BRIEFING PAPER: TRAFFICKING IN PERSONS AND THE RIGHTS OF PERSONS WITH DISABILITIES

DUKE LAW | INTERNATIONAL Human Rights Clinic

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The **U.N. Special Rapporteur on the rights of persons with disabilities** was created to strengthen efforts to recognize, promote, implement, and monitor the rights of persons with disabilities from a human rights-based approach, in line with the Convention on the Rights of Persons with Disabilities and the broader human rights framework, and to recall the universality, indivisibility, interdependence and interrelatedness of all human rights and the need for persons with disabilities to be guaranteed the full enjoyment of these rights without discrimination. The current mandate holder is Ms. Heba Hagrass, who was appointed in 2023. A sociologist by training, she is an advocate, an international disability consultant, and a researcher on the rights of persons with disabilities with extensive experience in Egypt, the Arab Region, and worldwide. Additional information can be found here: https://www.ohchr.org/en/special-procedures/sr-disability.

The **U.N. Special Rapporteur on trafficking in persons, especially women and children**, is the only international human rights mechanism exclusively focused on combating human trafficking. The current mandate holder is Ms. Siobhán Mullally, who was appointed in 2020. She is the Established Professor of Human Rights Law and Director of the Irish Centre of Human Rights at the School of Law, National University of Ireland, Galway. Additional information can be found here: https://www.ohchr.org/en/special-procedures/sr-trafficking-in-persons.

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INTRODUCTION

Persons with disabilities are disproportionately trafficked, with women and girls with disabilities especially at risk. Trafficking can also cause new impairments or aggravate existing ones. Yet, there has been little documentation of the connections between trafficking in persons and the rights and experiences of persons with disabilities.[1] This leads to gaps in understanding patterns of trafficking of persons with disabilities, how trafficking leads to new or exacerbates existing impairments, barriers that trafficked persons with disabilities face in accessing assistance and remedies, and how international law can address the trafficking-disability nexus. Often these gaps also mean that trafficking of persons with disabilities is not recognized as such. As a result, trafficked persons with disabilities are precluded from the prevention, protection, and remedies to which they are entitled as victims of both trafficking in persons and disability-based discrimination.

As a result of these gaps and failures, measures to prevent trafficking of persons with disabilities, protect trafficked persons with disabilities, and provide effective and accessible remedies are lacking. This briefing paper begins to fill that knowledge gap to ensure that all stakeholders comply with their obligations to respect, protect, and fulfill the rights of persons with disabilities in the context of anti-trafficking efforts and in accordance with international law, including particularly the U.N. Convention on the Rights of Persons with Disabilities [hereinafter CRPD].

This briefing paper, based on findings from primary[2] and desk research, addresses the interplays between the rights of persons with disabilities and trafficking in persons by:

- providing core elements of the definitions of trafficking in persons and disability under international law and applying the definition of trafficking in persons to persons with disabilities;
- outlining key patterns of trafficking in persons with disabilities, including the factors that place persons with disabilities at increased risk of trafficking and how trafficking in persons may cause new, or exacerbate existing, impairments;
- detailing how international anti-trafficking, human rights, humanitarian, criminal, and refugee laws apply concurrently to require States to prevent, investigate, and prosecute trafficking of persons with disabilities, as well as to protect victims; and
- identifying core challenges as well as opportunities for addressing the nexus of disability and trafficking in persons by using trafficking and disability rights lenses.

The paper concludes with a set of recommendations for States, United Nations (U.N.) entities, and civil society.

DEFINING TRAFFICKING IN PERSONS AND DISABILITIES

All trafficking in persons is prohibited under international law.[3] A human and disability rights-centered approach to trafficking in persons must protect and promote the rights of persons with disabilities, including the full range of disabilities protected under international law, as well as account for how the definitional elements of trafficking might manifest differently in cases involving persons with disabilities than persons without disabilities.

According to the CRPD, "persons with disabilities"[4] include those with a range of "long-term"[5] impairments, including, "but . . . not limited to"[6] impairments that are "physical, mental, intellectual or sensory."[7] Such impairments, in interaction with various barriers, may hinder the full and effective participation in society of persons with disabilities on an equal basis with others. The CRPD adopts a "human rights model" of disability,[8] rejecting the now-outdated "medical" and "charity" models.[9] The human rights model distinguishes between "impairment," which "is the condition of the body or mind," and "disability," which is the manner "in which society and the environment responds to the actual or perceived impairment,"[10] and which is therefore socially constructed.[11] The human rights model acknowledges that impairment and disability "must not be taken as a legitimate ground for the denial or restriction of human rights."[12] This approach also requires that States focus on the "requirements" of persons with disabilities rather than on their impairments,[13] as impairment is just one part of identity that intersects with various "characteristics," including "gender, age, nationality, sexuality, culture and religion."[14] The approach also emphasizes "[r]espect for inherent dignity [and] individual autonomy," "[f]ull and effective participation and inclusion in society," "[r]espect for difference," "[e]quality of opportunity," "[n]on-discrimination," and "[a]ccessibility."[15]

The internationally-accepted definition of trafficking in persons is contained in the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children [hereinafter U.N. Trafficking Protocol] and has three elements for adult trafficking: an act, a means, and a purpose of exploitation.[16] The "act" may take the form of "recruitment, transportation, transfer, harbouring or receipt of human beings."[17] The means can include "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."[18] The U.N. Traf-

ficking Protocol's list of exploitative purposes is non-exhaustive and includes "at a minimum . . . 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."[19] Under this definition, a victim cannot consent to trafficking, because the use of improper means makes meaningful consent impossible.[20] Pursuant to the U.N. Trafficking Protocol, child trafficking occurs if a person under the age of 18 is subject to an "act" for the purpose of exploiting them.[21] Unlike with adult trafficking victims, there is no requirement to show the "means" because a child can never legally consent to his or her own exploitation. These definitions apply to situations of trafficking in peace and armed conflict, as well as to internal and transnational trafficking.[22]

Persons with disabilities can and do experience all forms of trafficking in persons. This section will apply the definition of trafficking in persons to the treatment of persons with disabilities:

- *Act:* Under the U.N. Trafficking Protocol's definition, trafficking in persons involves an "act," which can be "committed by any of a broad range of actors."[23] In the context of trafficking of persons with disabilities, these actors may include guardians[24] (when persons with disabilities are subjected to substitute decision-making regimes[25]), medical professionals,[26] teachers,[27] family members, friends, care providers or other service providers, and others.[28] The act may take place in a wide range of environments, including online,[29] in private homes,[30] in segregated environments such as residential institutions,[31] in refugee camps,[32] and in medical facilities.[33] In addition, the scope of "acts," such as "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."[34] For example, traffickers may *recruit* persons with disabilities—especially those who are socially isolated—online by promising friendship or romantic connection.[35] They may *abduct* or *purchase* children with disabilities to use them in forced begging.[36] Traffickers may *transfer* persons with disabilities from residential institutions to secondary locations where they may be exploited.[37]
- *Means:* Under the U.N. Trafficking Protocol, trafficking in persons involves a "means" of carrying out the acts noted above.[38] The means may be overtly coercive, such as abduction, or more subtle, such as "deception," "abuse of a position of vulnerability,"[39] or "abuse of power."[40] Indeed, adults with disabilities are trafficked using both explicitly and implicitly coercive means. For example, authorities frequently deny persons with disabilities legal capacity through guardianship regimes and other similar substitute decision-making arrangements, which creates a *position of vulnerability* that guardians may *abuse* to exploit them.[41] Care providers may *defraud* persons with disabilities and hold them in "captivity" to use their government disability benefits for their own enrichment.[42] Those who manage residential institutions may *abuse their position of power* to force those in their care into various exploitative activities.[43] Private actors may *deceive* persons with disabilities by "promising opportunities to earn a living" on fair terms, only to later renege on those promises.[44]
- *Purpose:* Under the U.N. Trafficking Protocol, trafficking in persons involves an exploitative purpose.[45] Persons with disabilities are trafficked for a wide array of exploitative purposes. These purposes include forced marriage (including child marriage), sexual exploitation, forced begging, forced labor, and benefits exploitation.

  Persons with disabilities—and especially women and girls with disabilities—may be trafficked for forced marriage (including "temporary or 'contract' marriages") and for sexual exploitation, including for sex work and online sexual exploitation.[46] Families overwhelmed with care providing responsibilities and resource constraints sometimes marry off their children with disabilities,[47] including forcing their adult children with disabilities to marry to ensure their future care.[48] In some situations, a man may pay a family member or private broker to arrange a non-consensual marriage with a woman with disabilities to gain access to financial or other spousal privileges; in such cases, the purpose of exploitation is both forced marriage and benefits access.[49] Sexual exploitation of persons with disabilities frequently occurs in institutional settings,[50] but may also occur in private settings at the hands of family members and other care providers. Girls with disabilities, in particular, experience trafficking for sexual exploitation at disproportionate rates compared to their peers without disabilities.[51] The purpose of sexual exploitation is also evident in the use of artificial intelligence to generate images of women and girls with disabilities (e.g., deepfaking faces of human influencers to make them look like they have Down Syndrome, or producing images of women with amputated limbs) for monetization on adult content platforms.[52] While trafficking for sexual exploitation disproportionately affects women and girls with disabilities, persons with disabilities of all genders and of diverse sexual orientations are trafficked for sexual exploitation.[53]

  Persons with disabilities—and especially children with disabilities[54]—are also trafficked for forced begging.[55] The risk of trafficking for forced begging is especially high for persons with highly visible physical and/or sensory disabilities[56] who traffickers target for their perceived social sympathy as beggars.[57]

Additionally, persons with disabilities are trafficked for forced labor,[58] both within and outside of institutional settings.[59] Forms of forced labor include, among others, heavy manual labor, such as on farms;[60] domestic labor;[61] or labor in sheltered workshops.[62]

While not explicitly listed in the U.N. Trafficking Protocol's non-exhaustive list of exploitative purposes, future spouses[63] and/or care providers may also intend to exploit persons with disabilities to improperly gain access to their government benefits or other financial resources.[64] This purpose of financial or benefits exploitation can also be closely linked to the "act" and "means" of trafficking, as persons with disabilities may be "held against their will [or] moved from location to location."[65] Care providers also commit such "acts" in ways that involve other proscribed means, including abusing their power as legal representatives and abusing the position of vulnerability of persons with disabilities placed in their care.[66]

TRAFFICKING RISK FACTORS AND OUTCOMES FOR PERSONS WITH DISABILITIES

Persons with disabilities face heightened risks of a range of human rights violations, including trafficking, because discriminatory societal conditions elevate the risk of harm.[67] Trafficking in persons may also exacerbate existing, or create new, impairments.[68]

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

- *Individual and systemic stigma and discrimination*: Persons with disabilities often "face stigma and discrimination" that may increase their risk of "exploitation by traffickers."[69] Families may, for example, hand over their children with disabilities to traffickers, while not doing so with their children without disabilities.[70] Social isolation and stigma may also motivate persons with disabilities to find human connection elsewhere,[71] including online, where traffickers may operate.[72]
- *Overrepresentation of persons with disabilities among marginalized groups*: Persons with disabilities are overrepresented among other marginalized groups,[73] including those living in poverty.[74] The age, gender, race, ethnicity, language, religion, nationality, socioeconomic status, and/or specific or multiple impairments of persons with disabilities may increase their marginalization and both shape and increase their risk of trafficking.[75]
- *Challenges to the legal capacity and autonomy of persons with disabilities and failures of guardianship regimes*: Persons with disabilities often experience restrictions in exercising legal capacity and making decisions for themselves, such as through formal guardianship arrangements, including due to stigma and misunderstandings of their impairments.[76] Guardianship and similar challenges to legal capacity are contrary to the CRPD.[77] Traffickers may exploit these guardianship and similar regimes to "gain control over"[78] and "manipulate" persons with disabilities and not allow them to "be involved in decision-making about their own lives."[79]
- *Lack of resources and services for persons with disabilities and those providing care and support*: Persons with disabilities and those that provide them care and support may not have access to adequate, affordable, or accessible resources and services.[80] For example, they may have limited interaction with formal child protection systems,[81] including in armed conflict settings.[82] Inaccessible services, combined with poverty, discrimination, and social exclusion, create conditions ripe for exploitation,[83] as "persons with disabilities may be at risk of exploitation in their endeavors to meet their needs to assistive devices or therapeutic services."[84] When resources for those providing care and support are inadequate, they may neglect and/or abuse those in their care,[85] increasing their "risk of trafficking" by creating a void that traffickers fill by "tak[ing] advantage" of the situation and offering needed security.[86]
- *Institutionalization and other forms of segregation*: Persons with disabilities—particularly women and girls[87]—are at risk when segregated through abandonment or placement in residential and/or medical institutions,[88] such as orphanages, psychiatric facilities, and group homes,[89] as well as through specific isolated employment programs (e.g., sheltered workshops) that limit their economic opportunities.[90] Those institutions and other programs increase risks of trafficking and exploitation, including for forced labor[91] or sex.[92]
- *Displacement, migration, and refugee status*: Persons with disabilities, including women and girls with disabilities, face additional risks of trafficking during displacement[93] and migration (including for work)[94] and as refugees.[95] This owes to existing risks, vulnerabilities linked to age and gender,[96] and the breakdown in rule of law and diminished social services that characterize these settings.[97] Refugees with disabilities (such as women with intellectual, cognitive, or other impairments in camps[98]) may be particularly vulnerable to trafficking, including because their rights to "independent living, mobility, legal capacity, health or education"[99] are often denied (e.g., due to lack of citizenship[100] and services' costliness and inaccessibility[101]) in the countries where they are seeking asylum.

- *Armed conflict and other humanitarian emergencies, including climate-related disasters*: The trafficking risks for persons with disabilities increase during armed conflict and other humanitarian emergencies.[102] Families may leave family members with disabilities behind without support, including when evacuation routes are inaccessible for persons with disabilities.[103] Children with "mobility" and other impairments are at heightened risk of trafficking during armed conflict, both due to evacuation challenges[104] as well as risks associated with being a child in institutional settings.[105] Climate-related disasters elevate this risk, too: persons with disabilities face hardships surviving, evacuating from, and returning home after such disasters.[106] This can result in institutionalization and/or extreme poverty, both of which create conditions that increase the risk of trafficking.[107] Women and girls with disabilities face heightened "risks and vulnerabilities" during conflict and displacement; these risks include being "left behind" and thus "more vulnerable to attack;" losing access to needed assistive devices or other forms of support that then put them at "greater risk of exploitation;" and being subjected to "increased levels of sexual and gender based violence."[108]

Trafficking in persons can exacerbate existing impairments or create new ones, and these impairments that result from trafficking are often unaddressed. Trafficking may cause long-term psychosocial impairments, including conditions such as post-traumatic stress disorder (PTSD) that may amount to a disability.[109] Additionally, trafficked persons may acquire new physical and/or cognitive impairments; for example, in the context of forced begging, traffickers may inflict visible physical impairments on trafficked persons to gain more "public sympathy" and financial profit.[110] Further, traffickers subject trafficked persons—particularly women—to physical and/or sexual violence, which can cause long-term physical and/or cognitive impairments.[111] The lack of safe working conditions in informal labor settings means that those persons trafficked for forced labor—including children—may suffer injuries that lead to "physical, cognitive, and psychosocial damage, including permanent impairments."[112]

INTERNATIONAL LEGAL FRAMEWORK ON TRAFFICKING IN PERSONS AND THE RIGHTS OF PERSONS WITH DISABILITIES

The core and complementary obligations to address trafficking and its links with the rights of persons with disabilities under each of the different international law regimes—anti-trafficking, human rights, humanitarian, criminal, and refugee laws—are as follows:

- International human rights and anti-trafficking laws require States to prevent, investigate, and punish trafficking of persons with disabilities, as well as to protect and assist victims, and apply in both peace and conflict. These legal regimes "overlap in some instances (e.g., on prevention and criminalization), and are complementary in others."[113] For example, human rights law elaborates the non-punishment principle for trafficked persons to ensure they are not sanctioned for forced criminality[114] and provides specific protection for the rights of persons with disabilities.[115] Pursuant to international human rights and anti-trafficking laws, States are required to:
  - prevent trafficking of persons with disabilities[116] including through measures that center their human rights.[117] Under international human rights law, this includes the obligation to ensure that persons with disabilities have access to a full range of support services by "organiz[ing], strengthen[ing] and extend[ing] comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services," in ways that "[s]upport participation and inclusion in the community and all aspects of society."[118] States are also required to protect persons with disabilities from "all forms of exploitation, violence and abuse, including their gender-based aspects,"[119] by "ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse."[120] States' requirements to ensure that "all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities"[121] also overlap with their obligations to prevent trafficking of persons with disabilities;
  - proactively identify trafficked persons with disabilities using the internationally-accepted definitions of trafficking,[122] of disability,[123] and of the child,[124] when the victim is under the age of 18. Efforts must integrate an intersectional approach that fully considers the person's individual circumstances. For example, the CRPD recognizes that persons with disabilities may be "subject to multiple or aggravated forms of discrimination"[125] and, as such, requires that States address "multiple and intersectional discrimination" against persons with disabilities;[126]
  - ensure assistance and protection to victims,[127] including through applying the non-punishment principle for illegal acts committed by persons with disabilities as a result of being trafficked[128] who "may be at heightened risk of exploitation,

including for the purpose of forced criminality."[129] Relatedly, States are also required under international human rights law to ensure the "physical, cognitive and psychological recovery, rehabilitation and social reintegration" of persons with disabilities subject to harms linked to exploitation, violence, and abuse.[130] Assistance and protection to victims must include providing "reasonable accommodation"[131] "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."[132] Components of assistance and protection also include ensuring respect for the "inherent dignity,"[133] "individual autonomy,"[134] and "independence" of persons with disabilities (including the right to make their own choices)[135] and their "full and effective participation and inclusion in society,"[136] "on an equal basis with others;"[137]

- criminalize, investigate, and prosecute State and non-State perpetrators (for the latter, using the standard of due diligence)[138] for trafficking in persons, including persons with disabilities;
- ensure access to justice "for persons with disabilities on an equal basis with others,"[139] which requires "the provision of procedural and age-appropriate accommodations,"[140] as well as effective remedies.[141] As a component of this, persons with disabilities should have access to free or affordable legal assistance;[142]
- ensure that persons 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," including by "[p]roviding information . . . in accessible formats and technologies;"[143] and
- apply all of the above requirements consistent with other cross-cutting obligations in international law, particularly as contained in the CRPD, such as obligations of non-discrimination,[144] including intersectional discrimination,[145] whether by government actors or "any person, organization, or private enterprise."[146] Other substantive rights' guarantees in international human rights law, including for children generally, and for children with disabilities in particular,[147] may also be relevant.

- While international humanitarian law does not explicitly prohibit trafficking in persons or fully ensure the rights of persons with disabilities, it nonetheless contains several relevant guarantees that bind how trafficked persons with disabilities shall be treated.[148] First, protections under international humanitarian law that are particularly relevant for addressing the harms linked to trafficking in persons also apply to trafficked persons with disabilities, including prohibitions on uncompensated or abusive labor,[149] enforced disappearances,[150] recruitment or participation of children in hostilities,[151] slavery and the slave trade in all its forms,[152] and rape and other forms of sexual violence.[153] Additionally, international humanitarian law prohibits "arbitrary deprivation of liberty,"[154] torture, cruel or inhuman treatment, and "outrages upon personal dignity,"[155] all of which are experienced by trafficked persons, including trafficked persons with disabilities. Second, guarantees that are designed to protect certain categories of persons—including children,[156] women,[157] and refugees and internally displaced persons[158]—are also relevant for trafficked persons with disabilities who face heightened risks due to their age, gender, and/or migration status. Third, international humanitarian law has specific protections for the "wounded," "sick," or "infirm,"[159] that, even if reflecting language associated with the outdated medical model of disability,[160] require that persons requiring "medical assistance or care"[161] be "respected and protected," be "treated humanely," and "receive . . . the medical care and attention required by their condition."[162] All of these obligations also apply to persons with disabilities. Finally, the concurrent application[163] of international human rights law and international humanitarian law means that the latter must be applied without discrimination to ensure that "persons with disabilities have a right to [its] full and equal protection."[164] For example, to protect the entire civilian population, including civilians with disabilities, States must take "all feasible precautions" to prevent harm to civilians,[165] and issue "effective advance warnings of attacks."[166] Such obligations must be read in light of obligations under the CRPD, including those on accessibility, reasonable accommodation, and non-discrimination.[167]

- International criminal law "does not specifically and explicitly criminalize trafficking in persons as a stand-alone offense, but there are nonetheless relevant interactions between international anti-trafficking and human rights law and international criminal law."[168] Most relevantly, international criminal law prohibits "enslavement,"[169] "enforced prostitution,"[170] and "sexual slavery" (as well as forced pregnancy),[171] as crimes against humanity.[172] It also prohibits the war crime of sexual slavery.[173] Additionally, international criminal law prohibits other crimes against humanity which trafficked persons, including those with disabilities, might experience. These include "severe deprivation of physical liberty,"[174] "torture,"[175] "rape, . . . or any other form of sexual violence of comparable gravity,"[176] and "[o]ther inhumane acts of a similar character intentionally causing great suffering, or se-

rious injury to body or to mental or physical health."[177] Similarly, international criminal law recognizes as war crimes "torture or inhuman treatment, including biological experiments,"[178] "wilfully causing great suffering, or serious injury to body or health," "unlawful confinement,"[179] and "outrages upon person dignity, in particular humiliating or degrading treatment."[180] Although international criminal law does not explicitly mention disability, its "application and interpretation" "must be consistent with internationally recognized human rights,"[181] which includes the CRPD.

The CRPD in turn requires States to apply all binding international law "to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict."[182] A disability-inclusive approach to trafficking under international criminal law would *inter alia* hold accountable "those responsible for acts of genocide, war crimes and crimes against humanity perpetrated against persons with disabilities;"[183] ensure "victims have a right to an effective remedy from accessible legal processes;"[184] "mak[e] international criminal law processes more inclusive and accessible;"[185] recognize and prosecute "human rights violations committed against persons with disabilities" as crimes against humanity;[186] and "enhance understanding of how to protect the rights of defendants with disabilities."[187]

- International refugee law[188] also applies in conjunction with international human rights and other laws to require States to protect asylum seekers and refugees.[189] For example, States must provide accessible asylum and related procedures for trafficked persons, persons with disabilities, and trafficked persons with disabilities, and must also guarantee that full international law protections (including under the CRPD) are applied to those persons with disabilities who have been or are at risk of being trafficked and/or re-trafficked. States must ensure a trafficking-informed and "disability-inclusive interpretation"[190] of the "well-founded fear of persecution" that the refugee definition requires an applicant to show in order to receive international protection (e.g., by recognizing the severe discrimination or punishment a person with disabilities might face in their home country for having been a victim of both trafficking and disability-based discrimination). States must also ensure the participation of trafficked persons with disabilities, persons with disabilities generally, and organizations that represent them, in the design and implementation of services and programs. In implementing international refugee law and all relevant procedures, services, and programs, States must apply an age, gender, and diversity (which includes disability) sensitive approach, informed by the cross-cutting obligation of non-discrimination.

CORE CHALLENGES AND OPPORTUNITIES FOR ADDRESSING THE NEXUS OF TRAFFICKING IN PERSONS AND DISABILITY

Challenges

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

- *Gaps in expertise and collaboration*: In both anti-trafficking and disability rights work, civil society plays a significant role, including because of the gaps left by States' inaction. Yet, the disability rights and anti-trafficking spaces are generally siloed. Growing pressure on civic space,[191] combined with a lack of dedicated funding to the anti-trafficking and disability rights sectors individually, as well as for work that addresses the intersection of the two areas, further hinders collaborative efforts.
- *Lack of understanding and/or implementation of the international law regimes governing trafficking in persons and/or disability, including the definition of trafficking in persons*: Authorities may fail to recognize when a person with disabilities is subject to an "act" of trafficking (e.g., recruitment, harboring, etc.), due to their social invisibility. Assessments of whether an adult with disabilities has been subject to the "means" of trafficking (e.g., fraud, abuse of a position of power, deception) can often wrongly assume that it is acceptable for persons with disabilities to be controlled by persons without disabilities, including care providers or guardians.[192] Further, the exploitation of persons with disabilities is not always recognized, including because of discrimination that invisiblizes and normalizes ill-treatment and abuse of persons with disabilities.[193] Contrary to anti-trafficking law's distinction between child and adult trafficking,[194] as well as international human rights law's requirement that the autonomy and legal capacity of persons with disabilities be respected and protected on an equal basis with others,[195] adult trafficking victims may be infantilized and treated like children in ways that diminish their capacity and autonomy,[196] overlook their particular risks and experiences of trafficking,[197] and limit their full participation in accessing services and remedies.
- *Dearth of data, including disaggregated data*: Relatively little data is available regarding how trafficking affects persons with disabilities or causes impairments,[198] and existing data is rarely disaggregated on the basis of other identities.[199] This absence of data leaves stakeholders unable to assess the nature and scope of the nexus between trafficking and persons with disabilities and thus unable to design tailored prevention and assistance programs, as well as remedies.

- *Failure to include persons with disabilities and organizations of persons with disabilities in the development of anti-trafficking law, policy, and practice*: Discrimination against persons with disabilities hinders their participation in "decision-making and policy planning" and law-making in the areas that create vulnerabilities to trafficking in persons, such as in climate change policy and disaster risk reduction,[200] as well as in anti-trafficking policies and programs themselves. The failure to meaningfully consult with persons with disabilities, including through their representative organizations,[201] means that such laws, policies, and practices fail to be "gender-responsive and disability-inclusive."[202]
- *Barriers to reporting trafficking and accessing justice, including inadequate implementation of the non-punishment principle*: General barriers for trafficking victims, such as stigma or risks of retaliation,[203] may be amplified for trafficked persons with disabilities who already experience significant discrimination and marginalization. Traditional reporting environments for trafficking, such as police stations or social services facilities, may be inaccessible and/or fail to accommodate the physical or communications needs of persons with disabilities.[204] Physical, legal, economic, and communication barriers hinder access to justice; for example, criminal processes can fail to accommodate persons with disabilities and preclude their participation as witnesses and victims.[205] In addition, when States fail to observe the non-punishment principle,[206] they leave trafficked persons with disabilities at risk of sanction, rather than treating them as victims of both trafficking and disability-based discrimination.
- *Failures to identify trafficked persons with disabilities*: Anti-trafficking screening processes are often not designed to adequately identify disability, particularly invisible and less visible disabilities.[207] Nor are law enforcement and healthcare professionals, who are often the initial point of contact for persons with disabilities who have been trafficked, adequately trained on how to recognize trafficking in persons—and especially how to identify trafficked persons with disabilities.[208] They may, for example, fail to recognize that a person has a disability at all.[209] On the other hand, when a person's disability is recognized, they risk being "ignored, disbelieved or misunderstood should they complain about abuse,"[210] and treated as non-credible sources about their own experiences.[211]
- *Failure to protect and assist trafficked persons with disabilities*: Identification failures mean that trafficked persons with disabilities are not then referred to programs that are tailored to "meet their specific needs."[212] Indeed, even when rehabilitation and reintegration programs for trafficked persons exist, they are rarely tailored to, or accessible for, trafficked persons with disabilities, which in turn hinders their reintegration and can create the risk of re-trafficking.
- *Discrimination against persons with disabilities and under-implementation of the CRPD*: Discrimination and under-implementation of the CRPD—including the obligations to ensure accessibility[213] and provide "reasonable accommodation"[214]—remain pervasive. Although the risk of trafficking is heightened when persons with disabilities hold intersecting marginalized identities,[215] both anti-trafficking and disability rights efforts fail to take a fully intersectional approach.

Opportunities

Integrating both anti-trafficking and disability rights lenses, as well as the full range of relevant international obligations, to address trafficking in persons with disabilities offers important opportunities, including that such an integrated approach:

- *Enables a more comprehensive and inclusive approach to preventing trafficking in persons with disabilities*: Under international law, the "human rights and anti-trafficking legal frameworks are designed to advocate not only for *ex post facto* accountability . . . but also for its prevention."[216] A disability rights lens enables prevention of trafficking by more specifically addressing the root causes of the risks that persons with disabilities face by *inter alia* combatting discrimination; providing increased support to care providers, including through remuneration; supporting deinstitutionalization;[217] ensuring that potential and actual victims of trafficking have relevant information in accessible and diverse formats (including a combination of visual, audio, video, Braille, large-print, electronic, and easy-to-read formats);[218] and implementing supported decision-making as a replacement for substitute decision-making regimes such as guardianship.[219] Highlighting the trafficking-disability nexus also promotes partnerships between disability rights organizations and anti-trafficking organizations, not only in prevention efforts but also in identification, protection and assistance (including the support needed to address the specific, complex, and long-term needs of trafficked persons with disabilities), criminalization and prosecution of traffickers, and the provision of remedies.
- *Facilitates the identification of trafficking victims with disabilities using the internationally-accepted definition of trafficking*: Anti-trafficking law's distinction between adult and child trafficking victims can reduce the risk that adult trafficked persons with disabilities will be infantilized (e.g., when they are incorrectly assumed to be inherently vulnerable and the range of "means" by which they may have been trafficked is thus not analyzed). Additionally, anti-trafficking law and human rights law

require attention to the full range of acts, means (e.g., abusing a position of power or vulnerability), and exploitative purposes to which trafficked persons with disabilities might be subject (e.g., forced marriage or sexual exploitation). Applying the definition of trafficking appropriately can clarify that certain practices against persons with disabilities that may be normalized or minimized because of discrimination (e.g., forced marriage of adults with disabilities to ensure their care or exploitation of persons with disabilities for benefits) are in fact proscribed by international law.

- *Enables disability-inclusive screening measures for trafficked persons*: Anti-trafficking and human rights law require the proactive identification of trafficking victims, including trafficking victims with disabilities, in ways that consider the presence of specific and multiple impairments and intersecting identities such as age, gender, race, and others. Consistent with these obligations, disability-, age-, and gender-sensitive identification and screening mechanisms for trafficked persons, including in refugee settings, must *inter alia* recognize that trafficked persons with disabilities may present differently than trafficked persons without disabilities; have different experiences of exploitation; have particular communication requirements; and require individualized accommodations and support in reporting and assistance.
- *Enhances and tailors the assistance and remedies available*: Trafficked persons with disabilities are victims of trafficking as well as of discrimination as persons with disabilities. Recognizing this dual status ensures that both assistance and remedies are fully gender-, age-, and disability-inclusive and tailored to account for the unique experiences of trafficked persons with disabilities. This includes, for example, guaranteeing their "[f]ull and effective participation and inclusion"[220] in the design and implementation of support and remedies for trafficked persons with disabilities, as well as assessing whether certain remedies are consistent with a rights-based approach to disability. For example, the remedy of restitution by way of returning trafficked persons to exploitative arrangements (such as homes or institutions) will not be appropriate if it "place[s] the victim at risk of being retrafficked or of further human rights violations."[221]
- *Promotes accountability*: When trafficking of persons with disabilities is not recognized as such (e.g., because care provider exploitation is normalized or screening processes don't adequately identify persons with disabilities as trafficked), traffickers are not held to account. A joint trafficking and disability lens ensures that prosecution and other accountability measures are fully accessible to, and accommodate the needs of, witnesses and victims with disabilities and that the non-punishment principle is applied to ensure they are treated first and foremost as victims and not criminals.

RECOMMENDATIONS

States are required to:

- Comply with all obligations under international law—in particular anti-trafficking, human rights (particularly the CRPD), humanitarian, criminal, and refugee law—to prevent, investigate, and remedy trafficking of persons with disabilities for all purposes of exploitation and by both State and non-State actors, including family members and care providers.
- Ensure that trafficking victims with disabilities are fully identified and treated as victims in accordance with international law, including the obligation to ensure the non-punishment principle.
- Ensure that principles of non-discrimination, participation, and accessibility inform all approaches to addressing the rights of persons with disabilities who have been, or are at risk of, being trafficked.
- Ensure that persons with disabilities and their representative organizations are fully and meaningfully involved in all law and policy-making discussions and decisions, including regarding anti-trafficking, on an equal basis as persons without disabilities.
- Adopt comprehensive approaches to preventing trafficking of persons with disabilities, including by addressing root causes; raising awareness among persons with disabilities and those providing them with care and support, to risks of and warning signs for trafficking and exploitation; ensuring access to appropriate supported decision-making arrangements; enhancing oversight and monitoring of service providers; abolishing institutionalization and segregation including in public and private residential and non-residential institutions for persons with disabilities; and affirming the full autonomy and legal capacity of persons with disabilities, on an equal basis with others, including by eliminating legal and other barriers, including guardianship, that restrict or even deprive persons with disabilities, including those who have been or are at risk of being trafficked, of their legal capacity.
- Adopt disability-sensitive identification and screening processes to identify trafficked persons with disabilities, including by removing barriers that persons with disabilities face in reporting trafficking, ensuring that authorities receive gender-, and age-, and disability-sensitive training on the screening of trafficked persons with disabilities, and ensuring that all relevant processes—including refugee status determination—are accessible to

persons with disabilities, some of whom may have been trafficked.

- Ensure disability-rights based approaches to protection and assistance of trafficked persons with disabilities, including by addressing the multiple and intersecting forms of discrimination often experienced by trafficked persons with disabilities, particularly on the basis of age and gender.
- Ensure access to effective, accessible, comprehensive, and tailored remedies to trafficked persons with disabilities, including to prevent re-trafficking, as well as to ensure full accountability for trafficking of persons with disabilities.
- Ensure that the heightened risks of trafficking that persons with disabilities experience in situations such as conflict, migration, and climate-related disasters, are adequately addressed to ensure their prevention and protection.

U.N. entities should:

- Promote increased integration of the anti-trafficking agenda and frameworks for addressing the rights of persons with disabilities, including in the work of and among human rights mechanisms, including commissions of inquiry, U.N. Special Procedures and treaty monitoring bodies.
- Ensure effective investigations—including through investigative and fact-finding mechanisms established by the U.N.—into trafficking in persons, including persons with disabilities, and ensure that such investigations use a gender-, age-, diversity- and trauma-informed approach.
- Develop and strengthen coordinated responses to trafficking of persons with disabilities, including in conflict and post-conflict settings.
- Develop partnerships with anti-trafficking organizations and ensure that persons with disabilities and their representative organizations are fully and meaningfully involved in responses to trafficking of persons with disabilities on an equal basis, including with persons without disabilities.

Civil society

Anti-trafficking organizations should:

- Actively seek to inform their work with expertise on the rights and lived experiences of persons with disabilities.
- Establish partnerships with disability rights organizations and organizations of persons with disabilities to ensure effective collaboration and coordination.
- Adopt policies and practices that are in line with best practices regarding disability rights, accessibility, and accommodations.
- Ensure that their facilities and programming are accessible to persons with disabilities and provide reasonable accommodations where appropriate.

Disability rights organizations and organizations of persons with disabilities should:

- Raise awareness about trafficking and why persons with disabilities face heightened risks of trafficking that targets persons with disabilities, their family members, care providers, civil society, organizations of persons with disabilities, and communities, broadly.
- Actively seek to inform their work with expertise on trafficking in persons and the risks that persons with disabilities face of being trafficked for all forms of exploitation.
- Establish partnerships with anti-trafficking organizations to ensure collaboration and coordination.
- Adopt policies and practices that are in line with best practices regarding the rights, experiences, and needs of trafficked persons.

ENDNOTES

1 There have been some exceptions, including Siobhán Mullally (Special Rapporteur on Trafficking in Pers., Especially Women & Child.) & Heba Hagrass (Special Rapporteur on the Rts. of Pers. with Disabilities), *Media Statement: Responses to trafficking in persons must ensure the rights of persons with disabilities*, United Nations (U.N.) Off. of the High Comm'r for Hum. Rts. (July 30, 2024), https://www.ohchr.org/sites/default/files/documents/issues/trafficking/statements/20240730-stm-sr-trafficking-in-persons.pdf; Org. for Sec'y & Co-Operation in Eur. (Osce), Invisible Victims: The Nexus Between Disabilities and Trafficking in Human Beings (2024), https://www.osce.org/files/f/documents/c/7/568150.pdf; ASEAN-Austl. Counter Trafficking Program (ASEAN-ACT), Exploring the intersection between disability and trafficking in persons in Indonesia, the Philippines, and Thailand (2024), https://www.aseanact.org/wp-content/uploads/2024/04/DisabilityTIP-Report.pdf.

2 The Duke Law International Human Rights Clinic (IHRC) conducted 18 bilateral and multilateral consultations with international and regional organizations, non-governmental organizations, including both organizations of persons with disabilities and anti-trafficking organizations, government actors, academics, and other key stakeholders. The consultation process began with a public multilateral consultation led by the U.N. Special Rapporteur on trafficking in persons, especially women and children; the U.N. Special Rapporteur on the rights of persons with disabilities; and the IHRC alongside the U.N. Commission on the Status of Women on March 19, 2025.

3 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].

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

5 *Id.*

6 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).

7 CRPD, *supra* note 4, art. 1.

8 Comm. on the Rts. of Pers. with Disabilities, *General Comment No. 6 on equality and non-discrimination*, ¶ 9, U.N. Doc. CRPD/C/GC/6 (Apr. 26, 2018).

9 *Id.* at ¶¶ 2 & 8. Under the charity model, persons with disabilities are "seen as helpless, to be pitied and in need of care," with disability "viewed . . . as a burdensome condition and persons with disabilities as passive, not active, members of society." U.N. Division for Social Policy Development, Department of Economic and Social Affairs, *Toolkit on disability for Africa: Introducing the United Nations Convention on the Rights of Persons with Disabilities* 6 (2017). Under the medical model, "persons with disabilities are not recognized as rights holders but are instead 'reduced' to their impairments." Under both models, "discriminatory or differential treatment against and the exclusion of persons with disabilities is seen as the norm and is legitimized by a medically driven incapacity approach to disability." U.N. Doc. CRPD/C/GC/6, *supra* note 8, ¶ 8.

10 Alice Priddy, Disability and Armed Conflict 20 (2019).

11 U.N. Doc. CRPD/C/GC/6, *supra* note 8, ¶ 9.

12 *Id.*

13 *Id.* at ¶ 59.

14 Priddy, Disability and Armed Conflict, *supra* note 10, at 53.

15 CRPD, *supra* note 4, art. 3.

16 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."

17 *Id.*

18 *Id.*

19 *Id.*

20 *Id.* at art. 3(b).

21 *Id.* at art. 3(c).

22 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.

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

24 *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.

25 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).

26 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).

27 *See, e.g.,* ASEAN-ACT, Exploring the intersection between disability and trafficking in persons, *supra* note 1, at 15.

28 OSCE, Invisible Victims, *supra* note 1, at 15.

29 *See generally* Urban Light, Tell them what happened to me: An Exploration of Online and Offline Sexual Exploitation of Males and SOGIE [(Sexual Orientation, Gender Identity, and Expression)]-Diverse Young People in Northern Thailand (2022), https://static1.squarespace.com/static/5638f4afe4b070a9f933bcf9/t/63bd2d422715c24415d03d50/1675050159187/Urban+Light+(2022)+Tell+Them+What+Happened+To+Me.pdf.

30 *See, e.g.,* ASEAN-ACT, Exploring the intersection between disability and trafficking in persons, *supra* note 1, at 24.

31 Disability Rts. Int'l, Infanticide and Abuse: Killing and Confinement of Children with Disabilities in Kenya 24 (2018), https://www.driadvocacy.org/sites/default/files/2023-11/Infanticide-and-Abuse.pdf.

32 The Inter-Agency Coordination Grp. Against Trafficking in Pers., Issue Brief No. 3: Trafficking in Persons and Refugee Status (2017), https://icat.un.org/sites/g/files/tmzbdl461/files/publications/icat-ib-03-v.2.pdf.

33 U.N. Doc. A/HRC/40/54, *supra* note 26, ¶ 24.

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

35 Lindsay Wolfson, Kelly Harding & Haley Pepin, *Gap Analysis: Human Trafficking and Fetal Alcohol Spectrum Disorder*, CanFASD Res. Network 2–3 (2023).

36 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.

37 Disability Rts. Int'l, Infanticide and Abuse, *supra* note 31, at 19.

38 U.N. Trafficking Protocol, *supra* note 3, art. 3(a).

39 Siobhán Mullally (Special Rapporteur on Trafficking in Pers., Especially Women & Child.), *Rep. on Trafficking in persons, especially women and children*, ¶ 38, U.N. Doc. A/76/263 (Aug. 31, 2021).

40 U.N. Trafficking Protocol, *supra* note 3, art. 3(a).

41 Activating Change, *Human Trafficking Prevention Month*, *supra* note 24.

42 *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.

43 *Women and Girls*, Disability Rts. Int'l, https://www.driadvocacy.org/women-and-girls.

44 *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.

45 U.N. Trafficking Protocol, *supra* note 3, art. 3(a).

46 *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.

47 Hum. Rts. Watch, "It Was Really Hard to Protect Myself": Impact of the Armed Conflict in Syria on Children with Disabilities (2022), https://www.hrw.org/report/2022/09/08/it-was-really-hard-protect-myself/impact-armed-conflict-syria-children.
48 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).
49 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/.
50 Disability Rts. Int'l, Infanticide and Abuse, *supra* note 31, at 24.
51 *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).
52 *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/.
53 Urban Light, Tell them what happened to me, *supra* note 29, at 8.
54 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).
55 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; UNICEF, Advocacy Brief, *supra* note 36, at 3.
56 *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.
57 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).
58 Forced Labour Convention (No. 29) art. 2, May 1, 1932, 39 U.N.T.S. 55; Lujain Ahmed Abu Dalu, *The Crime of Human Trafficking against Persons with Disabilities. A comparative study*, 10 J. Soc. Sciences, 303 (2021).
59 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.
60 *See, e.g.,* Lord & Smith, Giving Visibility to the Impact of Slavery Crimes, *supra* note 42, at 5.
61 ASEAN-ACT, Exploring the intersection between disability and trafficking in persons, *supra* note 1, at 21.
62 *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/.
63 Rodak & Abramets, *supra* note 49.
64 *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.
65 Anna Thomas & Heather Strickland, *Benefits Trafficking: Human trafficking of older adults and adults with disabilities*, 4 Frontiers Rehab. Sciences 1, 1 (2024).
66 *See infra* notes 76–79 and accompanying text.
67 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; Lord & Smith, Giving Visibility to the Impact of Slavery Crimes, *supra* note 42, at 2.
68 OSCE, Invisible Victims, *supra* note 1, at 16.
69 *Id.* at 15.
70 UNICEF, Advocacy Brief, *supra* note 36, at 3.
71 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).
72 Wolfson, Harding & Pepin, *Gap Analysis*, *supra* note 35, at 2–3.
73 Lord & Smith, Giving Visibility to the Impact of Slavery Crimes, *supra* note 42, at 2.
74 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).
75 OSCE, Out of the Shadows, *supra* note 67, at 19.
76 U.N. Doc. CRPD/C/GC/1, *supra* note 25, ¶ 7.
77 *Id.*
78 Activating Change, *Human Trafficking Prevention Month*, *supra* note 41.
79 Wolfson, Harding & Pepin, *Gap Analysis*, *supra* note 35, at 2.
80 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.
81 Janet Njelesani, *"A child who is hidden has no rights": Responses to violence against children with disabilities*, 89 Child Abuse & Neglect 66 (2019).
82 Hum. Rts. Watch, "It Was Really Hard to Protect Myself," *supra* note 47.
83 U.N. Doc. CRPD/C/GC/5, *supra* note 74, ¶ 5.
84 Jagoe, Toh & Wylie, *Disability and the risk of vulnerability to human trafficking*, *supra* note 44, at 228.
85 *Medical or Physical Neglect*, Disability Just., https://disabilityjustice.org/medical-or-physical-neglect/.
86 Wolfson, Harding & Pepin, *Gap Analysis*, *supra* note 35, at 4.
87 Disability Rts. Int'l, *Women and Girls*, *supra* note 43.
88 Hum. Rts. Watch, 'They Stay Until They Die': A Lifetime of Isolation and Neglect in Institutions for People with Disabilities in Brazil (2018), https://www.hrw.org/report/2018/05/23/they-stay-until-they-die/lifetime-isolation-and-neglect-institutions-people.
89 Women Enabled Int'l & Disability Rts. Int'l, Comments on the Committee on the Elimination of Discrimination Against Women's Draft General Recommendation, *supra* note 71, at 1–2.
90 Nat'l Ass'n of Councils on Developmental Disabilities, *Position Statement*, *supra* note 62.
91 *See generally* Ruthie Marie Beckwith, Disability Servitude: From Peonage to Poverty (2016).
92 Disability Rts. Int'l, Infanticide and Abuse, *supra* note 31, at 24.
93 *Human Rights Council Discusses Report on Trafficking in Persons and the Intersections with Refugee Protection, Internal Displacement and Statelessness*, U.N. Off. of the High Comm'r for Hum. Rts., https://www.ohchr.org/en/meeting-summaries/2023/06/human-rights-council-discusses-report-trafficking-persons-and.
94 Lord & Smith, Giving Visibility to the Impact of Slavery Crimes, *supra* note 42, at 3.
95 *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/.
96 *Id.*
97 U.N. Off. of the High Comm'r for Hum. Rts., *Human Rights Council Discusses Report on Trafficking in Persons*, *supra* note 93.
98 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.
99 U.N. High Comm'r for Refugees (UNHCR) & Int'l Disability Alliance, Memorandum of Understanding, 2 (2020), https://www.internationaldisabilityalliance.org/sites/default/files/introducing_ida-unhcr_collaboration_final_eng.pdf.
100 Presler-Marshall, Jones & Bani Odeh, *'Even though I Am Blind I Am Still Human!'*, *supra* note 80, at 518.
101 *Id.* at 521–524.
102 Siobhán Mullally (Special Rapporteur on Trafficking in Pers., Especially Women & 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 Barry, *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).
103 Fight for Right, Evacuation of People with Disabilities: Int'l Standards & Ukrainian Realities 31 (2022).

104 *Protecting children with disabilities during armed conflict*, UNICEF, https://www.unicef.org/disabilities/emergencies/armed-conflict.
105 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.
106 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/.
107 *Id.*
108 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/5b9a458540f0b67866ffbd56/032-Women_and_girls_with_disabilities_in_crisis_and_conflict.pdf.
109 *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).
110 OSCE, Invisible Victims, *supra* note 1, at 12.
111 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).
112 UNICEF, Advocacy Brief, *supra* note 36, at 1.
113 Off. of the Special Representative of the Sec'y Gen. for Child. & Armed Conflict, Child trafficking and armed conflict, *supra* note 22, at 26.
114 The Inter-Agency Coordination Grp. against Trafficking in Pers., Issue Brief No. 8: Non-Punishment of Victims of Trafficking (2020), https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/04/19-10800_ICAT-Issue-Brief-8_Ebook_final.pdf.
115 *See* e.g., CRPD, *supra* note 4.
116 U.N. Trafficking Protocol, *supra* note 3, arts. 2(a), 9(1)(a) & 11(1).
117 U.N., Commentary: Recommended Principles and Guidelines on Human Rights and Human Trafficking 51 (2010).
118 CRPD, *supra* note 4, art. 26(1).
119 *Id.* at art. 16(1).
120 *Id.* at art. 16(2); *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 26.
121 CRPD, *supra* note 4, art. 16(3).
122 U.N. Trafficking Protocol, *supra* note 3, art. 3.
123 CRPD, *supra* note 4, art. 1.
124 Convention on the Rights of the Child, art. 1, Nov. 20, 1989, 1577 U.N.T.S. 3.
125 CRPD, *supra* note 4, at preamble.
126 U.N. Doc. CRPD/C/GC/6, *supra* note 13, ¶ 19.
127 U.N. Trafficking Protocol, *supra* note 3, arts. 2(b) & 6.
128 *See generally* Siobhán Mullally (Special Rapporteur on Trafficking in Persons, Especially Women & Child.), *Rep. on Implementation of the non-punishment principle*, U.N. Doc. A/HRC/47/34 (May 17, 2021).
129 *Id.* ¶ 27.
130 CRPD, *supra* note 4, art. 16(4).
131 *Id.* at art. 5(3).
132 U.N. Doc. CRPD/C/GC/6, *supra* note 13, ¶ 24(b).
133 CRPD, *supra* note 4, art. 1.
134 *Id.* at art. 3(a)
135 *Id.*
136 *Id.* at art. 3(c).
137 *Id.* at art. 9.
138 U.N. Trafficking Protocol, *supra* note 3, art. 5; Maria Grazia Giammarinaro (Special Rapporteur on Trafficking in Pers., Especially Women & Child.), *Rep. on Trafficking in persons, especially women and children*, U.N. Doc. A/70/260 (Aug. 3, 2015); U.N., Commentary: Recommended Principles and Guidelines, *supra* note 117, at 75, 117 & 183–202.
139 CRPD, *supra* note 4, art. 13(1).
140 *Id.*
141 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 Pers., Especially Women & Child.), *Rep. on Trafficking in persons, especially women and children*, Annex ¶ 1, U.N. Doc. A/69/269 (Aug. 6, 2014).
142 U.N. Doc. CRPD/C/GC/6, *supra* note 8, ¶ 49.
143 CRPD, *supra* note 4, art. 21.
144 *See, e.g.*, U.N. Trafficking Protocol, *supra* note 3, art. 14(2).
145 Siobhán Mullally (Special Rapporteur on Trafficking in Persons, Especially Women & Child.), *Rep. on Strengthening accountability for trafficking in persons in conflict situations*, U.N. Doc. A/78/172 (July 13, 2023).
146 CRPD, *supra* note 4, art. 4(1)(e).
147 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.
148 *See, e.g.,* CRPD, *supra* note 4, art. 11.
149 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.
150 *Rule 98: Enforced Disappearance*, Customary Int'l Humanitarian L. Database, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule98.
151 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].
152 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 [hereinafter 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.
153 Geneva Conventions, *supra* note 152, common art. 3; Third Geneva Convention, *supra* note 149, art. 14; Fourth Geneva Convention, *supra* note 149, art. 27; Additional Protocol I, *supra* note 151, arts 75(2) & 76–77; Additional Protocol II, *supra* note 151, art. 4(2); *Rule 93. Rape and Other forms of Sexual Violence*, Customary Int'l Humanitarian L. Database, https://ihl-databases.icrc.org/en/customary-ihl/v1/rule93.
154 *Rule 99. Deprivation of Liberty*, Customary Int'l Humanitarian L. Database, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule99.
155 Geneva Conventions, *supra* note 152, common art. 3 ; First Geneva Convention, *supra* note 152, art. 12; Second Geneva Convention, *supra* note 152, art. 12; Third Geneva Convention, *supra* note 149, arts. 17, 87 & 89; Fourth Geneva Convention, *supra* note 149, art. 32; Additional Protocol I, *supra* note 151, art. 75(2); Additional Protocol II, *supra* note 151, art. 4(2); *Rule 90: Torture and Cruel, Inhuman, or Degrading Treatment*, Customary Int'l Humanitarian L. Database, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule90.
156 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.
157 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; Addition-

al 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.

158 *See, e.g.,* Fourth Geneva Convention, *supra* note 149, art. 45.

159 Fourth Geneva Convention, *supra* note 149, arts. 16 & 17; Additional Protocol I, *supra* note 151, art. 8.

160 Gerard Quinn (Special Rapporteur on the Rts. of Pers. with Disabilities), *Rep. on the rights of persons with disabilities*, ¶ 49, U.N. Doc. A/76/146 (July 19, 2021).

161 Additional Protocol I, *supra* note 151, art. 8.

162 *Id.* at art. 10.

163 CRPD, *supra* note 4, art. 11.

164 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).

165 Additional Protocol I, *supra* note 151, art. 57; Additional Protocol II, *supra* note 151, art. 13(1); *Rule 15: Principle of Precautions in Attack*, Customary Int'l Humanitarian L. Database, https://ihl-databases.icrc.org/en/customary-ihl/v1/rule15.

166 Additional Protocol I, *supra* note 151, art. 57(2)(c); *Rule 20: Advance Warning*, Customary Int'l Humanitarian L. Database, https://ihl-databases.icrc.org/en/customary-ihl/v1/rule20.

167 Janet E. Lord, *Accounting for Disability in International Humanitarian Law*, 105 Int'l Rev. Red Cross 60, 75 (2022).

168 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.

169 Rome Statute of the International Criminal Court art. 7(1)(c), Jul. 17, 1998, 2187 U.N.T.S. 91 [hereinafter Rome Statute].

170 *Id.* at art. 7(1)(g).

171 *Id.*

172 *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.

173 Rome Statute, *supra* note 169, arts. 8(2)(b)(xxii) (international armed conflict) & 8(2)(e)(vi) (non-international armed conflict).

174 *Id.* at art. 7(1)(e).

175 *Id.* at art. 7(1)(f).

176 *Id.* at art. 7(1)(g).

177 *Id.* at art. 7(1)(k).

178 *Id.* at art. 8(2)(a)(ii).

179 *Id.* at art. 8(2)(a)(vii).

180 *Id.* at art. 8(2)(b)(xxi).

181 *Id.* at art. 21(3).

182 CRPD, *supra* note 4, art. 11.

183 U.N. Off. on Genocide Prevention & the Resp. to Protect, Guidance Note on Persons with Disabilities and Prevention of Genocide, War Crimes and Crimes Against Humanity 25 (2024), https://www.un.org/sites/un2.un.org/files/guidance_note_disability_28_october_2024.pdf.

184 *Id.*

185 C. Cora True-Frost, *Can International Criminal Law Help Express the Unrealized Values of Disabled Lives?* 116 Am. J. Int'l L. Unbound 79, 83 (2022).

186 William Pons, Janet E Lord & Michael Ashley Stein, *Disability, Human Rights Violations, and Crimes Against Humanity*, 116 Am. J. Int'l L. 58, 94 (2021).

187 Ashira Vantrees, *The ICC Must End the Impunity Gap for Crimes Against Persons with Disabilities*, OpinioJuris (Apr. 3, 2023), https://opiniojuris.org/2023/04/03/the-icc-must-end-the-impunity-gap-for-crimes-against-persons-with-disabilities/.

188 1951 Convention relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150; 1967 Protocol Relating to the Status of Refugees, Dec. 16, 1966, 606 U.N.T.S. 267.

189 *See generally* UNHCR, UNHCR'S Approach to Forcibly Displaced and Stateless Persons with Disabilities (2022), https://www.unhcr.org/sites/default/files/legacy-pdf/620672664.pdf; UNHCR, UNHCR Policy on Age, Gender and Diversity (2018), https://emergency.unhcr.org/sites/default/files/UNHCR%2C%20Policy%20on%20Age%2C%20Gender%20and%20Diversity%20%282018%29.pdf; UNHCR Executive Committee of the High Commissioner's Programme, *Rep. of the sixty-first session of the Executive Committee of the High Commissioner's Programme*, ¶ 13, U.N. Doc. A/AC.96/1095 (Oct. 12, 2010); Toju Popo, *Exploring the intersectionality of International Refugee Protection and the 2006 Convention on the Rights of Persons with Disabilities*, Int'l Disability Alliance (2023), https://www.internationaldisabilityalliance.org/sites/default/files/discussion_paper_crpd_and_refugee_law_final_2023.pdf.

190 Popo, *Exploring the intersectionality of International Refugee Protection and the 2006 Convention on the Rights of Persons with Disabilities*, *supra* note 189, at 1.

191 *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.

192 U.N. Doc. CRPD/C/GC/1, *supra* note 76, ¶ 7.

193 *Abuse and Exploitation of People with Developmental Disabilities*, Disability Just., https://disabilityjustice.org/justice-denied/abuse-and-exploitation/.

194 *See supra* notes 16–22 and accompanying text.

195 CRPD, *supra* note 4, arts. 3 & 12.

196 Wolfson, Harding & Pepin, *Gap Analysis*, *supra* note 35, at 2.

197 OSCE, Invisible Victims, *supra* note 1, at 20.

198 *Id.* at 31; Wolfson, Harding & Pepin, *Gap Analysis*, *supra* note 35, at 5.

199 OSCE, Invisible Victims, *supra* note 1, at 31.

200 Siobhán Mullally (Special Rapporteur on Trafficking in Pers., Especially Women & Child.), *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).

201 *See generally* Comm. on the Rts. of Pers. with Disabilities, *General Comment No. 7 on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention*, U.N. Doc. CRPD/C/GC/7.

202 U.N. Doc A/77/170, *supra* note 200, at ¶ 70.

203 The Inter-Agency Coordination Grp. Against Trafficking in Pers., Issue Brief No. 3, *supra* note 32, at 2.

204 Comments by Ericka Reil, *Human Trafficking: What It Is and How it Impacts the Disability Community*, Nat'l Disability Rts. Network (2021), https://www.ndrn.org/wp-content/uploads/2021/01/Transcript-Human_Trafficking_What_It_Is_and_How_it_Impacts_the_Disability_Community_01152021.pdf.

205 Women Enabled Int'l, Fact Sheet: Access to Justice for Women and Girls with Disabilities, https://womenenabled.org/wp-content/uploads/Women%20Enabled%20International%20Facts%20-%20Access%20to%20Justice%20for%20Women%20and%20Girls%20with%20Disabilities%20-%20English.pdf.

206 *See generally* U.N. Doc. A/HRC/47/34, *supra* note 128.

207 OSCE, Invisible Victims, *supra* note 1, at 16.

208 Paul Harpur & Heather Douglas, *Disability and Domestic Violence: Protecting Survivors' Human Rights*, 23 Griffith L. Rev. 3, 4–6 (2015).

209 *Id.*

210 Comm. on the Rts. of the Child, *General Comment no. 9 on the rights of children with disabilities*, ¶ 42(c), U.N. Doc. CRC/C/GC/9 (Feb. 27, 2007).

211 ASEAN-ACT, Exploring the Intersection Between Disability and Trafficking in Persons, *supra* note 1, at 9.

212 Elisabeth Jackson, *Invisible victims: How counter-trafficking efforts leave people with disability behind*, The Interpreter (Apr. 17, 2024), https://www.lowyinstitute.org/the-interpreter/invisible-victims-how-counter-trafficking-efforts-leave-people-disability-behind.

213 CRPD, *supra* note 4, art. 9.

214 *Id.* at art. 5.

215 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.

216 Off. of the Special Representative of the Sec'y Gen. for Child. & Armed Conflict, Child trafficking and armed conflict, *supra* note 22, at 37.

217 *See, e.g.,* Comm. on the Rts. of Pers. with Disabilities, *Guidelines on deinstitutionalization, including in emergencies*, ¶ 8, U.N. Doc. CRPD/C/5 (Oct. 10, 2022).

218 *See, e.g.,* U.N., Disability-Inclusive Communications Guidelines 23 (2022), https://www.un.org/sites/un2.un.org/files/un_disability-inclusive_communication_guidelines.pdf.
219 U.N. Doc. CRPD/C/GC/1, *supra* note 76, ¶ 28; U.N. Doc. CRPD/C/5, *supra* note 217, ¶ 73.
220 CRPD, supra note 4, art. 3.
221 U.N. Doc. A/69/269, supra note 141, Annex ¶ 8.

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