 152, art. 12; Third Geneva Convention, *supra* note 149, arts. 14, 25, 29, 88, 97 & 108; Fourth Geneva Convention, *supra* note 149, arts. 14, 16–18, 20–23, 27, 38, 50, 76, 85, 89, 91, 97–98, 124, 127 & 132; Additional Protocol I, *supra* note 151, arts. 70 & 75–76; Additional Protocol II, *supra* note 151, arts. 5(2) & 6(4); Rule 134: Women, Customary Int'l Humanitarian L. Database, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule134>.

<sup>103</sup> See, e.g., Fourth Geneva Convention, *supra* note 149, art. 45.

<sup>104</sup> Fourth Geneva Convention, *supra* note 149, arts. 16 & 17; Additional Protocol I, *supra* note 151, art. 8.

<sup>105</sup> Additional Protocol I, *supra* note 151, art. 8

<sup>106</sup> *Id.* at art. 10.

<sup>107</sup> CRPD, *supra* note 4, art. 11.

<sup>108</sup> Alice Priddy, Who is the civilian population? Ensuring IHL is implemented for the protection of the entirety of the civilian population – including persons with disabilities, 105 Int'l Rev. Red Cross 242, 247 (2022).

<sup>109</sup> Off. of the Special Representative of the Sec'y Gen. for Child. & Armed Conflict, Child trafficking and armed conflict, *supra* note 22, at 29; Int'l Crim. Court Off. of the Prosecutor, Policy on Slavery Crimes ¶ 55 (2024), <https://www.icc-cpi.int/sites/default/files/2024-12/policy-slavery-web-eng.pdf>.

"enslavement," "enforced prostitution," "sexual slavery," and "forced pregnancy" are all forbidden by international criminal law as crimes against humanity.<sup>110</sup> Additionally, it forbids sexual enslavement as a war crime.<sup>111</sup> Furthermore, various crimes against humanity that trafficked individuals, especially those with impairments, may encounter are forbidden by international criminal law. "Severe deprivation of physical liberty," "torture," "rape,... or any other form of sexual violence of comparable gravity," and "[o]ther inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health" are among them.<sup>112</sup> Similarly, "torture or inhuman treatment, including biological experiments," "willfully causing great suffering, or serious injury to body or health," "unlawful confinement," and "outrages upon person dignity, in particular humiliating or degrading treatment" are all recognized as war crimes under international criminal law. International criminal law "must be consistent with internationally recognized human rights," which includes the CRPD, even though it does not specifically address disability.

## THE MAIN CHALLENGES TO ADDRESSING THE NEXUS OF DISABILITY AND HUMAN TRAFFICKING

Key barriers identified with respect to addressing the nexus of trafficking in persons and disabilities include:

- Expertise and cooperation gaps: Civil society is important in disability rights and anti-trafficking efforts, partly due to the gaps created by states' inaction. However, anti-trafficking and disability rights are typically kept apart. Collaborative efforts are further hampered by mounting pressure on municipal space<sup>113</sup> and a lack of financing allocated to the disability rights and anti-trafficking sectors separately as well as for work that targets the junction of the two fields.
- Insufficient comprehension and/or application of the international legal frameworks that regulate human trafficking and/or disability, particularly the definition of human trafficking: Because of their social invisibility, authorities could not notice when a person with a disability is the victim of a trafficking "act" (such as recruitment, harboring, etc.). It is frequently incorrect

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<sup>110</sup> Id. at art. 7(1)(c) and 7(1)(g); U.N. Doc. A/78/172, supra note 145, ¶¶ 18–24. See generally Int'l Crim. Court Off. of the Prosecutor, Policy on Gender-Based Crimes (2023), [https://www.icc-cpi.int/sites/default/files/2023\\_12/2023-policy-gender-en-web.pdf](https://www.icc-cpi.int/sites/default/files/2023_12/2023-policy-gender-en-web.pdf).

<sup>111</sup> Rome Statute, supra note 169, arts. 8(2)(b)(xxii) (international armed conflict) & 8(2)(e)(vi) (non-international armed conflict).

<sup>112</sup> Id. at art. 7(1)(k).

<sup>113</sup> OHCHR and protecting and expanding civic space, U.N. Off. of the High Comm'r for Hum. Rts., <https://www.ohchr.org/en/civic-space>.

to assume that it is acceptable for people with disabilities to be controlled by people without disabilities, such as guardians or caretakers, when evaluating whether an adult with a disability has been subjected to the "means" of trafficking (such as fraud, abuse of a position of power, or deception).<sup>114</sup>

- Lack of data, including disaggregated data: There is a dearth of information about how human trafficking impacts or results in impairments for people with disabilities, and what is accessible is rarely broken down based on other identities.<sup>115</sup> Due to this lack of information, stakeholders are unable to evaluate the type and extent of the relationship between human trafficking and people with disabilities, which hinders their ability to create specialized preventive and assistance initiatives as well as solutions.
- Not involving people with disabilities and their organizations in the creation of anti-trafficking legislation, guidelines, and practices: Discrimination against people with disabilities prevents them from participating in "decision-making and policy planning" and legislation in areas that make people vulnerable to human trafficking, like disaster risk reduction and climate change policy,<sup>116</sup> as well as anti-trafficking policies and programs. Such laws, policies, and practices are not "gender-responsive and disability-inclusive" if people with disabilities are not meaningfully consulted, including through their representative organizations.<sup>117</sup>
- Under-implementation of the CRPD and discrimination against people with disabilities: There is still widespread discrimination and poor application of the CRPD, including the duties to guarantee accessibility<sup>118</sup> and make "reasonable accommodations"<sup>119</sup>. Despite the fact that people with disabilities are more likely to be trafficked when they have overlapping marginalized identities<sup>120</sup> neither disability rights nor anti-trafficking initiatives completely adopt an intersectional approach.

## RECOMMENDATIONS

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<sup>114</sup> U.N. Doc. CRPD/C/GC/1, *supra* note 76, ¶ 7.

<sup>115</sup> OSCE, *Invisible Victims*, *supra* note 1, at 31.

<sup>116</sup> Siobhán Mullally (Special Rapporteur on Trafficking in Persons, Especially Women & Children), Addressing the gender dimensions of trafficking in persons in the context of climate change, displacement and disaster risk reduction, ¶¶ 35 & 70, U.N. Doc A/77/170 (July 15, 2022).

<sup>117</sup> U.N. Doc A/77/170, *supra* note 200, at ¶ 70.

<sup>118</sup> CRPD, *supra* note 4, art. 9.

<sup>119</sup> *Id.* at art. 5.

<sup>120</sup> UNICEF, Advocacy Brief, *supra* note 36, at 2; Presler-Marshall, Jones & Bani Odeh, 'Even though I Am Blind I Am Still Human!', *supra* note 80; Hum. Rts. Watch, *Abused by Relatives, Ignored by the State: Domestic Violence and Neglect of Women and Girls with Disabilities in Kyrgyzstan* 2 (2023), <https://www.hrw.org/report/2023/12/14/abused-relatives-ignored-state/ domestic-violence-against-and-neglect-women-and>.

- Prevent, investigate, and address the trafficking of people with disabilities for all forms of exploitation by both State and non-State actors, including family members and caregivers, in accordance with all duties under international law, including anti-trafficking, human rights (especially the CRPD), humanitarian, criminal, and refugee law.
- Make certain that disabled victims of human trafficking are properly identified and handled as victims in compliance with international law, which includes the need to uphold the non-punishment principle.
- Make ensuring that all strategies for addressing the rights of people with disabilities who have been or are at risk of being trafficked are guided by the principles of nondiscrimination, participation, and accessibility.
- Make sure that, on an equal footing with people without disabilities, people with disabilities and the organizations that represent them are fully and meaningfully included in all debates and decisions pertaining to laws and policies, including those pertaining to anti-trafficking.
- Make sure that strategies for protecting and aiding trafficked individuals with disabilities are grounded in disability rights, especially when it comes to tackling the various and intertwining forms of discrimination that these individuals frequently encounter, especially with regard to age and gender.
- Assure complete accountability for the trafficking of people with disabilities and provide them with efficient, easily accessible, all-encompassing, and customized remedies, including those that stop re-trafficking.
- To ensure their prevention and protection, make sure that the increased risks of human trafficking that people with disabilities face during times of conflict, migration, and climate-related disasters are appropriately handled.

## REFERENCES

1. “Briefing paper: trafficking in persons and the rights of persons with disabilities, International Human Right Commission, Special Procedure United Nations Human Right Commission”, June 2025.
2. Jaffer Latief Najar, “Human Trafficking in India”, publication at: <https://www.researchgate.net/publication/303276513>.
3. Afroza Anwary, 2007, “Anti-Sex Trafficking Movement of Bangladesh and the Theories of Transnational Social Movements, Social Thought & Research”, Vol. 28, pp. 109-142, Allen Press.
4. United Nations, 2000, “Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime,” New York, United Nations.
5. “Invisible victims: The nexus between disabilities and trafficking in human beings, Organization for Security and Co-operation in Europe”, 7May,2024
6. “An Introduction to Human Trafficking: Vulnerability, Impact and Action”, United Nations Office On Drugs And Crime Vienna.
7. Geneva Conventions.

