



Combating trafficking in persons with disabilities

European Disability Forum - Position Paper
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**Recommendations on combatting human trafficking –
review of EU rules**



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Introduction

The European Disability Forum

The European Disability Forum (EDF) is an umbrella organisation of persons with disabilities that promotes the rights of over 100 million persons with disabilities in the European Union. We are a unique platform which brings together representative organisations of persons with disabilities from across Europe. We are run by persons with disabilities and their families, and as such represent a strong and united voice of persons with disabilities in Europe.

Purpose of the position paper

This document was prepared to contribute to the [evaluation of the EU Anti-Trafficking Directive](#) (Directive 2011/36/EU). It provides recommendations to the European Union (EU) on measures needed to combat trafficking against persons with disabilities, including women and girls with disabilities. It calls for the revision of the EU Anti-Trafficking Directive.

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Executive Summary

Persons with disabilities, including women and girls with disabilities are at a higher risk of exploitation and may be more at risk of trafficking in persons than persons without disabilities. Examples of trafficking faced by persons with disabilities are forced begging of persons, including children, with physical disabilities and sexual exploitation of women with intellectual or psychosocial disabilities.

The European Disability Forum calls on the EU to **revise the Anti-Trafficking Directive** to enhance the protection against trafficking of the most disadvantaged groups, including persons with disabilities and their access to justice and victims' support services, as well as to take into consideration the increasing of trafficking cases facilitated by internet and social media.

In particular, EDF recommends that the revised Directive and policies and actions to combat human trafficking adopted by the EU and its Member States include the following points:

- a) **Proper data collection disaggregated by disability**
- b) **Accessible and inclusive prevention and response measures and programmes**
- c) **Full implementation of the rights of persons with disabilities**
- d) **Effective access to justice**
- e) **Harsher penalties**

The full conclusions and recommendations are available at the end of the document.

International legal framework against human trafficking

At the international level, several instruments prohibit human trafficking. Some of the most important international treaties prohibiting human trafficking are the **UN Convention against Transnational Organised Crime** and the **Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children**. Article 5 of the Protocol requires States to criminalise trafficking, attempted trafficking, and any other intentional participation or organisation in a trafficking scheme.

Other international human rights treaties also prohibit human trafficking such as the **International Covenant on Civil and Political Rights** which prohibits a number of practices directly related to trafficking, including slavery, the slave trade, servitude and forced labour. The

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires States to take all appropriate measures to suppress all forms of trafficking in women and exploitation of prostitution of women. In relation to children, the **Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography** (2000), prohibit trafficking in children for any purpose, including for exploitive and forced labour.

While there is a global commitment to criminalise and condemn human trafficking, persons with disabilities, including women and girls, mostly remain invisible in international treaties and national legislation and strategies to combat human trafficking. An exception is the CEDAW [General recommendation No. 38 \(2020\) on trafficking in women and girls in the context of global migration](#) which makes specific references to trafficking of women and girls with disabilities.

The **Convention on the Rights of Persons with Disabilities (CRPD)** itself does not specifically refer to human trafficking but it prohibits torture, or cruel, inhuman or degrading treatment or punishment (article 15), exploitation, violence and abuse (article 16) and protects the integrity of the person (article 17). Human trafficking of persons with disabilities was addressed in the work of the Committee on the Rights of Persons with Disabilities (CRPD Committee), for example in [General Comment No. 3 \(2016\) on women with disabilities](#) and in several of its concluding observations addressed to States parties.¹ This is important as **the EU and all its Member States have ratified the CRPD and are obliged to implement it.**

In addition, all EU Member States have ratified the [Council of Europe Convention on Action against Trafficking in Human Beings](#) which was adopted in 2005 and entered into force in 2008. However, this Convention does not make explicit references of persons with disabilities.

Trafficking of persons with disabilities

According to recent studies,² persons with disabilities, including women and girls with disabilities are at a higher risk of exploitation and may be more at risk of trafficking in persons than persons without disabilities, including in the context of global migration.

¹ See section on trafficking of persons with disabilities.

² See [Thematic study on the issue of violence against women and girls and disability - Report of the Office of the United Nations High Commissioner for Human Rights](#) (2012); [EPRS study on Implementation of Directive 2011/36/EU: Migration and gender issues](#) (2020).

Forms of trafficking affecting persons with disabilities

Studies present evidence of the **direct link between some forms of disability and different patterns of trafficking**, such as forced begging and labour exploitative practices.³ Persons with physical or visible disabilities are more likely to be 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.

The CRPD Committee expressed concerns over the following forms of trafficking:

- Sexual abuse and exploitation,⁴ especially of children and women with disabilities and their trafficking abroad
- Organ trafficking⁵
- Human trafficking for labour and forced labour⁶
- Forced begging⁷

Roots causes of trafficking of persons with disabilities

Several factors lead persons with disabilities to be at higher risk of trafficking in persons.

Lack of awareness

The lack of awareness by persons with disabilities of their rights, and of what constitutes exploitation and its endangerments, leads to their inability to self-identify as victims and makes it easier for traffickers to manipulate them. Traffickers may particularly target people with intellectual disabilities (in particular women and girls) who often are not made aware of their rights and are not taught to identify situations of violence and exploitation.

There is also a lack of awareness of States and other relevant stakeholders, including civil society organisations, on the rights of persons with disabilities and the specific issues they may face. Moreover, they often are unaware of the extent of which human trafficking affects people with disabilities. Because of this lack of awareness, they do not take

³ [Thematic study on the issue of violence against women and girls and disability - Report of the Office of the United Nations High Commissioner for Human Rights](#) (2012)

⁴ Concluding observations to Morocco, Ukraine, Haiti

⁵ Concluding observations to Ukraine, El Salvador

⁶ Concluding observations to Thailand, Niger

⁷ Concluding observations to Thailand, Dominican Republic

appropriate prevention or response measures to protect their rights or fail to properly identify and support trafficked persons with disabilities.

Lack of data

The CRPD Committee expressed concerns regarding the lack of data on trafficking disaggregated by disability. This lack of information on the number of persons with disabilities subjected to trafficking in persons and the failure to systematically disaggregate data and statistics by gender, age and disability, substantively hinder the adoption of adequate age and disability-appropriate measures of prevention and protection by States and other relevant stakeholders.

Structural violations of the rights of persons with disabilities

Discrimination, stigma, stereotyping and prejudices against persons with disabilities put them at increased risk of trafficking and exploitation, as they feed into and reinforce the idea that they are less worthy of human rights protections and easier to abuse with impunity.

The lack of accessibility and failure to provide adequate safeguards, including reasonable accommodation and support measures increase the risks of persons with disabilities of being subjected to trafficking and exploitation, as well as of not being granted support as victims. For example, this may be the case in global migration, when the support provided to victims of humanitarian crises and trafficking are not accessible to women and girls with disabilities.

The low access to education and work, and high risk of poverty, make people with disabilities more likely to be targeted by trafficking networks. The CRPD Committee expressed concerns that persons with disabilities living in poverty were often at risk of exploitation and abuse, including begging and human trafficking for labour and sexual exploitation.

Deprivation of liberty, segregation and institutionalisation of people with disabilities highly increases their risks of being trafficked. The CRPD Committee stressed that persons with disabilities deprived of their liberty in places such as psychiatric institutions, or placed in segregated setting, such as special education institutions, are exposed to higher risk of sexual violence and trafficking. It raises strong concerns regarding the reports of sexual abuse and exploitation of children with disabilities in institutions, their trafficking abroad and reports of organ trafficking. In the context of global migration, this may apply to detention and settlement camps for refugees and asylum seekers, or any segregated settings. The CRPD Committee noted that women and girls with

disabilities in post-earthquake camps in Haiti were facing increased issues of trafficking, exploitation and sexual assaults.

Intersectional identities

It is important to note that persons with disabilities who face additional violations because of grounds other than their disabilities are often at an even higher risk of trafficking. This is particularly the case for **women and girls, Roma people, trans persons, and migrants (included undocumented migrants and asylum-seekers) with disabilities.**

Structural and systematic violations of the rights of persons with disabilities enshrined in the UN Convention on the Rights of Persons with Disabilities and in the UN Convention on the Elimination of Discrimination Against Women increase their risks of falling victims of traffickers and of not being granted necessary support as victims.

Invisibility of persons with disabilities in laws and policies addressing trafficking

Persons with disabilities are mostly invisible in laws and policies addressing trafficking at international, European and national levels. As a consequence, they are inadequately protected against trafficking and supported as victims.

Barriers faced by trafficked persons with disabilities

Persons with disabilities victims of trafficking face additional barriers to seek justice and exercise their rights as victims.

Lack of awareness of victims

Trafficked persons with disabilities of trafficking are often not aware of their rights and how to report trafficking. This is even more difficult for children with disabilities.

Bias, myths and stereotypes

Many myths and stereotypes on persons with disabilities prevent them from being considered credible by the police and the criminal justice system. They include for instance the myth that persons with intellectual or psychosocial disabilities cannot be believed and may “imagine” the exploitation. Patriarchal and ableist views may also lead women and girls with disabilities who are victims of sexual exploitation to not being believed, under the myth that women with disabilities, especially with intellectual disabilities are asexual or that women with psychosocial disabilities are hypersexual. This can particularly affect migrant women with disabilities, women with disabilities from ethnic minorities, as well as trans persons with disabilities.

Fear, segregation and exclusion

Linked to myths and stereotypes, persons with disabilities may be afraid of stigmatisation and victimisation when reporting trafficking and exploitation, including of not being believed. This can particularly be the case for women and girls, and people with intellectual or psychosocial disabilities. Fear is intensified by structural segregation and exclusion, especially when people are in closed settings such as institutions, hospitals or asylum centres.

Physical and communication barriers

Reporting mechanisms, including helplines, police offices and courts are often not accessible to persons with disabilities. For instance, a police station may not be accessible for a person using a wheelchair, or emergency numbers may not be accessible for Deaf and deafblind persons.

Gaps in EU legislation and policies

The EU Anti-Trafficking Directive

In 2011, the EU adopted an [Anti-Trafficking Directive](#) to prevent trafficking, to prosecute criminals effectively and to better protect victims. The directive sets minimum sanctions for perpetrators of trafficking in persons (article 4) and requirement for assistance and support for victims of trafficking in human beings (article 11). The directive requires an individual assessment of the victim and the provision of support to “victims with special needs” including those with disabilities. It also requires Member States to adopt some prevention measures, including education, awareness raising campaigns and trainings for officials (article 18).

Although people with disabilities, including women, are at higher risk of trafficking **the Directive does not provide enough support to them and does not require Member States to collect data and set up tailor-made mechanisms to support them.** There is no set requirement of accessibility regarding prevention material or trainings, or access to services for victims with disabilities nor training of law enforcement and other relevant stakeholders on the identification and respectful treatment of people with disabilities. In addition, the Directive does not take into account the **precarious situation** of people most at risk of trafficking (women, persons with intellectual or psychosocial disabilities, persons with physical disabilities, refugees and migrants) as well as the increasing

use of online technologies, including social media, to entrap victims.⁸

EU Strategy against human trafficking

Aware of the difficulties to combat human trafficking, the European Commission adopted an [EU Strategy on Combatting Trafficking in Human Beings \(2021-2025\)](#). This initiative provides for a more comprehensive response to the crime, from preventing human trafficking, and protecting and empowering victims to bringing traffickers to justice. The text of the strategy mentions “vulnerabilities” and persons with disabilities, and makes reference to the EU Strategy on the rights of persons with disabilities. However, there are no targeted actions that refers to the rights and needs of persons with disabilities. It is concerning because victims with disabilities may continue to remain invisible and not receive appropriate support as victims, as reflected in the implementation of the [Council of Europe Convention on Action against Trafficking in Human Beings](#).⁹

According to the [2020 European Parliamentary Research Service’s implementation report on the EU Anti-Trafficking Directive](#), the Group of Experts on Action against Trafficking in Human Beings of the Council of Europe ([GRETA](#))¹⁰ noted during their first evaluation round of the Council of Europe’s Convention on trafficking that almost all EU Member States reports lacked any information on the protection, assistance, and support mechanisms in place for victims with physical or intellectual disabilities. Only a few provided any information or mention of special assistance or consideration given to victims with disabilities; including women and girls.¹¹ Although the situation may have improved in some countries, people with disabilities remain mostly invisible. While some Member States have action plans or policies directly addressing and asserting the rights of persons with disabilities, they do not cover their rights as victims of human trafficking. Overall, Member States lack adequate targeted protection and assistance programmes for persons with disabilities.

⁸ This is highlighted in an [implementation report](#) on the Directive of the European Parliament (2020).

⁹ See [country reports](#) by the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings.

¹⁰ GRETA is responsible for monitoring the implementation of the [Council of Europe Convention on Action against Trafficking in Human Beings](#) by the States Parties. The Council of Europe is an international organisation composed of 47 European countries. It is an entity different than the European Union.

¹¹ Estonia, Spain, Latvia, Malta and the Netherlands

Conclusions and recommendations

The European Disability Forum calls on the EU to **revise the Anti-Trafficking Directive** to enhance the protection against trafficking of the most disadvantaged groups, including persons with disabilities and their access to justice and victims' support services, as well as to take into consideration the increasing of trafficking cases facilitated by internet and social media.

In particular, EDF recommends that the revised Directive and policies and actions to combat human trafficking adopted by the EU and its Member States include the following points:

- a) **Proper data collection disaggregated by disability:** The EU and its Member States should systematically disaggregate data and statistics on human trafficking by gender, age and disability. They should collect specific data on trafficking and exploitation of persons with disabilities, including children and women with disabilities, and on disability acquired as a result of violence suffered through trafficking, sexual and other forms of exploitation.
- b) **Accessible and inclusive prevention and response measures and programmes:**
 - The EU and its Member States should develop enhanced safeguards to prevent trafficking and exploitation, including sexual exploitation, of persons with disabilities, including women and girls, and response measures for trafficked persons with disabilities. They should also pay specific attention to people acquiring disability as a consequence of trafficking (e.g. limb cut for forced begging, or psychosocial and/or physical disabilities resulting from sexual or other forms of exploitation).
 - All measures and services should be accessible to all persons with disabilities. Denial of access should be considered to constitute a discriminatory act, regardless of whether the perpetrator is a public or private entity.¹² Policies and programmes should take into account the specific needs of persons with disabilities and include a gender perspective. States and relevant stakeholders should ensure that information is provided in accessible formats, including braille, sign languages and easy-to-read. Shelters and services should be fully accessible to victims with disabilities and

¹² As enshrined in CRPD General Comment no. 2 on accessibility, paragraph 13.

provide appropriate support, including supported decision making when needed. Services should include qualified legal aid, tailored to persons with disabilities, redress and compensation. States should conduct an evaluation of the accessibility of current buildings, including shelters, services and information aimed at victims of trafficking in person, to ensure they fully meet the needs of victims with disabilities. Current barriers should be removed gradually in a systematic and continuously monitored manners, with the aim of achieving full accessibility.¹³

- Member States should provide training on disability and women's rights to all stakeholders involved in addressing trafficking, including those involved in early detection, protection and referral of victims of trafficking in persons. This should include training of law enforcement, labour inspectors, and judicial officials in the identification and respectful treatment of trafficked persons with disabilities. The EU should make sure adequate EU funding is available for such trainings.
- The EU, its Member States and other relevant stakeholders should involve persons with disabilities and their representative organisations, in the development, implementation and monitoring of prevention and response measures and programmes.

c) **Full implementation of the rights of persons with disabilities:**

The EU and its Member States should fully ensure the rights of persons with disabilities, in particular their rights to equality and non-discrimination, education, work and employment, equal recognition before the law and legal capacity, liberty and security, living independently and being included in the community, and an adequate standard of living, to avoid placing them at higher risks of trafficking and exploitation.

d) **Effective access to justice:** The EU and its Member States should ensure that persons with disabilities can access justice on an equal basis with others. They should ensure full accessibility within the justice system and provide training for practitioners, including with the objective to combat stereotypes and myths surrounding gender and disability that may affect access to justice, especially of women and girls with disabilities.

¹³ Ibid, paragraph 14.

e) **Harsher penalties:** Member States should adopt stiffer sanctions for traffickers exploiting people because of their disability. An aggravating circumstance based on disability should be added to the Anti-Trafficking Directive.

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