



DisAbled Women's Network of Canada

Réseau d'action des femmes
handicapées Canada

Parliamentary Brief

Canadian Women and Girls with Disabilities and Human Trafficking

A Brief Prepared for the Standing Committee on Justice and Human Rights for their study on Human Trafficking in Canada

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ABOUT THE DISABLED WOMEN'S NETWORK OF CANADA (DAWN CANADA)

DisAbled Women's Network (DAWN) Canada is a national, feminist, cross-disability organization whose mission is to end the poverty, isolation, discrimination and violence experienced by Canadian women with disabilities and Deaf women. DAWN is an organization that works towards the advancement and inclusion of women and girls with disabilities and Deaf women in Canada. Our overarching strategic theme is one of leadership, partnership and networking to engage all levels of government and the wider disability and women's sectors and other stakeholders in addressing our key issues.

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Introduction

There is a large number of the women and girl with disabilities who are trafficked in Canada and around the world but who are still not showing up in any data sets that would inform policy that could lead to change. Women with mostly invisible disabilities (traumatic brain injury, and/or intellectual or psychosocial disabilities) are the most affected in sex trafficking. Women and girls who have disabilities and are also Indigenous, racialized, immigrant, migrant or undocumented are even more vulnerable to trafficking.

Even those who do not start out having a disability become disabled due to the physical and emotional trauma of trafficking and exploitation. Every victim of trafficking will be affected by disability.

Canada's 2012 [National Action Plan to Combat Human Trafficking](#) describes trafficking as the "the recruitment, transportation, harbouring and/ or exercising control, direction or influence over the movements of a person in order to exploit that person, typically through sexual exploitation or forced labour;" otherwise known as "modern day slavery." According to the 2012 Action Plan, the most vulnerable groups to human trafficking are women and children, but it does not specify which women and children are most targeted. The 2015-2016 Annual Report on Progress does mention other groups such as Indigenous women, immigrants, and LGBTQ2 youth.

Yet this annual report, and most research on human trafficking fail to mention one of the most vulnerable groups of individuals today, and that is women with disabilities. This brief applies a feminist disability lens to human trafficking, a perspective that is desperately needed to better determine how to best prevent human trafficking and help human trafficking survivors.

Why an intersectional analysis is necessary

Victims of trafficking include every race, gender, ethnicity and age group. Yet there is a tendency to collapse their experiences into a single story¹. It has been noted that studies of human trafficking in the US have failed to take intersecting identities such as race/ethnicity age, and gender into account when analyzing trafficking, even though the

¹ Kara Napolitano, « Intersectionality and human trafficking survivorship », Laboratory to Combat Human Trafficking, 2017, <https://combathumantrafficking.org/2017/05/intersectionality-human->

large majority are people of colour, and within this group, they are mostly are women and girl children.²

The “single story” approach conceals the experiences of women with disabilities and the link between disability, gender and vulnerability to being trafficked. It also prevents the development of responses that are tailored to particular groups of survivors.

Indigenous women and trafficking

The history of colonialism, including the dehumanization of Indigenous peoples, violence, forced removal from traditional territories, residential schools, and legislation such as the Indian Act have all contributed to the vulnerability of Indigenous women to trafficking.

The effect on Indigenous women is particularly acute. According to the [National Inquiry into Missing and Murdered Indigenous Women and Girls](#) launched in September 2016, Indigenous women are physically assaulted, sexually assaulted, or robbed almost three times as often as non-Indigenous women. The Aboriginal Healing Foundation goes on to say that the issues related to the missing and murdered Indigenous women and girls cannot be understood without relating it to the sexual exploitation of these women and girls, and to the sex trade. This is evidenced by a Winnipeg study that identified 50% of adult sex workers as Aboriginal, when they comprise only 10% of the population. Another study found that 52% of women involved in the commercial sex trade in Vancouver were First Nations, while they comprise only 7% of the population³.

Canada’s National Action Plan to Combat Human Trafficking notes that socially and economically disadvantaged persons are more at risk of being trafficking, a cohort which includes First Nations women, youth and children. There is evidence to suggest that First Nations women are specifically targeted for trafficking for purposes of sexual exploitation⁴ and exploitation during the migratory movements from First Nations reserves to cities in search of education, employment, or other opportunities.⁵

²Gonzalez, Cassandra Mary Frances, "Race, Gender, and Domestic Human Trafficking: an Intersectional Description of Human Trafficking Cases at the State Level" (2017). Sociology Graduate Theses & Dissertations. 54.

³ Cited in Rising Waters, Rising Threats: The Human Trafficking of Indigenous Women in the Circumpolar Region of the United States and Canada. Victoria Sweet. [The Yearbook of Polar Law Online](#), Volume 6, Issue 1. 2014.

⁴ (see Bruckert and Parent 2002; Oxman-Martinez, Lacroix, and Hanley 2005),

⁵ (Sethi 2007; Oxman-Martinez, Lacroix, and Hanley 2005).

The link between disability and trafficking

The Office of the High Commissioner for Human Rights notes that “there is relatively limited research on the intersection between human trafficking and disability,” but that “there is anecdotal evidence suggesting that intellectual and/or physical disability can heighten vulnerability to trafficking, an outcome catalysed by discrimination.”⁶

The [2012 US Trafficking in Persons Report](#): notes that “the stigma and marginalization of a person with disabilities creates a particular vulnerability. The report goes on to say that attitudes about the value of disabled people place them at risk of abuse and violence.

The Human Trafficking Pro Bono Legal Centre also confirms that individuals with disabilities are particularly vulnerable to human trafficking, which often leads to forced labour.⁷

Sheltered workshops, in which people with disabilities are paid less than minimum wage, is yet another form of labour exploitation.

Women with disabilities are more likely to be victims of human trafficking

A recent [UN study](#) on violence against women and girls and disability cited research from the United Nations Children’s Fund which found that “children with disabilities are estimated to be 1.7 times more at risk of violence, including neglect, abandonment, abuse and sexual exploitation when compared with other children.”

A theme throughout much of the (limited) research on disabled people and trafficking is the exploitation of a physical disability by traffickers. The International Organisation for Migration (IOM) noted that, for example, Roma women and girls with “physical, hearing or visual impairments [were] being trafficked into forced begging because a visible disability may have a stronger impact on public sympathy”.

The IOM also notes that women with disabilities, especially those from minority groups, are particularly vulnerable. The IOM states that:

⁶ The Trafficking Research Project, « En-abling Protections? », 2013, <https://thetraffickingresearchproject.wordpress.com/2013/01/25/en-abling-protection/>

⁷ The human trafficking Pro Bono Legal Center, « Trafficking of persons with disabilities in the United States », April 2016. <http://www.htprobono.org/wp-content/uploads/2016/04/Trafficking-of-Persons-With-Disabilities-in-the-United-States-04.12.2016.pdf>

“Discriminatory attitudes flow into the control and coercion of victims, and function as an enabler, in the eyes of society, for this exploitation. For example, in societies rife with gender discrimination, the ability of disabled women to effectively report abuse or, when abuse is reported, have their voices heard, can be challenging. Further, the absence of either sex education or access to sexual health services can often leave disabled women disproportionately vulnerable to sexual exploitation and consequences of this exploitation, for example, through safe access to abortions.⁸

A 2016 US study⁹ found that girls with intellectual disabilities were at a higher risk of being exploited for sex trafficking and that there were “complicating dynamics “ which make it even more difficult for victims to report. These included victims’ lack of awareness of exploitation and its endangerments, inability of victims to self-identify, and the relative ease with which traffickers manipulated the girls.

The study also noted that “persons with intellectual disabilities are considered as not sexually active and, as a result, they are not provided with sufficient sexual education needed to develop personal safety skills for protection from sexual victimization ¹⁰ which elevates their susceptibility to sex trafficking”.

In recent years four criminal cases¹¹ in Sweden brought to light the situation of women with intellectual disabilities who had been financially and sexually exploited through prostitution and procuring. At the time the offences were committed, two were aged only fourteen.¹²

Because women with disabilities may rely on caregivers to have their basic needs met, they are vulnerable to being trafficked by those caregivers.

The [Office for Justice Programs](#), an agency of the US Department of Justice notes that isolation, difficulty communicating or needing an interpreter, lack of information about what constitutes sexual abuse, being unlikely to report abuse, and not being believed even when they do report abuse, are all additional factors that contribute to the vulnerability of women with disabilities to trafficking.

⁸ idem

⁹ Reid, Joan A. (2016). Sex Trafficking of Girls with Intellectual Disabilities: An Exploratory Mixed-Methods Study. *Sexual Abuse: A Journal of Research and Treatment*, published online February 17, 2016. DOI: 10.1177/1079063216630981 (Journal Impact: 2.11)

¹⁰ See also DOS, 2012; Groce, 2004; Gust, Wang, Grot, Ransom & Levine, 2003; Wissink et al., 2015

¹¹ Jari Kuosmanen & Mikaela Starke (2015) The ideal victims? Women with intellectual disability as victims of prostitution-related crime, *Scandinavian Journal of Disability Research*, 17:1, 62-75, DOI: 10.1080/15017419.2013.813409)

¹² See also Fager- strom in 2009; Magnusson 2010; Nilsson 2008; Younes and Ba vman 2010

Deaf Women as Victims of Trafficking

Deaf women are especially vulnerable to exploitation and abuse because of isolation and communication barriers. “Deaf women are largely unaware of where they can go for support and sometimes that what they are experiencing is actually abuse,” says Steve Powell, Chief Executive of Sign Health, a UK-based Deaf organization.

According to Sign Health,

“complex socio-economic conditions, such as negative stereotypes, ignorance, and insensitivity, can cause deaf women to struggle against increased marginalization and high levels of unemployment. In order to find help and press charges against traffickers, deaf women may experience difficulties in identifying resources and avenues of support. Reading and signing affidavits, understanding legal jargon, and communicating with lawyers and judges becomes an extreme challenge when unable to communicate verbally.”

All women who are trafficked become disabled

Along with being vulnerable to trafficking due to disability, another important consideration when designing support and recovery programs for survivors is the fact that all victims become disabled.

As the US Office for Justice Programs notes, “victims of human trafficking may develop disabilities from abuse at the hands of their traffickers, and individuals with disabilities may be targeted by traffickers because they are vulnerable.”

The International Organisation of Migration (IOM) noted that “many migrant women are exposed to dangerous working environments or exploitative labour conditions, which may lead to occupational injuries and even permanent physical or psycho-emotional disabilities”. The IOM contends that along with addressing the needs of people who have inherent disabilities, governments must “consider [the physical and mental consequences of exploitation, which can range from post-traumatic stress disorder to HIV.](#)” The organizations recommends that protection mechanisms and services must be “sufficiently flexible to respond to the specific needs of each person.”¹³

¹³ The Trafficking Research Project, « En-abling Protections, 2013, <https://thetraffickingresearchproject.wordpress.com/2013/01/25/en-abling-protection/>

A 2011 European study on human trafficking and health¹⁴ reported that the health implications for victims are many. They include psychological abuse; for example women forced into sex work have high levels of Post Traumatic Stress Disorder (PTSD), depression, anxiety and hostility. Physical abuse, sexual abuse, forced use of drugs and alcohol and use of addiction to control victims, and social restrictions and manipulation are additional forms of abuse often reported by survivors.

A 2011 US study of Aboriginal women who were trafficked found that 72% experienced traumatic brain injuries in prostitution, 52% had PTSD and 71% has symptoms of depression.¹⁵

Women with disabilities have difficulty reporting abuse and exploitation

Along with the vulnerability posed by gender and disability, women with disabilities encounter both systemic and attitudinal barriers which prevent them from reporting abuse and exploitation, and add to the difficulty they face in escaping or avoiding being trafficked. In Canada and internationally, there are no specific procedures for women with disabilities who are reporting.

The Trafficking Research Project¹⁶ notes that people with disabilities need additional protection from trafficking and exploitation, but that these are largely absent from national and international policy and legal frameworks.

“There is no specific provision within the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons for those with disabilities or even an acknowledgement of their particular vulnerabilities or need for protection; a glaring omission. »¹⁷

The lack of a gendered analysis, even in this recommendation, is even more glaring, given that women and girls with disabilities are even more vulnerable to exploitation and trafficking.

A 2015 Swedish study indicated that women with intellectual difficulties have negative experiences with police that discourages them from future contact with authority figures, including not having their stories believed or investigated or charges laid. The study also found that professionals often hold attitudes, stereotypes and myths about people with

¹⁴ Zimmerman, Cathy & Hossain, Mazed & Watts, Charlotte. (2011). Human trafficking and health: A conceptual model to inform policy, intervention and research. *Social science & medicine* (1982). 73. 327-35. 10.1016/j.socscimed.2011.05.028.

¹⁵ As cited in *Sexual Exploitation and Trafficking of Aboriginal Women and Girls: Literature Review and Key Informant Interviews*, Native Women’s Association of Canada. October 2014 https://www.nwac.ca/wp-content/uploads/2015/05/2014_NWAC_Human_Trafficking_and_Sexual_Exploitation_Report.pdf

¹⁶ idem , EN-abling Protection? part 2, <https://thetraffickingresearchproject.wordpress.com/2013/02/01/en-abling-protection-part-2/>, 2013.

¹⁷ idem

intellectual disabilities, which cause them to view people with intellectual disabilities as lacking in credibility as witnesses. ¹⁸

Similar findings can be found in Canada through the [R. vs. D.A.I](#) Supreme Court case, in which a young woman with an intellectual disability reported that her step-father had sexually assaulted her. At the provincial court, the judge did not believe that the young woman understood what an “oath” or a “promise” to tell the truth was, so the case was dropped and the stepfather was freed from the charges. After intervention from DAWN Canada and the Women’s Legal Education & Action Fund (LEAF), the case was appealed, and a new trial was ordered. On February 10, 2012 the Supreme Court of Canada announced a decision in a court case called “D.A.I.”, that recognized the right of people with disabilities to be believed when they report sexual assault and abuse.

Summary of Recommendations

Research:

- Collect disaggregated data on all forms of human trafficking, including specific data for women and girls with disabilities and Deaf women and girls
- Use an intersectional approach in the analysis of human trafficking; women with disabilities who are trafficked are not a homogenous group. An intersectional analysis should consider their type of disability, social class, race/ethnicity, and sexuality which impact significantly on their vulnerability.
- Conduct research on the development of invisible disabilities which result from trafficking and exploitation.

Policy:

- Because trafficking creates disability in every victim, including brain injury, PTSD, anxiety, and depression, disability should be treated as a central issue in policies that address support and responses for victims.
- Policies that addresses human trafficking outline specific measures and find solutions that address the trafficking of women and girls with disabilities. Women and girls with disabilities must not be subsumed within the category of «women» or « people with disabilities » and/or relegated to a footnoted list.

¹⁸ Jari Kuosmanen & Mikaela Starke (2015) The ideal victims? Women with intellectual disability as victims of prostitution-related crime, *Scandinavian Journal of Disability Research*, 17:1, 62-75, DOI: 10.1080/15017419.2013.813409*

- Policy makers must understand that the underlying conditions – poverty, unemployment, high rates of violence, lack of housing, criminalization, and homelessness which increase the vulnerability of women and girls with disabilities to becoming victims of trafficking.
- While the government of Canada has put enormous resources into the National Inquiry into Missing and Murdered Indigenous Women, it has failed to recognise the high rate of disability among Indigenous women and girls, and their subsequent vulnerability to being trafficked.
- Federal, Provincial and Territorial governments in Canada need to embrace the following statement from the International Organisation for Migration:

“The principles that underpin human rights (interdependent, indivisible, inalienable) should be employed in the States’ approach to the issue of disability and trafficking. In essence, what is undeniable is the need for a more effectively, holistic and targeted approach to the issue of trafficking and disability. Inherent within this is a need for disaggregated data; this data needs to be considered more robustly ...in any policy development that stems from its evaluations.”

Education:

- Women and girls with disabilities must be educated about the risks of human trafficking
- School personnel, including teachers, guidance counsellors and school nurses should be trained in how to identify signs of abuse and sexual exploitation and how to intervene.
- Police, victim services staff, prosecutors and judges, hospital staff, social workers, community stakeholders, front line health workers including doctors and nurses, people who support women with disabilities including attendants and interpreters, and women and girls with disabilities must be educated on the risks and issues related to trafficking.

Advocacy:

- Organizations that address human trafficking must consider disability from a gendered and intersectional perspective, and as a central issue in addressing trafficking, and must support the full and meaningful participation of women with disabilities in their work.

- Women’s organizations that address trafficking must ensure that women and girls with disabilities are a central focus in their work; and must support the full and meaningful participation of women with disabilities in their work.
- Disability rights organizations should be supported and encouraged to engage in the human trafficking discourse.
- Ensure that the voices of women with disabilities are heard and believed.

Immediate Action:

- Ensure that front line services and hotlines are fully accessible to women and girls who are victims of trafficking.
- Provide support and funding to organizations which represent women and girls with disabilities (such as DAWN Canada) so they can begin to address issues related to trafficking.

Conclusion

It is important to those reviewing this document to consider carefully the fact that had DAWN Canada not brought forward this brief, any meaningful intersectional analysis of trafficking, including a gendered disability analysis would have been absent from this study. DAWN Canada is gravely concerned that this important piece of evidence which would support survivors of trafficking would have been overlooked.