 **A picture containing text, outdoor, close

Description automatically generated**

Report webinar “Women and girls with disabilities in the face of trafficking andsexual exploitation”

Contents

[Summary 1](#_Toc93580261)

[Context 1](#_Toc93580262)

[Presentations and discussions 1](#_Toc93580263)

[Introduction 2](#_Toc93580264)

[Keynote presentation 2](#_Toc93580265)

[Panel 1 – International and European instruments and policies to combat trafficking and sexual exploitation in women and girls with disabilities. 4](#_Toc93580266)

[Siobhán Mullally, United Nations Special Rapporteur on trafficking in persons, especially in women and children. 4](#_Toc93580267)

[Dalia Leinarte, Chair of the CEDAW Committee working group on the General Recommendation concerning trafficking in women & girls in the context of global migration. 7](#_Toc93580268)

[Ms Zsuzsanna Felkai Janssen, team leader of the Anti-Trafficking team, Office of the EU Anti-Trafficking Coordinator. 9](#_Toc93580269)

[Panel 2 – exchange of best practises and current state of play in Spain 11](#_Toc93580270)

[José Nieto Barroso, Chief Commissioner, Spain National Police. 11](#_Toc93580271)

[Isabel Caballero Pérez, Coordinator, CERMI Women’s Foundation. 11](#_Toc93580272)

[Contact 13](#_Toc93580273)

[About us 13](#_Toc93580274)

# Summary

This webinar was organised by the European Disability Forum and the CERMI Women’s Foundation on 1st December 2021. It informed organisations of persons with disabilities and other participants on the relevant instruments and policies to combat trafficking and sexual exploitation in women and girls with disabilities. It will also presented exchange of best practices and current state of play in Spain.

Women and girls with disabilities are at a higher risk of exploitation and may be more at risk of trafficking in persons, including in the context of global migration. Recent reports presented evidence of the direct link between some forms of disability and different patterns of trafficking, such as forced begging and labour exploitative practices. To learn more, [watch our webinar](https://www.youtube.com/watch?v=tLTg8l9wXH0) and read our report below.

# Context

Women and girls with disabilities are at a higher risk of exploitation and may be more at risk of trafficking in persons, including in the context of global migration. Recent reports presented evidence of the **direct link between some forms of disability and different patterns of trafficking**, such as forced begging and labour exploitative practices. The [OHCHR’s thematic study](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/20/5) on the issue of violence against women and girls with disabilities reveals that women and girls with disabilities are also likely to face abuses and trafficking **in the context of migration**, and in particular, in situations of conflict or natural disasters which may force migration and displacement.

Yet, despite the strong evidence that women and girls with disabilities face higher risks of being trafficked, international instruments on the issue, such as the [UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children](https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx), fail to address their specific situations.

# Presentations and discussions

## Introduction

The webinar was conducted and moderated by Ana Peláez Narváez, EDF Vice-President and Executive Vice-President of CERMI Women’s Foundation. She is also the Executive Councillor for International Relations and External Development at the Spanish National Organisation of the Blind (ONCE), executive Vice-President of the ONCE Foundation for Solidarity with Blind People in Latin America (FOAL) and Commissioner for Women’s Affairs at the Spanish Committee of Representatives of People with Disabilities (CERMI).

Mrs Peláez Narváez started the webinar and introduced the topic of trafficking of women and girls with disabilities. She presented the programme and the speakers for today’s webinar. She explained that the first part of the webinar is to introduce in general terms the topic of trafficking and sexual exploitation of women and girls with disabilities. We have very distinguished experts from different positions and areas will be talking to us about trafficking and sexual exploitation and the lack of attention paid to women and girls with disabilities. In the second part, we will focus on the work that has been carried out in Spain. She invited everyone to share their comments and questions in the chat box, and to contact the European Disability Forum or CERMI Women's Foundation for more information.

## Keynote presentation

Marine Uldry, Human Rights Officer, European Disability Forum (EDF) provided information about EDFs work on trafficking, the situation of women and girls with disabilities in this regard and finished with recommendations and step forwards.

In 2018, EDF contributed to the consultation organised by the [UN CEDAW Committee](https://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx) on the topic of trafficking of women and girls in the context of global migration. EDF submitted [written input](https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/DiscussionOnTrafficking.aspx) and took part in the half day of general discussion together with the [International Disability Alliance](https://www.internationaldisabilityalliance.org/sites/default/files/final_en_-_global_disability_summit_2_years_-_progress_on_implementation_of_commitments_-_pm_final_0.pdf).

EDF found that in many cases the research and existing policies to combat trafficking and sexual exploitation do not refer to persons with disabilities, including women and girls with disabilities. There is still little being done to know more about how women and girls with disabilities are affected by these crimes, and to adopt specific measures to prevent, combat and sanction trafficking and sexual exploitation faced by women and girls with disabilities.

She explained that the [UN Committee on the Rights of Persons with Disabilities](https://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx) expressed concerns about trafficking in its concluding observations – which is the document it adopts when it reviews country that ratified the [UN Convention on the rights of persons with disabilities](https://www.ohchr.org/en/hrbodies/crpd/pages/conventionrightspersonswithdisabilities.aspx) (referred to as CRPD). This Committee denounced the higher risk of trafficking faced by women and girls with disabilities.

It noted the lack of data, policies and programmes on protection from and prevention of sexual abuse and trafficking specifically addressing women and girls with disabilities. It referred to specific disadvantaged groups such as women and girls with disabilities in institutions, children with disabilities in institutions, victims of organs trafficking, and Roma persons with disabilities subjected to begging.

Some reports presented evidence of the direct link between some forms of disability and different patterns of trafficking – for example this is highlighted in the [General Comment No. 3 of the CRPD Committee on women with disabilities](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/3&Lang=en), and in a [thematic study](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/20/5) from on the issue of violence against women and girls with disabilities of the Office of the United Nations High Commissioner for Human Rights adopted in 2012. This link means that traffickers use the disability of the victims as an incentive to trafficking them, this is for example the case with forced begging and labour exploitative practices. Women and girls, with physical or visible disabilities are more likely of being trafficked into forced begging because a visible disability may have a stronger impact on public sympathy. Women and girls with intellectual or psychosocial disabilities are more at risks of sexual exploitation because the traffickers consider them easier to manipulate, as they may not immediately identify themselves as victims, or are less likely to be believed when reporting the abuse.

In addition, humanitarian crises and conflict and post-conflict settings create additional risks of sexual violence and trafficking that also affect women and girls with disabilities. For example, the CRPD Committee expressed concerns regarding situations of exploitation and sexual assaults faced by women and girls with disabilities in post-earthquake camps in Haiti. This is also something that can be faced by asylum seekers with disabilities, in and outside refugee camps.

She highlighted several factors that bring women and girls with disabilities to be at higher risk of trafficking:

a) Lack of awareness: lack of awareness of women and girls with disabilities of their rights, and of what constitute exploitation, leads to issues to self-identity as victims and makes it easier for traffickers to manipulate them (e.g. women with intellectual disabilities); but also lack of awareness of State and other stakeholders, as they do not take appropriate prevention or response measures to protect their rights.

b) Lack of data (because we don’t know enough, the disability perspective is not addressed) – this is something raised by the CRPD Committee.

c) Structural violations of the rights of women and girls with disabilities (e.g. low access to work and high risk of poverty; segregation and institutionalisation; issues in reporting crime and accessing justice; lack of support to victims with disabilities)

d) Invisibility of women and girls with disabilities in legislation and policies prohibiting trafficking, including at international level. I.e. [UN Convention against Transnational Organised Crime](https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html) and the [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children](https://www.unodc.org/documents/treaties/Special/2000_Protocol_to_Prevent_2C_Suppress_and_Punish_Trafficking_in_Persons.pdf) do not mention disability.

She explained that it is very important that organisations of persons with disabilities do not forget trafficking and sexual exploitation in our advocacy on the rights of women and girls with disabilities. They should also encourage women’s rights organisations to pay specific attention to women and girls with disabilities when they work on this topic. She said that all stakeholders involved in combating trafficking and sexual exploitation, as well as persons in contact with victims, must be informed and trained about the risks faced by women and girls with disabilities and their rights.

She ended by stressed that it must be acknowledged that women and girls with disabilities are being targeted because of their disability, and that it must also be combatted and sanctioned. For example, States should consider adopting harsher sanctions for traffickers exploiting women and girls because of their disability.

## Panel 1 – International and European instruments and policies to combat trafficking and sexual exploitation in women and girls with disabilities.

### Siobhán Mullally, United Nations Special Rapporteur on trafficking in persons, especially in women and children.

Mrs Mullally is the United Nations Special Rapporteur on trafficking in persons, especially women and children, and focuses on the human rights aspects of the victims of trafficking in persons.

Her mandate:

a) Take action on violations committed against trafficked persons and on situations in which there has been a failure to protect their human rights (See [how to submit individual complaints](https://spsubmission.ohchr.org/); [See previous communications from Special Rapporteurs](https://spcommreports.ohchr.org/));  
b) Undertake [country visits](https://www.ohchr.org/EN/Issues/Trafficking/Pages/visits.aspx) in order to study the situation in situ and formulate recommendations to prevent and/or combat trafficking, and protect the human rights of victims of trafficking in specific countries and/or regions;  
c) Submit [annual reports](https://www.ohchr.org/EN/Issues/Trafficking/Pages/annual.aspx) to the UN Human Rights Council and the General Assembly.

Mrs Mullally highlighted in her presentation the serious human rights violation that is trafficking in persons, the particular risks that may be faced by women and girls with disabilities, and States’ obligations of non-discrimination and reasonable accommodation in all anti-trafficking actions.

The intersections of disability and human trafficking is an area that has been neglected in international law, policy and practice on human trafficking. She explained that this gap should be addressed as a matter of urgency. Limited disaggregated data is available on experiences of persons with disabilities of human trafficking, or prevalence of forms of exploitation. This contributes to the lack of visibility, and a lack of knowledge and good practice in anti-trafficking measures.

She emphasized the fact that the non-discrimination principle is at the heart of international law on human trafficking. States’ obligations of prevention, protection, prosecution and partnership apply without discrimination. However, it is important that attention to disability and the rights of persons with disabilities goes beyond brief references to heightened risks of exploitation or to obligations of non-discrimination in general terms. Disability may intersect with law, policy and practice on human trafficking at multiple points, that must be addressed in policy, legislation and programming.

She made references to the key international and European legal instruments on human trafficking. These are: the [Palermo Protocol](https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx) (2000), the [Council of Europe Convention on Action against Trafficking in Human Beings](https://rm.coe.int/168008371d), the [European Convention on Human Rights](https://www.echr.coe.int/documents/convention_eng.pdf) (article 4), the [EU Anti-Trafficking Directive](https://ec.europa.eu/anti-trafficking/eu-anti-trafficking-directive-201136eu_nl) (2011) and the [EU Charter of Fundamental Rights](https://www.citizensinformation.ie/en/government_in_ireland/european_government/eu_law/charter_of_fundamental_rights.html" \l ":~:text=The%20Charter%20of%20Fundamental%20Rights,into%20one%20legally%20binding%20document.&text=The%20purpose%20of%20the%20Charter,the%20territory%20of%20the%20EU.). In addition, the full range of international human rights law instruments include obligations or prevention, protection and accountability, in relation to human trafficking. While these legal instruments include obligations of non-discrimination, specific references to the rights of persons with disability are not found, but are implicit within the legal texts, and the most significant legal instrument, the Convention on the Rights of Persons with Disabilities.

* **Prevention**: She stated that risks and vulnerability to trafficking may be linked to institutional and congregated settings, which create dependency and may perpetuate a situation of isolation or marginalisation. As is noted in Article 16(3) of the CRPD, States Parties must ensure that “all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.” This must include monitoring and a comprehensive approach to effectively prevent human trafficking – for all forms of exploitation. She noted that experiences of social marginalisation and relationships of dependency, arising from structural inequalities and discrimination, may also increase risks of poverty and social exclusion, thereby heightening risks of exploitation. Article 6 of the CRPD specifically addresses the intersectional discrimination that women with disabilities face. In its recent [General Recommendation No. 38 on Trafficking of Women and Girls in the Context of International Migration](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/38&Lang=en), (CEDAW/C/GC/38 6 November 2020), CEDAW notes that sex and gender-based discrimination, gender based structural inequality and feminisation of poverty are root causes of trafficking. They also note that women and girls with disabilities may be at particular risk of trafficking, where their life experiences are marked by serious human rights deprivation. (para.20) As is noted in CRPD GC no.3 on women and girls with disabilities CRPD/C/GC/3 (2 September 2016), “Women with disabilities may be targeted for economic exploitation because of their impairment, which can in turn expose them to further violence. For example, women with physical or visible impairments can be trafficked for the purpose of forced begging because it is believed that they may elicit a higher degree of public sympathy.” (para. 34)
* **Identification**. Identification of victims of trafficking is critical and early identification ensures referral for specialised assistance and protection, including legal aid. Identification is a positive obligation on states and is not dependant on self-identification. It is critical to ensure that information for victims of trafficking and those at risk of exploitation is accessible and easily available, and that the specific risks faced by persons with disabilities, are recognised by all actors involved in National Referral Mechanisms (NRMs).
* **Assistance and Protection**: The obligation of reasonable accommodation (Article 5(3) CRPD) requires reasonable accommodation for disabled persons as a non-discrimination measure. It is essential that all anti-trafficking actions, including the provision of specialised services and support, include mechanisms to ensure reasonable accommodation for those who have experienced trafficking. We know from working with NGO partners providing services, that this obligation is not being met by States, including States Parties to CRPD. Persons with disabilities, in particular, women and girls, who are victims of trafficking, may not have access to essential supports and accessibility needs, while victims of trafficking. These experiences may give rise to additional needs for specialised services to ensure full physical, cognitive and psychological recovery, rehabilitation and social reintegration, and inclusion. It is critical to ensure that such social inclusion measures, in line with Article 16(4) CRPD, are trauma informed, and ensure the rights, dignity and autonomy of victims of trafficking with disabilities, taking into account gender- and age-specific needs.
* **Access to Justice**: The CRPD Committee has highlighted specific challenges that may arise in ensuring access to justice, and access to effective remedies for persons with disabilities. These are particularly urgent in the context of the serious human rights violation of trafficking, and impede both access to legal assistance, and to remedies. As has been noted by CRPD, the specific barriers that arise may include: “[…] owing to harmful stereotypes, discrimination and lack of procedural and reasonable accommodations, which can lead to their credibility being doubted and their accusations being dismissed. Negative attitudes in the implementation of procedures may intimidate victims or discourage them from pursuing justice. Complicated or degrading reporting procedures, the referral of victims to social services rather than the provision of legal remedies, dismissive attitudes by the police or other law enforcement agencies are examples of such attitudes. (CRPD GC no. 3) Women with disabilities may also fear reporting violence, exploitation or abuse because they are concerned that they may lose the support required from caregivers. (para. 52: CRPD GC no.3)
* **Legal Capacity (Article 12 CRPD)**: Lack of recognition of legal capacity may increase vulnerability to trafficking and also hinder access to assistance and protection, including legal assistance. For persons with disabilities, this risk can arise due to formal denial of legal personhood via legal regimes such as guardianship, or may be linked to difficulties in accessing identity documentation in order to be recognised as a legal person. (Such difficulties may arise in particular where disabled persons are institutionalised or are in ‘care’ settings where identity documentation is removed and inaccessible.
* She also said that **trafficking in Conflict and Humanitarian settings** is a thematic priority for my mandate. On this priority issue, she has been working with the Global Protection Cluster, and will continue to highlight the intersections of trafficking and disability in such settings. As has been noted by CRPD, in GC no.3 on women and girls with disabilities: “In situations of armed conflict, occupation of territories, natural disasters and humanitarian emergencies, women with disabilities are at an increased risk of sexual violence and are less likely to have access to recovery and rehabilitation services or access to justice.” (para. 49). This is a concern that I will continue to highlight in working with the Global Protection Cluster. It is particularly relevant also to situations of natural disasters, including those resulting from climate change. It is critically important also that we recognise the rights of trafficked persons with disabilities in asylum processes, when seeking international protection.
* **Questions of Definition**: Defining Trafficking in Persons (the means element) One of the recognised ‘means’ of trafficking listed in the UN Trafficking in Persons Protocol is ‘abuse of a position of vulnerability’. Such abuse may occur, for example, where vulnerability is linked to a relationship of dependency in a family setting, or to an institutional setting. The travaux préparatoires to the Protocol include an interpretative note to the effect that reference to the abuse of a position of vulnerability “is understood as referring to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved.” Abuse of a position of vulnerability may also considered as an aggravating factor in sentencing (see for example Recital para 12, to EU Trafficking Directive 2011/36/EU,). The [ILO Forced Labour Convention, 1930](https://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/documents/genericdocument/wcms_346435.pdf) (No. 29) and the [ILO Abolition of Forced Labour Convention,](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:CON,en,C105,/Document) 1957 (No. 105), do not refer to the notion of “abuse of vulnerability”. However, the ILO supervisory bodies have considered the concept in examinations of national legislation and practices aimed at combatting forced labour, as well as practices that constitute forced labour.

### Dalia Leinarte, member of the UN Committee on the Elimination of Discrimination against Women

### Mrs Leinarte is a member and former Chair of the UN Committee on the Elimination of Discrimination against Women (CEDAW), Professor at Vytautas Magnus University, and Fellow Commoner at Lucy Cavendish College, University of Cambridge. She is currently the Chair of the CEDAW Committee working group on the General Recommendation concerning trafficking in women & girls in the context of global migration.

Mrs. Leinarte explained that the [CEDAW General Recommendation No. 38 “Trafficking in Women and Girls in the Context of Global Migration”](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/38&Lang=en) talks about the implementation of States parties’ obligations as stipulated in Art. 6 of the CEDAW Convention as follows: “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”

Article 6 of the CEDAW Convention has its legal basis in the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of Others. This links trafficking and sexual exploitation of women in prostitution. Making this legal link between the two, we recognize that causes of trafficking for sexual purposes is mainly prostitution and the demand side.

She explained that the General Recommendation No 38 defines the most vulnerable groups of women and girls in trafficking as follows:

* Indigenous and ethnic minority communities
* Migrant, stateless, refugee, asylum-seeking women
* Women and girls with disabilities or without care
* Women and girls living in rural and remote areas
* Displaced women, from conflict or post-conflict settings

The Committee emphasizes that the realities of trafficking in women and girls extend beyond the scope of the United Nations Trafficking Protocol. It points to the recent trends and the role of information communication technology, social media and chat apps in the recruitment of women and girls and their exploitation. It further acknowledges that the definition of trafficking in persons extends beyond situations where physical violence has been used or where the victim’s personal liberty has been deprived.

She continued explaining that the examination of States parties’ reports by the CEDAW Committee reveal that the abuse of a position of vulnerability and the abuse of power are the most common means used to commit the trafficking crime and that victims are often subjected to multiple forms of exploitation, and the consent of a victim of trafficking also is irrelevant. These provisions are very important for disabled women as potential victims of trafficking.

What are the root causes of trafficking defined by the General Recommendation No 38?

* Socio-economic injustices and gender inequality

Trafficking in women and girls is rooted in sex and gender-based discrimination, gender-based structural inequality and the feminisation of poverty to which women with disabilities are much more liable. Women and girls continue to be the prime targets of traffickers for specific forms of exploitation due to pervasive and persistent gender inequalities resulting in an economic, social and legal status that is lower in comparison to that which is enjoyed by men and boys.

* Situations of conflict and humanitarian emergencies also cause trafficking

During humanitarian emergencies governments are often required to divert resources including the use of policing and social services, making it easier for traffickers to hide their operations and rendering victims increasingly invisible as well as making it more difficult for victims to seek protection, services, assistance and support.

* Discriminatory migration and asylum regimes also encourage trafficking

Women’s ability to migrate is further restricted by gender-based stereotypes, discriminatory laws, discrimination and exploitation in recruitment, lack of available decent work, limited reliable information on migration.

* Increased use of digital technology especially during COVID-19 also encourages trafficking and exploitation of prostitution

Demand channels through social media provide easy access to potential victims. This increases their vulnerability as well as the use of electronic currencies offers tools to hide personal information. Under the COVID-19 State parties face growths of trafficking in cyberspace, including disabled women and girls: an increased recruitment for sexual exploitation on-line, an increased demand for child sexual abuse material and technology facilitated child sex trafficking.

* Finally, the most important root cause of trafficking, especially for sexual purpose, is the demand side.

Massive financial gains with few risks due to the impunity are still widespread. Demand persists due to States parties’ failure to effectively discourage the demand that fosters exploitation and leads to trafficking, especially for sexual purposes.

She highlighted that the General Recommendation No 38 calls to:

* improve victim identification, support and protection services, in particular adequate assistance must be provided to women and girls with disabilities who are a particularly vulnerable group to be trafficked.
* investigate, prosecute, and convict all perpetrators involved in the crime and bring perpetrators to justice.
* secure adequate financial remedies for victims.
* recognize exploitation of prostitution as gender-based violence against women as inherently linked to trafficking for sexual purposes.

The Committee affirms that discrimination against women and girls includes gender-based violence, the prohibition of which has evolved into a principle of customary international law. Recognizing the gender-specificity of the forms of trafficking in women and girls and its consequences, including harms suffered, the Committee acknowledges that trafficking and exploitation of prostitution in women and girls is a phenomenon rooted in structural sex-based discrimination, and constitutes gender-based violence

### Ms Zsuzsanna Felkai Janssen, Office of the EU Anti-Trafficking Coordinator.

Mrs Felkai Janssen is a team leader of the Anti-Trafficking team in the Office of the EU Anti-Trafficking Coordinator. The function of the Office of the EU Anti-Trafficking Coordinator was created by the [Anti-Trafficking Directive](https://ec.europa.eu/anti-trafficking/eu-anti-trafficking-directive-201136eu_nl) in 2011. The EU Anti-Trafficking Coordinator is responsible for improving coordination and coherence among EU institutions, EU agencies, Member States and international actors, and for developing existing, and new EU policies to address Trafficking in Human Beings.

The Anti-Trafficking Directive defines the position of women in situations of vulnerability as those who have no acceptable alternative than to undergo the abuse involved. The situation of vulnerability can be aggravated by the situation of the person to protect himself, the fact that the person is under legal guardianship, or he or she lives in a care home.

Persons with disabilities can be exploited for trafficking purposes for all forms of human trafficking, including criminality and sexual labor. Those are the most typical forms of exploiting people with disabilities.

She reminded that D-disabilities can be acquired for exploitation, giving the example of mutilated beggars to create more criminal profit. A report of the European Commission from 2021 states that victims of trafficking for forced begging include people with substance and alcohol abuse disorder, physically disabled people who belong to ethnic minorities, including people from the Roma communities or people in difficult financial situations.

She explained that the EU anti-trafficking policies focus on individuals and groups, including with persons with disabilities who are qualifying as particularly vulnerable. For example, when the offense is committed in certain circumstances against a particular vulnerable victim, the penalty should be more. In the context of the Directive, it should include children.

Other factors have to be taken into account when assessing the vulnerability of the victim. When the offense is great, when the life of the victim has been endangered or the offense has involved serious violence, like torture, rape, or other serious forms of psychological or physical violence, then it has to be reflected in a more severe penalty.

In the Directive there is special support of “people with special needs”. Children or people living in care homes are at higher risks of being victims of trafficking.

The effective coordination between the different services or child protection agencies, social services, judicial authorities, and health authorities is key to protect them. It is important that member states have appropriate mechanisms to prevent and combat trafficking and do this in a multidisciplinary way. The aim is also to establish a European mechanism with all of these actors involved. This is however quite complex; all states have their own solutions.

The decision makers can play a role in tackling all forms of trafficking. It is essential that every policy establishes the root cause. Volunteering may play a role in institutionalism, and it increases the risk of trafficking. Citizens in the EU also take part in this activity in high numbers, especially young people, without knowing the consequences. Awareness raising is essential and in some countries, for exemple in the Netherlands, governments are talking with organizations who are sending people abroad to work in special institutions and care homes as volunteers.

She also talked about the [EU Strategy of the Rights for Persons with Disabilities](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_810), which was adopted by the European Commission for the time period of 2021 to 2030, also includes areas of protection for people with disabilities, explaining that it has a close link to the trafficking in human beings.

This shows, despite the progress achieved at EU level, it remains a serious threat in the EU. It is lucrative, producing billions of euro of profit every year, and it endangers the life of many individuals, particularly women and children.

Persons with disabilities are an important focus of the EU actions and [the EU Strategy on Combating Trafficking of Human Beings](https://ec.europa.eu/anti-trafficking/eu-strategy-combatting-trafficking-human-beings-2021-2025_nl). It was published in April 2020. The [Commission progress report](https://ec.europa.eu/anti-trafficking/third-report-progress-made-fight-against-trafficking-human-beings_en) shows that 75 percent of the victims of trafficking are women. It is a very gender-focused crime. 25 percent of the victims are children.

The children are trafficked mostly for sexual exploitation, but also for labor and increasingly for forced criminality, so pickpocketing, shop lifting, and to work in cannabis farms. Children are trafficked within the EU often in their own member state. They are increasingly falling victim in the digital space, which was also obvious in the pandemic. The number of victims in the online space has increased. It is showed by reports that there are websites where people are looking for sexual encounters. The EU want to reduce the number of online platforms to find victims. The negotiations on the [EU Digital Services Act](https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package) is important to also raise the liability of the online platform, which are giving possibility for illegal activities on online market places.

Migrant women are also at higher risk of trafficking and exploitation. The EU migration policy pays special attention to this group, in terms of accommodation, education, and health care.

At the EU level, we are evaluating the Anti-Trafficking Directive and the European Commission has launched this evaluation process at the end of October 2021. The consultation is open for 12 weeks.

The European Commission established a platform for civil society organisations. The platform meets twice a year to exchange views and best practices and to enter in a dialogue. So far, there are no organisations of persons with disabilities in the Platform. She said that the Commission is planning to relaunch the call for participation in this platform in 2022.

## Panel 2 – exchange of best practises and current state of play in Spain

### José Nieto Barroso, Spain National Police.

Mr Nieto Barroso is Chief Police Commissioner of the Centre for Intelligence and Risk Analysis at the Spanish National Police.

Mr. Nieto Narroso explained that within their work at the Spanish National Police, it is a priority to address trafficking, and they have strategic plans to identify women and girls who are victims of trafficking. In Spain, 71 percent of all victims of trafficking are women, however he noted that based on his experience it may be even higher, as most these victims are invisible. We don’t know always know what is happening in clubs, in industrial estates where prostitution takes place and in private residencies.

* We are talking about sexual exploitation more than prostitution. In Spain, prostitution is not a crime.
* These criminal organizations in trafficking are very well-organized. They use at times women, very young women, and even women who have disabilities.
* It is important to inform the general public and to raise awareness, in particular with the customers of prostitution. These are people who want to use, to objectify women and even girls. When they see some type of anomaly, they pay even more than for a woman that meets all the standards for normality.
* In 2010, trafficking was prohibited and included as a crime in the civil code. In 2010 it was introduced as a legal crime in the Spanish legal system. In Section 2.4, there are sentences between five and nine years if the victim is especially vulnerable due to illness, pregnancy, or disability. At least disability is introduced in our legislation.
* From the police, this has become more and more a priority to arrest people who are exploiting, the traffickers, and of course locating victims. Specialized units within the national police force try to find victims and identify the places where victims are at higher risks, including private residences and industrial estates. They try to identify people who are involved. We need to know their identities to find out if they are victims or people with disabilities. They need to know that the police is on their side. They need to know that the police is trying to help them, to assist them, because we know what criminal organisations tell them. They say there is corruption. They should know that we are in contact permanently with NGOs so if we identify a victim, we can initiate investigations. We can arrest those responsible.

### Isabel Caballero Pérez, CERMI Women’s Foundation.

Ms.

Caballero Pérez is the Coordinator at the CERMI Women’s Foundation.

She started her presentation by highlighting that during lockdown, even before, CERMI Women’s Foundation had detected that there was an increase in number of consultations of victims of trafficking. CERMI Women’s Foundation received information from organisations of persons with disabilities who are providing legal advice, social advice and guidance to victims of violence that in particular women with intellectual and psychosocial disabilities are at risk.

Ms. Caballero Pérez explained that they have a lot of information on violence against women with disabilities. She made reference to a plan from 2015 to 2018 that did include some measures regarding specific situations faced by women with disabilities but no major policies. They spoke about training, staff training for people in charge of detecting and addressing these cases, including the need to ensure accessibility.

CERMI Women’s Foundation decided to push forward with research on trafficking of women and girls with disabilities for sexual exploitation. Spain is one of the countries in the EU where there is the most prostitution. The aim of the research project was to get to know the situation from a feminist approach, based on human rights, to find out about the reality faced by women and girls with disabilities. CERMI Women’s Foundation tried to answer questions such as ‘Who is being exploited sexually, or they part of the prostitution system, what is the impact on their social life, and mental, physical, and reproductive rights?’

In this research project, they aimed to identify the underlying causes which lead to these violations of human rights and suggest ways to address, based on awareness raising to and provide solutions.

She explained that in Spain there is a public debate on the future law on anti-trafficking. There is now a public consultation on going. Civil society organisations can now contribute to the debate on this new law. The new law will probably be presented to the house of parliament in 2022.

In the research project, CERMI Women’s Foundation used a mixed methodology based on carrying out interviews and analyzing data, although we are aware of the fact there is not a lot of data. There was a lot of desk work, where they gathered and analysed legal framework studies and reports on traffic and prostitution, and violence against women with disabilities. They did a mapping exercise, where they identified key informants because of the work that these people and organizations are doing. They can provide useful information. They interviewed representatives of government, 26 people from NGOs who were providing direct services to victims, who have resources for victims. Four of them were organisations specialised in services for people with disabilities. They also contacted ten independent experts.

There were some problems which they detected, because within the methodology which we had set out, they wanted to hold direct interviews with victims. However, it was difficult to obtain direct declarations. This is one of the main challenges they had in this research. It shows how invisible these women are and the fears that they have. It was very difficult to contact this target audience and to gather their testimonies for the advocacy work we want to do.

She said that organisations who provide services to victims, even if CERMI Women's Foundation offers guidance, don't have any way to identify women who are victims with disabilities. These organisations don't have information on the number of victims with disabilities. It is not just public administration that does not have these records, but also these organisations that are working on the ground and don't include disability as a variable. Many of the cases which were reported had many difficulties to distinguish between intellectual disability with mental health problems and women with psychosocial disabilities. Many were caused by the trauma and violence these women had suffered. It was a huge challenge to interview rights holders because of the traumatic nature of sexual exploitation, which they had suffered.

CERMI Women’s Foundation also talked to the national police, were in contact with prosecutors, special prosecutor for questions of migration, and the prosecutor office concerning trafficking. The Hope project, the Red Cross in Spain, and other organisations like Amuvi, specialised in aiding victims of sexual exploitation.

They organised discussion groups with organizations of civil society, working on the rights of persons with disabilities and organisations working in mental health. We worked with the famous director and philosophers. They also engaged with activists from Latin America who took part in this research process.

The first results will be published at the beginning of 2022. The first impression they have is that the sexual exploitation of women with disabilities is very widespread. It also has an invisible dimension. That prevents them to collect data and to combat it. They also know that it is a very complex situation. It is undetectable. It stigmatizes these girls and women. Disability needs to be included in future data collection efforts.

There are appropriate resources for women with disabilities that give them access to emergency services. Many women who are subjected to trafficking are sent to special services for people with disabilities. This also happens with women with disabilities who are victims of violence. The problem is that they are being sent to specialist disability services, where the staff are no experts on violence. The result is that these women do not receive the care and attention they require as victims of violence. There are no special resources on disability in organisations that provide services to the victims of trafficking and sexual exploitation. There is a total lack of training for practitioners who oversee these services.

Finally, she stressed that the legislation tends to be repressive instead of preventive. She said that advocacy in this area is needed and especially in this period, as in the coming months where there will be an intense debate on this future law on trafficking. They need to focus on the causes and the devastating effects and will do this from an intersectional approach, where disability will be present and gender.

# Contact

* For information or question on content, please contact An-Sofie Leenknecht, EDF Human Rights Coordinator: [ansofie.leenknecht@edf-feph.org](mailto:ansofie.leenknecht@edf-feph.org).

# About us

The **European Disability Forum** (EDF) is an umbrella organisation of persons with disabilities that defends the interests of over 100 million persons with disabilities in Europe. Run by persons with disabilities and their families, EDF is a strong united voice of persons with disabilities in Europe.

The **CERMI Women’s Foundation** is a non-profit organization whose main objective is to favor the conditions for women and girls with disabilities, as well as women and mothers who assist persons with disabilities, to enjoy fully and on equal terms all the human rights and fundamental freedoms.