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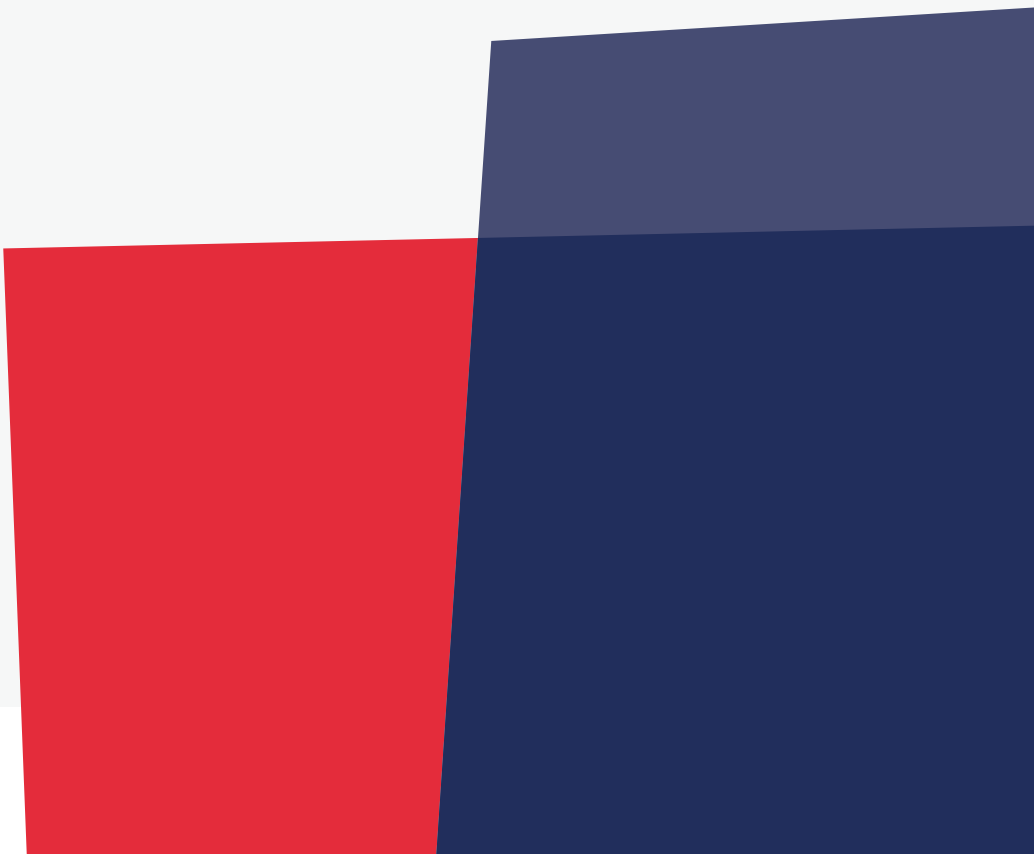
Exploring the intersection between disability and trafficking in persons in Indonesia, the Philippines, and Thailand

2024

Exploring the intersection between **disability** and **trafficking in persons** in Indonesia, the Philippines, and Thailand



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Dr Lucia Pietropaoli
Team Leader, ASEAN-ACT

Key findings and recommendations

Evidence on the intersection of disability and trafficking

- Although very few studies focus on persons with disabilities as victims of trafficking in persons, the available information indicates that having a disability can make a person more vulnerable to trafficking in persons.
- There is a larger body of research on the impact of trafficking in persons on physical and mental health. This research shows that victims of trafficking commonly experience physical, sexual and psychological abuse, workplace injuries and lack of medical care. This can lead to disabilities, particularly when victims do not receive the care they need.
- It is very difficult to obtain a full picture of the number of trafficked victims with disabilities in the ASEAN region. Two of the main obstacles to this are challenges in identifying trafficked victims with disabilities and lack of data disaggregated by disability. There is also a significant disconnect between stakeholders working in counter trafficking and those working in the area of disability.

Types of trafficking

- Persons with disabilities experience all forms of trafficking. Women and girls with intellectual, developmental or learning disabilities and psychosocial (mental health) disabilities are particularly vulnerable to sex trafficking. Anecdotally, trafficking of persons with disabilities is often perpetrated by family members.
- Migrants who experience sexual or labour exploitation are often subject to physical, psychological and sexual violence or to dangerous or unhealthy working conditions. This can result in injuries, illness or trauma, which in turn can lead to disability. The psychological impacts of these experiences are exacerbated by challenges in accessing mental health care and stigma associated with mental health issues in the region.

Vulnerability to trafficking

- Persons with disabilities and their families experience higher levels of poverty, which is strongly linked to trafficking risk.
- Limited access to quality education means persons with disabilities may not have the skills and knowledge to make judgements about exploitative situations, may be more susceptible to deceptive recruitment, and may be less aware of their rights, including their sexual and reproductive health rights. This is exacerbated by a lack of accessible and understandable information on trafficking in persons targeted to persons with disabilities.
- Persons with disabilities often have fewer options for decent work or experience discrimination in employment, which compounds poverty and makes them vulnerable to deceptive recruitment.
- Gender and age make persons with disabilities vulnerable to different types of trafficking.
- Persons with particular types of impairments can be more vulnerable to certain forms of trafficking. Persons with intellectual developmental or learning disabilities and psychosocial disabilities appear to be among the most vulnerable.

Laws and regulations protecting persons with disabilities

- Indonesia, the Philippines and Thailand have all ratified the United Nations Convention on the Rights of Persons with Disabilities and passed national laws on disability which outline rights and entitlements, although full implementation of these rights is an ongoing challenge.
- Laws on trafficking in all three countries implicitly recognise persons with disabilities as a group that is vulnerable to trafficking in persons.
- Labour laws, laws on migrant workers protection, and laws protecting women and children from violence, abuse and exploitation provide additional protection and avenues for prosecution.

Barriers to accessing services

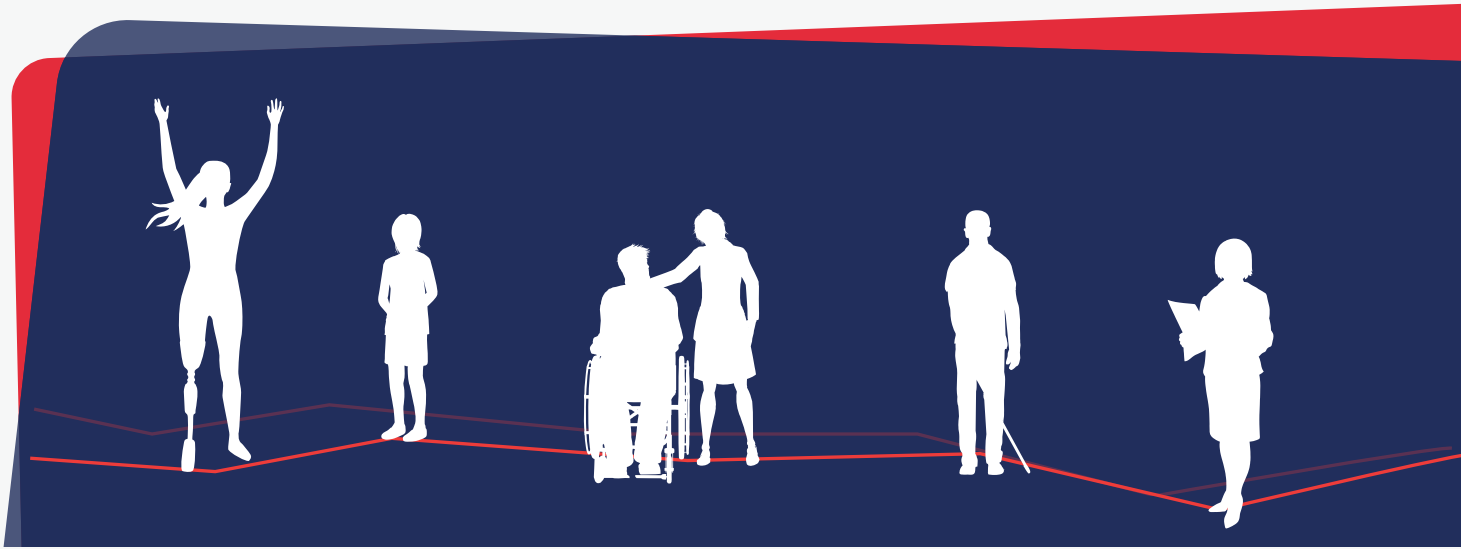
- Existing processes for identifying victims of trafficking are likely to miss many persons with disabilities. If they are not formally identified, they may not be able to access the full range of services available for victims of trafficking.
- Government and NGO service providers face funding and staffing challenges, and often have limited capacity to meet the specific needs of persons with disabilities. Provision of psychological and psychiatric care and care for children with disabilities is a particular challenge. There are also challenges with long-term care for physical and mental health, particularly outside major cities.

- Reintegration of trafficked victims with disabilities is particularly challenging when family members have been involved in trafficking. There are also significant risks of being re-trafficked when the underlying drivers – poverty, lack of education, and limited employment and livelihood opportunities – are not addressed.
- Trafficked victims with disabilities face a range of challenges in accessing justice, including limited access to legal assistance and to reasonable accommodation, and communication challenges.

Recommendations

Key recommendations of the report include:

- raising awareness of trafficking and exploitation among persons with disabilities
- providing training for frontline staff to build their understanding of trafficking and exploitation of persons with disabilities, including how to provide accessible and inclusive services that meet persons with disabilities' specific needs
- including the Washington Group Short Set of Questions on Functioning – Enhanced or the Washington Group/UNICEF Child Functioning Module questions in screening and identification processes to improve identification of disability and enable collection of data on disability
- strengthening delivery of psychological, psychiatric and mental health support services, including through tele-health and community-based options
- ensuring reasonable accommodation is provided at all stages of the prosecution process, from investigation through to sentencing
- strengthening regional knowledge sharing on good practices in prevention, protection and prosecution.



INTRODUCTION

Trafficking in persons impacts people of all genders, age groups and education levels. But those who experience poverty, have few opportunities for decent work or come from marginalised groups in society – including persons with disabilities – are often the most vulnerable.[1]

Despite developments in understanding of the nature of trafficking, the links between trafficking and disability are less well-understood. Disability and trafficking intersect in two main ways. First, persons with disabilities may become victims of trafficking. Disability can compound poverty and marginalisation, or lead to social isolation, disempowerment, and dependence on caregivers. These factors may drive persons with disabilities to seek opportunities in potentially exploitative situations or mean they are more susceptible to exploitation by those around them (Jagoe, Toh and Wylie, 2022; Anthony, 2018; OVC and BJA, n.d.). Second, people may acquire disabilities as a result of trafficking (Zimmerman, Hossain and Watts, 2011; Ottisova et al., 2016; García-Vázquez and Meneses-Falcón, 2024). Many of those who are trafficked experience physical, sexual and psychological abuse, injuries or illness which can result in disabilities, particularly when they do not receive adequate medical, psychological or psychiatric care, or social support.

Box 1: Key definitions

Persons with disabilities

The understanding of disability adopted in this study aligns with the social model of disability, in which disability is understood as the interaction between individual impairments and social barriers. This model is reflected in the United Nations Convention on the Rights of Persons with Disabilities (2006), which defines persons with disabilities as those who have long-term physical, mental, intellectual or sensory **impairments** which in interaction with social, cultural, environmental and other **barriers** may hinder their full and effective participation in society on an equal basis with others (Convention on the Rights of Persons with Disabilities, 2006).

1 It is very difficult to accurately estimate the numbers of human trafficking victims. The most widely cited estimates are The Global Estimates of Modern Slavery developed by the International Labour Organization, the international human rights group Walk Free, and the International Organization for Migration, which estimate that there are 15.1 million people in situations of forced labour, including commercial sex work across Asia and the Pacific (ILO, Walk Free and IOM, 2022, p. 24). According to the Counter-Trafficking Data Collaborative's Global Victim Dataset, which includes victims of trafficking identified between 2002 and 2021, around three quarters of identified victims of trafficking are from Southeast Asia, which includes the ASEAN region (CTDC, 2023).

Trafficking in persons

Under both the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) (UN Protocol) and the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) (2015), the crime of **'trafficking in persons'** refers to '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 includes at a minimum prostitution of others or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude, or removal of organs.

Trafficking therefore involves three elements: **the act** (recruitment, transportation, transfer, harbouring or receipt of persons), **the means** (threat, force, coercion, abduction, fraud, deception, or abuse of power or of a position of vulnerability) and **the purpose** (exploitation) (Protocol to Prevent, Supress and Punish Trafficking in Persons, 2000, Article 3[a]).

Importantly, Article 3 of the UN Protocol and Article 2 of the ACTIP indicate that the **consent** of a victim is not relevant where threat, force, coercion, abduction, fraud, deception, or abuse of power or of a position of vulnerability have been used. In addition, recruitment, transportation, transfer, harbouring or receipt of a **child** for the purpose of exploitation is considered trafficking in persons even if it does not involve any of these means.

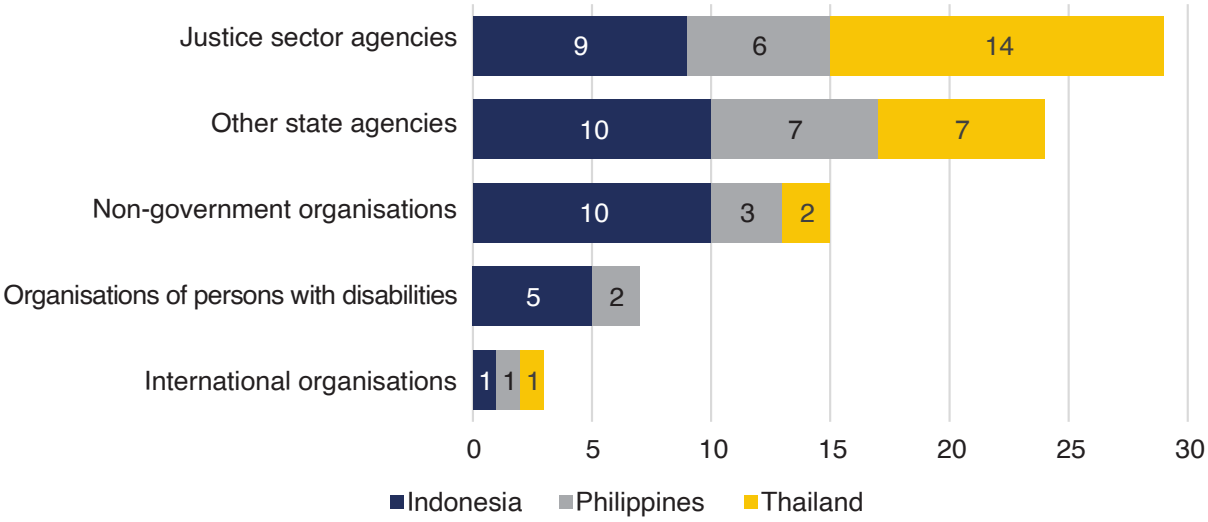
In contrast to popular opinion, trafficking in persons does not require travel or crossing borders. If someone is forced to work or engage in intended exploitation (for any purposes) against their will, it is considered trafficking. In 2016, more than half of the world's identified trafficking victims were exploited in their own country (UNODC, 2018, p. 41).

This study was commissioned by the ASEAN-Australia Counter Trafficking (ASEAN-ACT) program to contribute to addressing the gaps in knowledge about the links between disability and trafficking in the ASEAN region. It focuses on understanding the extent and nature of trafficking in persons with disabilities and the specific vulnerabilities they face, assessing the existing response, and analysing the barriers faced by trafficked victims with disabilities in receiving support services and accessing justice. Building a greater understanding of the intersection between trafficking and disability can help policymakers and practitioners to better target prevention efforts, ensure services meet the specific needs of victims with disabilities, and improve processes for investigation and prosecution to ensure victims with disabilities can access justice, including compensation and/or restitution.

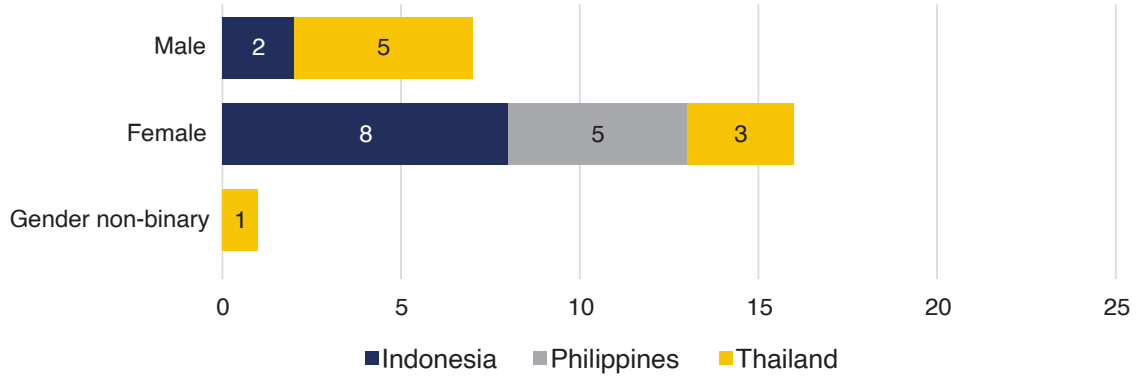
Figure 1: Study methodology and key stakeholders consulted

Study methodology

Interview and focus group participants

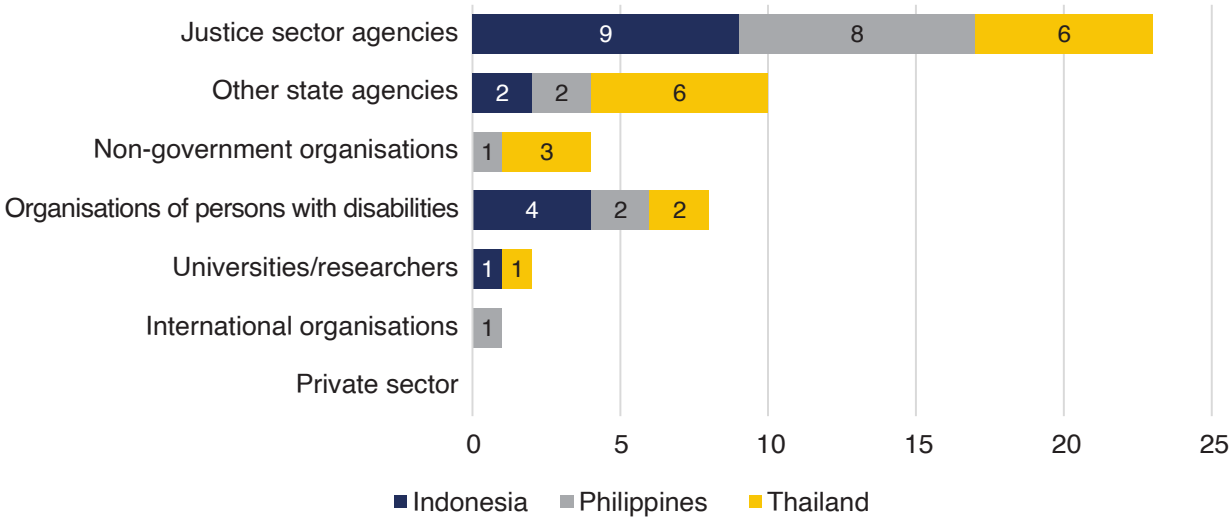


Victims of trafficking interviewed for the study

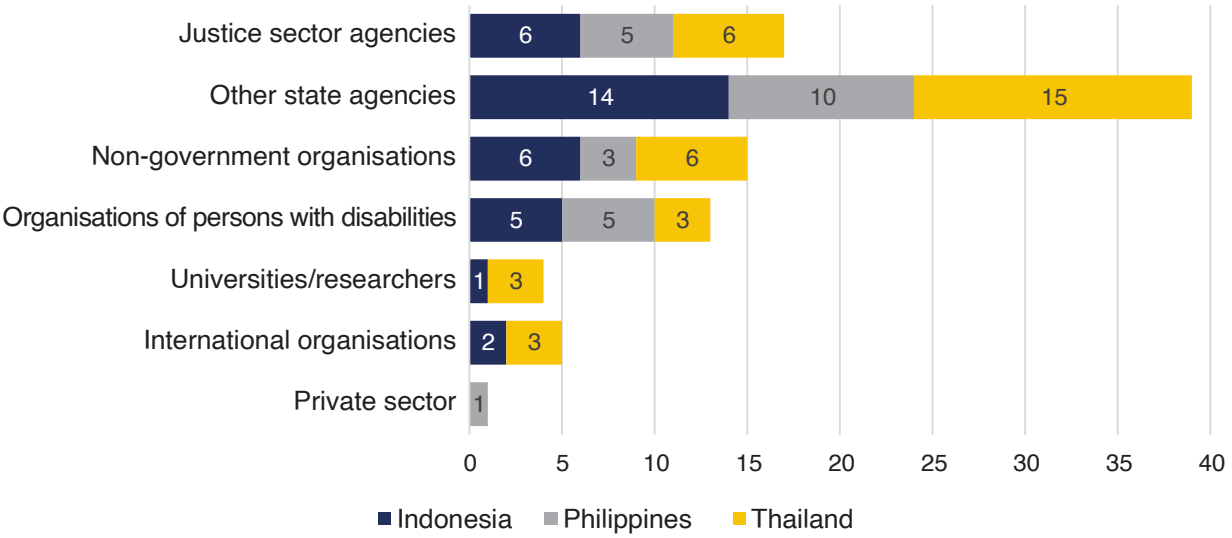


Expert workshop and validation workshop participants

Expert workshop participants



Validation workshop participants



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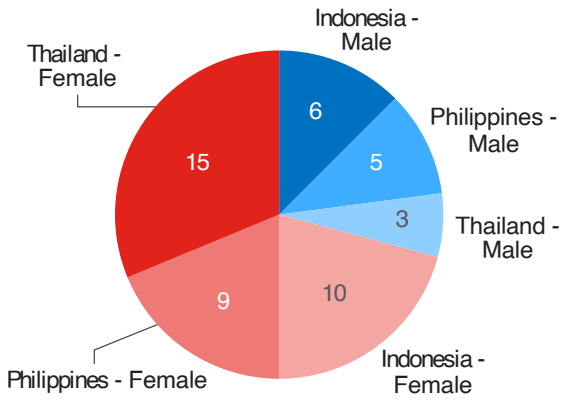
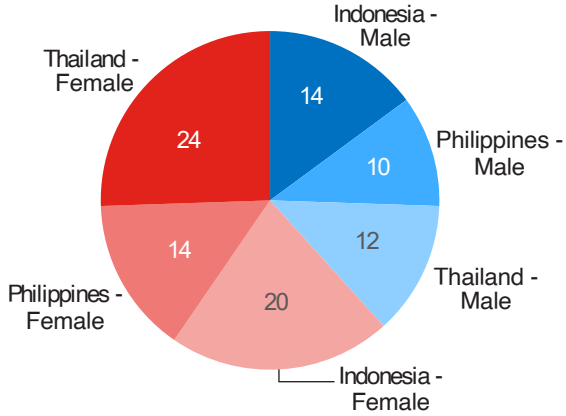


Validation workshop participants



The study was conducted in three ASEAN countries: Indonesia, the Philippines and Thailand. These countries were selected because of their efforts to address disability inclusion in national and local laws, policies and procedures, including in the justice sector. They also provide examples of different aspects of trafficking: Indonesia and the Philippines are primarily sources of trafficked persons, while Thailand is primarily a country of destination due to its high demand for migrant labour and changing demographics. It is important to note, however, that these three countries are also transit countries for trafficking in persons, and that the dynamics between source countries and countries of destination are changing in the region, particularly with the emergence of trafficking into online scamming centres.

This report draws on a review of academic literature, reports from government and non-government organisations working on trafficking issues in each of the three countries studied, key informant interviews and focus group discussions with 78 stakeholders from the three countries (see Annex 1), and interviews and focus group discussions with 24 victim-survivors of trafficking with disabilities (16 women, 7 men, 1 gender non-binary person). Initial findings and recommendations were shared and discussed in each of the three countries during expert workshops in August and September 2023 involving a total of 48 people (34 female, 14 male) and validation workshops in October 2023 involving 94 people (58 women and 36 men) (see Annex 1). These workshops enabled the research team to triangulate and verify findings with stakeholders and develop a set of priority recommendations for each country with the input of stakeholders (see Annex 2).

In-country research was carried out between March and July 2023 by researchers based in each of the three countries studied. Researchers carried out interviews in the national capital with national-level government and non-government agencies as well as with stakeholders in two subnational locations (see Table 1). Subnational locations were selected in consultation with ASEAN-ACT to capture key points of origin, transit or destination for trafficking in persons, including for domestic trafficking.

Table 1: Research locations

Indonesia	DKI Jakarta, West Java (Cianjur, Bandung, Bogor) and East Nusa Tenggara (Kupang)
Philippines	National Capital Region and Central Luzon (Manila), Central Visayas (Cebu), Davao Region (Davao City)
Thailand	Bangkok and Samut Sakhon, Chiang Rai and Ranong

An initial list of interviewees was identified in collaboration with ASEAN-ACT. However, researchers also drew on their own knowledge and networks to identify additional interviewees. Interviews and focus group discussions with victim-survivors of trafficking with disabilities were arranged through an non-government organisation (NGO) that was already included in the research team's interview list. Ethical approval for the research was provided by the La Trobe University Human Research Ethics Committee and all stages of the research were undertaken in line with ethical protocols, including

obtaining informed consent from all participants, safeguarding participants' privacy and confidentiality and minimising the risk of harm.

The availability of data and information was a significant limitation of this study. There are very few studies which focus specifically on the intersection of trafficking and disability. This meant that the research team often needed to piece together information from different sources and draw inferences from data on related issues. There are also significant gaps in knowledge between the trafficking and disability sectors. In the course of the research, we found that those working in trafficking prevention and prosecution often had little knowledge or experience of trafficking cases involving persons with disabilities and were only able to provide limited or anecdotal information. More broadly, some interviewees and participants in expert workshops and validations workshops had limited knowledge and understanding of disability, including the different types of disabilities. At the same time, we found that staff in some organisations of persons with disabilities (OPDs) did not have a strong understanding of trafficking in persons, although many were able to provide examples from their work where persons with disabilities had experienced situations which would meet the definition of trafficking.

Another limitation of the study was the relatively small number of trafficked victims with disabilities who took part in each country. This study was designed to provide an overview of the situation in relation to disability and trafficking, rather than an in-depth understanding of trafficked victims with disabilities experiences. While the research team, ASEAN-ACT and the Research Advisory Board for the study felt it was important to include the voices of the victims, this needed to be balanced against the risk of retraumatisation or other harms. Our sample of victims of trafficking was therefore not selected with a view to being representative. Rather, it included those who were willing to speak with the research team members who were already in contact with an NGO from our list. More in-depth research with a larger sample of trafficked victims with disabilities would make a valuable contribution to deepening understanding of their specific vulnerabilities and the barriers they face in accessing services and justice.

This report has three main parts. The first provides a brief review of the available international literature on the intersection between disability and trafficking in persons. The second outlines key findings on the extent and nature of the problem, the existing response, and the barriers that trafficked victims with disabilities face in receiving support services and accessing justice. The final part of the report outlines recommendations for policymakers and practitioners working to address trafficking in persons in the three countries.

DISABILITY AND TRAFFICKING IN PERSONS: GLOBAL EVIDENCE

Key points

- There is very little research on persons with disabilities as victims of trafficking in persons, either internationally or in the ASEAN region.
- The existing literature indicates that having a disability can make a person more vulnerable to trafficking in persons.
- There is a larger body of research on the impact of trafficking in persons on physical and mental health.
- This research shows that victims of trafficking commonly experience physical, sexual and psychological abuse, workplace injuries and lack of medical care. This can lead to disabilities, particularly when victims do not receive the care they need.

Persons with disabilities as victims of trafficking

Although persons with disabilities are recognised as a group that is vulnerable to trafficking in persons, there is very little research on this topic (Nichols and Heil, 2022). There are no reliable estimates of the number of persons with disabilities who are trafficked (Jagoe, Toh and Wylie, 2022), either globally or in individual countries. However, evidence from court cases, media articles and the experience of organisations working in the fields of disability rights and counter trafficking indicate that persons with disabilities are vulnerable to all forms of trafficking (OVC and BJA, n.d.; Groce, Gazizova and Hassiotis, 2014; Clawson and Fyson, 2017; Reid, 2018; Anthony, 2018; Women Enabled International and Disability Rights International, 2019; Franchino-Olsen et al., 2020; Carey and Peterson, 2020; McCarthy et al., 2021; Nicols and Heil, 2022; EDF, 2022; Robinson, Gardner and Gray, 2022).

Box 2: Understanding vulnerability to trafficking in persons

Vulnerability to trafficking in persons is influenced by a combination of individual factors, household and family factors, social factors and structural factors (IOM, 2019). At the individual level, being female or a person from a minority ethnic group, having limited education or skills, or being removed from social support can increase a person's vulnerability (ELEVATE and USAID Asia CTIP, 2021). At the household and family level, poverty, debt and having an insecure job or source of income are key factors influencing a person's vulnerability to trafficking. Other factors include conflict, abuse or violence within the household, being a single parent or being part of a family where not everyone is treated equally. Social factors that increase vulnerability to trafficking include limited access to jobs or livelihood opportunities, limited educational opportunities, discrimination or social exclusion, or gender inequality. Finally, structural factors that increase vulnerability include corruption and weak law enforcement, political instability, conflict and social unrest, population pressure, and lack of regular migration pathways (IOM, 2019; ELEVATE and USAID Asia CTIP, 2021; UNODC, 2008; Bales, 2007).

The available literature suggests that having a disability can increase a person's risk of trafficking in several ways. For example, having an intellectual disability may mean a person is less likely to understand when they are being misled or manipulated or what constitutes exploitation or abuse. Having a disability can also limit a person's access to education or information, so they may be less aware of their rights. Persons with disabilities may also feel isolated or lack self-esteem, including because of stigma and discrimination as well as communication difficulties. Traffickers can exploit this by offering friendship to build people's trust and lure them into exploitative situations. Isolation and social exclusion can also mean that people do not have others to turn to for help. Some persons with disabilities rely on others to support them with their personal care and daily activities. This can provide opportunities for caregivers to exploit them or make them more likely to do what their caregiver wants. Having a disability can also exacerbate poverty and financial insecurity. For example, persons with disabilities and their families may need to spend more of their income on medical and other treatments. They may also be unable to work, or to access opportunities for decent work, making them more vulnerable when traffickers promise them jobs (OVC and BJA, n.d.; Reid, 2018; National Human Trafficking and Disabilities Working Group, 2018; Anthony, 2018; Women Enabled International and Disability Rights International, 2019; Franchino-Olsen et al., 2020; Carey and Peterson, 2020; Nichols and Heil, 2022; EDF, 2022; Robinson, Gardner and Gray, 2022). Evidence also suggests that women with disabilities are particularly vulnerable to violence, exploitation and certain forms of trafficking (OHCHR, 2012; Women Enabled International and Disability Rights International, 2019).

Box 3: Disability and 'abuse of a position of vulnerability'

Having a disability can make a person more vulnerable to trafficking. But when traffickers knowingly take advantage of a person's disability to exploit them, it is known as 'abuse of a position of vulnerability'. This is one of the 'means' elements in the definition of trafficking (see Box 1) (UNODC, 2013). Abuse of a person's disability could include taking advantage of a person's intellectual disability to mislead them about a job or manipulate them into forced sex work or using a person's inability to communicate (because of a physical disability or Deafness for example) to give them no choice about being exploited.

It may also be more difficult for persons with disabilities to be identified as victims of trafficking, to access support services or to engage with the justice system. For example, persons with disabilities may be less likely to understand that they are victims of a crime and to report to authorities. This situation can be exacerbated when accessible and understandable information about trafficking and exploitation is not available or when systems for reporting are not accessible for persons with disabilities. Persons with disabilities may also be reluctant to report when their trafficker is a family member, partner, or spouse and they may also be less likely to be believed when they do report, including by their families as well as by authorities. Persons with physical disabilities

may be less able to escape a trafficking situation. Having an intellectual disability or communication impediment may make it more difficult for persons with disabilities to contact authorities, explain what has happened to them or tell someone what they need (Reid, 2018; Nichols and Heil, 2022; Anthony, 2018, p. 21; EDF, 2022). Persons with disabilities may also be perceived as less credible witnesses by police or courts (Farrell and Pfeffer, 2014).

Trafficking leading to disabilities

The violence, injuries, illness, deprivation and trauma that people experience during trafficking can also lead to impairments. Studies from across the globe indicate that people who are trafficked commonly experience physical, sexual and psychological violence (Ottisova et al., 2016; García-Vázquez and Meneses-Falcón, 2024). Unsafe working conditions, a lack of adequate medical care, unhealthy living environments, and exposure to infections can also lead to a range of injuries, illnesses and conditions (Zimmerman, Hossain and Watts, 2011). The most common physical health problems reported by identified victims of trafficking include headaches, fatigue, and vision and memory problems – which are often symptoms of traumatic brain injury – as well as back and stomach pain, gynaecological problems and sexually transmitted diseases, including HIV-AIDS. Victims also report a range of psychological conditions such as depression, anxiety, post-traumatic stress disorder, self-harm and suicidal thoughts, and dissociative

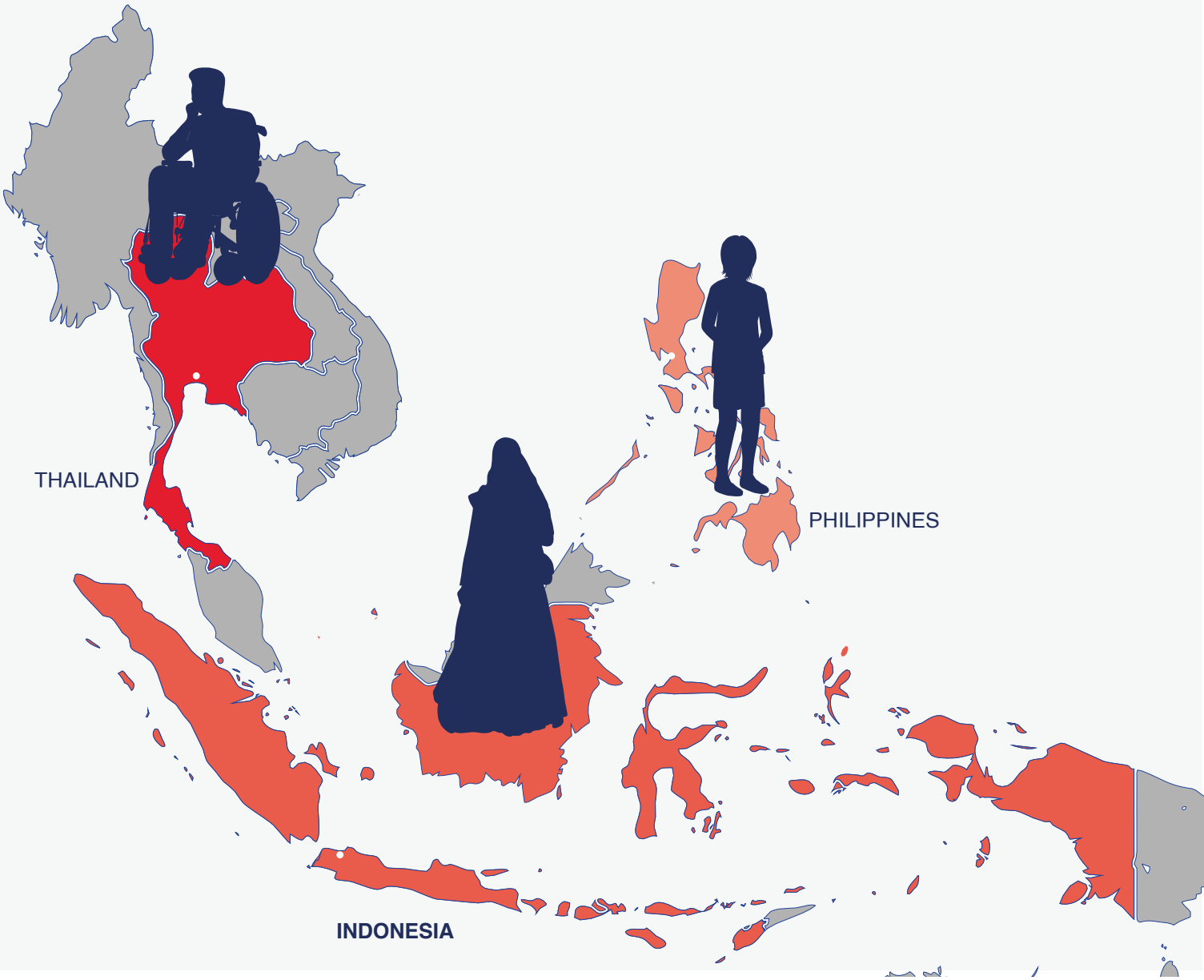
disorders (such as forgetting certain time periods or events, not feeling connected to their own body or developing different identities) (Ottisova et al., 2016; García-Vázquez and Meneses-Falcón, 2024).

Victims of trafficking often have multiple physical, psychological, and social care needs requiring consistent support from a range of service providers (Hemmings et al., 2016). Whether these result in long-term impairments often depends on the quality of medical and psychological or psychiatric care that people receive once they return home. But studies have found that victims of trafficking face significant barriers in accessing health services. For example, specialised services may not be available, particularly outside larger cities, or not be provided for long enough to enable victims of trafficking to fully recover. Treatment may be too expensive or, where free or subsidised treatment is available, victims may not be eligible – for example, if they have not been formally identified. Healthcare workers and social workers may not have the training needed to provide trauma-informed care. Victims of trafficking may also avoid seeking treatment because they are ashamed, fear being judged or not believed, or do not trust others. They may also fear being reported to authorities (Sherry, 2019; Albright et al., 2020; Macias-Konstantopoulos, 2016).

In addition to barriers in accessing medical and psychological treatment, victims of trafficking may face a range of challenges in reintegrating into their communities, including shame and stigma, limited employment or livelihood opportunities, and legal challenges related to crimes committed while the person was trafficked or to immigration, debt, unpaid wages or divorce (OVC, 2015; Sumner, 2023). Financial stresses and lack of a strong social support system within the family or community can make it difficult for people to fully recover (Zimmerman, Hossain and Watts, 2011).


PHILIPPINES
INDONESIA
THAILAND

DISABILITY AND TRAFFICKING IN PERSONS IN INDONESIA, THE PHILIPPINES, AND THAILAND



Understanding the problem

The extent of trafficking in persons

Key points

- In all three countries included in this study, data on identified victims of trafficking is not routinely disaggregated by disability. It is therefore difficult to obtain a full picture of the extent and nature of the problem.
- Some inferences about disabilities resulting from trafficking can be drawn from data on migrant workers who experience exploitative work conditions (which may or may not be classified as trafficking), including levels of violence and complaints received by government agencies responsible for migrant worker welfare.

The World Health Organisation estimates that around 15% of people in Southeast Asia have significant disability, because of an impairment they were born with or acquired during their lives (WHO, 2022). This translates to just under 42 million people in Indonesia, 17.5 million in the Philippines and 11 million in Thailand.[2] However, obtaining accurate disaggregated data on the number of victims of trafficking with disabilities is a significant challenge, even in countries where data on disability is collected as part of population censuses or other large-scale national surveys. Although all three countries maintain databases on trafficking cases and services provided, [3] data is not routinely disaggregated by disability.[4] The Philippines has recently taken steps to address this. In March 2023, new Implementing Rules and Regulations for the Expanded Anti-Trafficking in Persons Act of 2022 (Republic Act No. 11862) were passed which require agencies

2 The WHO estimates of disability prevalence often differ from national estimates, including due to differences in whether and how questions about disability are asked in population censuses or national surveys.

3 In both Indonesia and the Philippines, government agencies involved in identification, investigation, prosecution and service provision maintain their own databases. Thailand has recently developed a centralised database – the Electronic Database System for Anti-Human Trafficking of Thailand (https://www.e-aht.com/startup/gotoPowerBIBoard#) which coordinates data collection from nine key agencies involved in anti-trafficking efforts.

4 Information on whether trafficking cases involve a person with a disability – or whether a disability is acquired as a result of trafficking – is in theory available in detailed case documentation. In Thailand, complaints and requests for legal assistance related to discrimination against persons with disabilities submitted to the Ministry of Social Development and Human Security and legal assistance provided by the Ministry of Justice to persons with disabilities are disaggregated by type of disability (MSDHS, 2016). In Indonesia the Attorney General Office's has recently developed a database of trafficking prosecutions from 2021 onwards (https://jampidum.kejaksaan.go.id/p/) and the Supreme Court maintains a directory of all court decisions at all levels (https://putusan3.mahkamahagung.go.id/). The latter currently lists 1347 cases of trafficking in persons. A detailed review of these cases – as well as cases prosecuted as other crimes - would potentially identify cases involving persons with disability. A detailed review of the Ministry of Women's Empowerment and Child Protection database of cases of violence against women, men and children – Women and Children's Protection Online Information System (Sistem Informasi Online Perlindungan Perempuan dan Anak, SIMFONI PPA) - may also include cases of trafficking or other forms of exploitation involving persons with disabilities. However, such a review was beyond the scope of this study.

responsible for collecting data on trafficking victims to include 'type of disability' as part of minimum data requirements in relevant databases.[5]

The inclusion of disability data has the potential to provide a fuller picture of the extent of trafficking involving persons with disabilities. However, there are some challenges to collecting it. Frontline staff from both government and non-government agencies in all three countries who were interviewed for this study indicated that they often do not have the knowledge and skills to identify disabilities unless they can be easily observed. Limited awareness of disability – and the cost of getting a diagnosis – also means that some persons with disabilities are not aware they have a disability. Accurately capturing data on all types of disability will therefore require training for frontline staff and the use of robust screening questions such as the Washington Group Short Set of Questions on Functioning – Enhanced or the Washington Group/UNICEF Child Functioning Module questions during screening and identification processes.[6]

Box 4: The tip of the iceberg: Challenges in measuring the extent of trafficking in persons

Internationally, it is thought that only around 1 per cent of trafficking victims are identified (IOM, 2017, p. 2). Capturing data on persons with disabilities who experience trafficking in the ASEAN region may be particularly difficult. For example, one of the key areas of focus for anti-trafficking efforts in the Philippines and Indonesia is overseas labour migrants. But this is likely to miss people with many types of disabilities, who may not meet the physical and mental health requirements for overseas migration.[7] In addition, in all three countries, our research suggested that trafficking of persons with disabilities for labour and sexual purposes is often perpetrated by family members, teachers or caregivers and happens within the person's home or community. Because it is less visible and takes place on a smaller scale, only the worst cases may come to the attention of authorities.

5 This includes the Philippine Anti Trafficking Database (managed by IACAT), National Recovery and Reintegration Database, Integrated Case Management System, Prosecutor's Trafficking in Persons Case Management System as well as other agency databases.

6 The Washington Group Short Set of Questions on Functioning - Enhanced includes 12 questions designed to gather information on difficulties in undertaking basic functioning activities, including seeing, hearing, walking or climbing stairs, remembering or concentrating, self-care, communication (expressive and receptive), upper body activities, and affect (depression and anxiety). It is available at https://www.washingtongroup-disability.com/question-sets/wg-short-set-on-functioning-enhanced-wg-ss-enhanced/. The Washington Group/UNICEF Child Functioning Module has two versions: one for children aged 2-4 years and one for children aged 5-17 years. Both are designed for administration to mothers (or primary caregivers) and assess difficulties in vision, hearing, mobility, communication/comprehension, behaviour and learning (all ages); dexterity and playing (2-4 years); and self-care, remembering, focusing attention, coping with change, relationships and emotions (5-17 years). It is available at https://www.washingtongroup-disability.com/question-sets/wg-unicef-child-functioning-module-cfm/

7 Because compulsory medical tests for migrant workers are not always undertaken thoroughly, some persons with disabilities are able to migrate overseas for work. This is particularly the case where disabilities are less severe or less apparent.

Capturing data on disabilities resulting from trafficking is also difficult. Undocumented migrants who have experienced exploitation and are injured or ill are less likely to come into contact with authorities and may even actively avoid being identified out of fear of being prosecuted. Some injuries or impairments sustained as a result of trafficking will be apparent at the time a person is identified. Others, however, may be less easily identifiable or may require specialist diagnosis. This is particularly the case for psychological or psychiatric conditions.

Collection of accurate data is also made more difficult by limited reporting. Many victims of trafficking – both those with existing disabilities and those who acquire disabilities as a result of their trafficking experience – may not realise they are victims of a crime. Even if they do understand, they may blame themselves for their exploitation or fear that they will cause their family shame, or that others will judge them or reject them if they find out what happened. They may depend on their traffickers for care or support, particularly if they are family members. Stigma associated with trafficking or disability may also make persons with disabilities reluctant to report their situation to authorities (Kasper and Chiang, 2022; Andrevski, Larsen and Lyneham, 2013; Farrell and Pfeffer, 2014; Surtees and Zulbahary, 2018).

While data on identified victims does not enable an accurate measurement of the extent of trafficking involving persons with disabilities, it is possible to draw some inferences about the potential size of the problem from other data. For example, data on migrant workers who experience exploitative work conditions (which may or may not be classified as trafficking) suggests that there are potentially a significant number who sustain illnesses, injuries or trauma that may lead to disabilities.[8] The 2018 Philippines National Migration Survey, for example, found that 12% of those who had experienced involuntary work arrangements as overseas migrants had been subjected to physical abuse and 1.3% had been subjected to sexual harassment or abuse (PSA and UPPI, 2018, p. 155). In Indonesia, a study by Surtees (2017) found that just under 70% of migrant workers who were victims of trafficking experienced psychological violence including insults, threats, intimidation, verbal abuse, imprisonment, withholding of food or other basic necessities, or enforced sleep deprivation and that this often occurred alongside physical and sexual violence (Surtees, 2017). Data on victims of trafficking assisted by the Indonesian Labour Migrant Workers Union and the International Organisation for Migration in Indonesia also indicate high levels of violence and abuse (IOM, n.d; SBMI, n.d; see also Lyneham and Larsen, 2013; Seefar, 2016, 2019; Saptaningrum et al., 2021,

8 Around 4.6 million Indonesians and 6.1 million Filipinos were overseas in 2020 (UN DESA, 2020). World Bank estimates suggest that only around half of Indonesians migrate formally (World Bank, 2017, p. 14), so the number of Indonesians overseas could be almost double this figure.

p. 16).[9] Zimmerman and colleagues also found that nearly half (47.4%) of the 1,015 adults and children in their study of victims of trafficking in Cambodia, Thailand and Vietnam reported experiencing physical and/or sexual violence during the time they were trafficked (Zimmerman et al., 2014, p. 35). People of all genders experience violence and abuse, although the studies cited here differ in reported levels of violence for people of different genders. Notably, all of the studies included workers who had migrated through formal channels as well as informal migrants, suggesting that migrating formally does not always provide protection against exploitation, violence and abuse.

Published reports from government agencies responsible for migrant worker welfare contribute to this picture. For example, Indonesia's National Migrant Workers Protection Agency (Badan Perlindungan Pekerja Migran Indonesia, BP2MI) reported receiving 66 complaints related to 'illness' or 'hospitalisation', 12 complaints related to 'employer violence', and 11 complaints related to 'depression/mental health issues' in 2021. Almost 600 complaints were classified as 'worker wishes to return home' or 'other', some of which may involve instances of physical, sexual or psychological violence, illness or injury (BP2MI, 2022). It is also likely that many issues are never reported to authorities. In the Philippines, maltreatment - which includes physical and psychological abuse - is among the most common complaint received by the Overseas Workers Welfare Administration, and around half of all complaints are categorised as 'other' (ALTER, 2022). In Thailand, research suggests that many labour migrants who experience exploitation or abuse do not make complaints (Domingo and Siripatthanakosol, 2023; ILO, 2020; Harkins and Ahlberg, 2017). While it must be emphasised that not all illnesses or injuries experienced during trafficking will result in a disability, these figures suggest that the problem is a significant one. This view was supported by a representative of Indonesia's Witness and Victim Protection Agency (Lembaga Perlindungan Saksi dan Korban, LPSK) interviewed for this study, who estimated that around 20% of cases the Agency was involved in included people who had acquired disabilities as a result of trafficking. They acknowledged that this was likely only a fraction of the real number, given that many identified victims of trafficking do not pursue prosecution.

9 Data on victims of trafficking assisted by the International Organization for Migration (IOM) in Indonesia between 2005 and 2022 indicate that 80% of victims experience psychological abuse, 40% experience physical abuse and 14% experience sexual abuse (IOM, n.d.). Both the IOM and the Indonesian Migrant Workers Union (SBMI) provided data directly to the authors and gave their permission to use the data in this report.

Types of trafficking

Key points

- Persons with disabilities experience all forms of trafficking. In line with broader trafficking patterns in the ASEAN region, sex and labour trafficking (including forced begging) are the most common.
- Women and girls with intellectual, developmental or learning disabilities and psychosocial (mental health) disabilities are particularly vulnerable to sex trafficking, including online sex trafficking.
- Anecdotally, trafficking of persons with disabilities is often perpetrated by family members.
- Migrants who experience sexual or labour exploitation or abuse often sustain injuries, illness or trauma which can lead to disability.
- The psychological impacts of trafficking are exacerbated by the challenges in accessing mental health care and the stigma associated with mental health issues in the region.

Trafficking of persons with disabilities

Our research suggests that the types of trafficking persons with disabilities experience mirror broader trafficking patterns in the ASEAN region. Sex and labour trafficking (including forced begging) are the most common, although they have slightly different modalities in each of the three countries. In all three countries, interviews and expert and validation workshops unearthed multiple stories of persons with disabilities being subjected to violence, abuse and exploitation. While not all of these would fit the definition of trafficking, they do highlight the significant vulnerabilities that persons with disabilities face.

Sex trafficking

In all three countries, interviewees from government agencies, NGOs and OPDs mentioned cases of sexual exploitation of persons with disabilities, primarily women and girls. In Indonesia, this included trafficking of women with intellectual and learning disabilities into forced sex work, with traffickers offering women jobs in restaurants in provincial capitals which turn out to be establishments for commercial sex (see Box 5: ‘Siti’s story’). An interviewee from an Indonesian OPD also told the research team about a case in which a woman with an intellectual disability was forced by her husband to enter successive temporary or ‘contract’ marriages.

Box 5: 'I had no way to get home': Siti's story

Siti has a mild intellectual disability. She never really liked school, so at age 15, she left school to look for a job. 'A friend was working in Palembang [in Indonesia's South Sumatra province]. She told me she could get me a job in a restaurant,' she explains. But when Siti arrived, the restaurant turned out to be a bar and brothel. 'I'd used up all my money getting there, so I had no way to get home.' The boss also took her mobile phone and identity card.

'All I could think about was how I was going to get home.' But it was difficult to save up the money. She was only given a small amount of food and had to buy the rest herself. 'Even if the customers gave us a tip, the boss got a third of it. And he kept the money 'safe' for us. He told us that once we had enough, if we wanted to go home, we could take the money. But it was never enough.' The girls were also fined if they got back late after going out somewhere.

Siti was eventually rescued when the police raided the bar. 'The boss was about to sell me to another place. I don't know what would have happened to me then.'

In Thailand, sex trafficking of persons with disabilities has both domestic and international dimensions. Among the victims of trafficking we interviewed were women with hearing impairments from Laos and Myanmar who were deceived into sex work by extended family members who promised them jobs in Thailand (see Box 6: 'Dao's story').

Interviewees from justice sector agencies in Thailand also told the research team about two recent cases involving Thai girls with autism, a developmental disability, who were victims of online sex trafficking. Sex trafficking of Thai women and girls with intellectual disabilities, both within Thailand as well as into the sex industry in Europe and elsewhere, has also been documented (Royal Thai Government, 2021, p. 24; Wildau, 2010).

Box 6: 'She told me I had to work to pay back the money': Dao's story

'I came to Thailand from Laos about five years ago, when I was 17,' Dao explains. 'As a person with a hearing impairment, it was hard for me to find a job in Laos, especially because I didn't go to school. My aunty said that there were lots of jobs in restaurants in Thailand. I thought it sounded good.'

Dao and her aunt crossed the border without proper documentation, then travelled to southern Thailand. 'When we arrived, she took me to a karaoke house. It was then I realised she had lied to me. She had brought me to be a sex worker.' Dao's aunt told her she had given money to her parents in advance and that Dao had to work to pay back the money. 'I was there for about a year, then COVID-19 hit, and everything shut down.'

After the karaoke house closed, Dao moved to Bangkok and started selling clothes and bags at markets. She has not been in contact with her family in Laos since she left. 'I'm scared my parents will tell my aunty where I am and she will take me back to the karaoke house. I'm always moving my cart to different places so she doesn't find me.'

In the Philippines, the most common type of trafficking mentioned by interviewees from government agencies and NGOs was online sexual exploitation of children with disabilities. Online sexual exploitation of children has risen significantly in the region over the last 10 years, facilitated by the increase in internet use and ease of international financial transactions (see Box 7: 'Mobile payment services …') (IJM, 2020; Roche et al., 2023; ECPAT, INTERPOL and UNICEF, 2022a, 2022b, 2022c). Police interviewed by the research team said that children were often paid to recruit others.

Box 7: Mobile payment services make identifying online sexual exploitation more difficult

'The biggest problem is sexual exploitation of children, especially online sexual exploitation,' says Rommel, a municipal government officer in the Philippines. 'Mobile payment services like GCash make it harder to track money transfers. Every year we are involved in two or three rescue operations, and five to six children are rescued each time. The police get a tip off from someone, then they follow it up. If a tip leads to a rescue, the person who gave the tip gets a cash reward.'

'Two years ago, a 15-year-old girl with a disability was rescued from online sexual exploitation. The mother was using her and her younger sister to make money. It was very difficult to find care for her. No shelter wanted to take her because they didn't have the capacity to provide care. And it's very difficult to find families to foster children with disabilities. She is currently in a government shelter but that's not a long-term solution.'

Labour trafficking

Persons with disabilities also experience labour exploitation. In Indonesia and the Philippines, interviewees from NGOs and OPDs and participants in expert and validation workshops mentioned cases in which persons with disabilities were employed in low wage work such as waste picking and domestic work, in massage or beauty parlours, and in carnival shows or bars and were not paid or were underpaid for their work or had their wages taken by family members (see Box 8: 'The employer never paid their wages'). In 2022, Thai police charged three people for offenses involving labour trafficking of a person with an intellectual disability who was forced to work without pay and suffered physical abuse which left him severely injured (Royal Thai Government 2022, p. 26). There have also been cases in Thailand in which companies employ persons with disabilities in order to claim tax benefits but do not pay these workers a fair wage (Disabilities Thailand, 2016).

Box 8: 'The employer never paid their wages'

Ria works for an Indonesian NGO that provides legal assistance, including for victims of trafficking. 'We have just had a case involving labour trafficking of three persons with disabilities, one of whom was exploited for 20 years,' she explains. The case involved a small non-profit organisation which ran a guest house. The victims helped run the guest house but were never given a contract or paid wages.

One of the employees was Deaf and in her mid-teens when she came to work for him. She did not know formal sign language, and the director of the organisation told her parents that he would teach her. 'But he didn't even know sign language himself,' Ria explains.

He also treated them badly. 'If they did something wrong, he would pinch them and hit them. He would also accuse them of stealing things,' Ria says. 'Often they would only get rice that had spoiled to eat.'

Forced begging

In all three countries, persons with disabilities are victims of forced begging, a form of labour exploitation.[10] In the Philippines, participants in the expert workshop mentioned cases of street begging, including a case in which a person with a disability who was also a member of an indigenous minority was trafficked into forced begging in Manila by traffickers who targeted his tribal community. A case in Indonesia involved several people who were offered jobs in another province only to find the 'work' was begging. Interviewees from OPDs in Indonesia mentioned that persons with disabilities were used to solicit donations from the public through online platforms. Online begging involving exploitation of children, persons with disabilities and older persons has become a growing challenge in Indonesia with widespread use of social media ('Mensos Risma larang ngemis online', 2023) and was also mentioned by participants in the expert workshop in Thailand. In Thailand, the research team spoke to Thai persons with visual impairments who were made to beg or perform in train stations, bus stops or markets by their families as well as a Cambodian man who had been trafficked into forced begging as a teenager (see Box 9: 'Pros's story'). OPD participants in the Thailand expert workshop also mentioned Cambodian children with disabilities whose parents were involved in sending them to Thailand to beg. The Thai government is continuing to take steps to regulate begging and better identify potential victims of forced begging (see, for example, Royal Thai Government, 2022, pp. 64-5).

10 Trafficking for forced begging in Indonesia and Thailand has also been documented elsewhere (see, for example, Wahida, 2017; Disabilities Thailand, 2016; Office to Monitor and Combat Trafficking in Persons, 2021; Agape International Missions, 2019; Harkins, 2019).

Box 9: 'They told me I was going to school': Pros's story

Pros has a visual impairment. He came to Thailand from Cambodia when he was 15 years old. Someone came to his village and said that if he wanted to go to school, they could take him to Thailand. He was excited to be offered this opportunity and his parents agreed that he could go. He travelled by car and on foot with a large group of people. 'They took us to a small house on a rice farm and told us to wait there.' The traffickers returned and took the group to another province in Thailand where they forced them to become beggars. 'They would take us to the market and leave us there. We worked in shifts. The morning shift was from 3 o'clock to 9 o'clock. We would go back at 3 o'clock in the afternoon and work till 9 o'clock at night.'

Pros was paid 50 baht a day and given three meals and a place to sleep. 'I stayed with them for two years. Then I asked some of the shop owners at the market to help me get away. I walked into a shop and used the bathroom, then the owner took me upstairs and through to the next shop and the next until I got on a bus to go to another province.'

Pros now lives in the Bangkok area. 'I've never been back to Cambodia. It's easier to live as a person with a disability in places like Bangkok, Nonthaburi or Pathum Thani.' Because he doesn't have an official identity card in Thailand, he's not eligible for any of the benefits that come with having a disability card. Instead, he makes his living by singing at markets and bus stops.

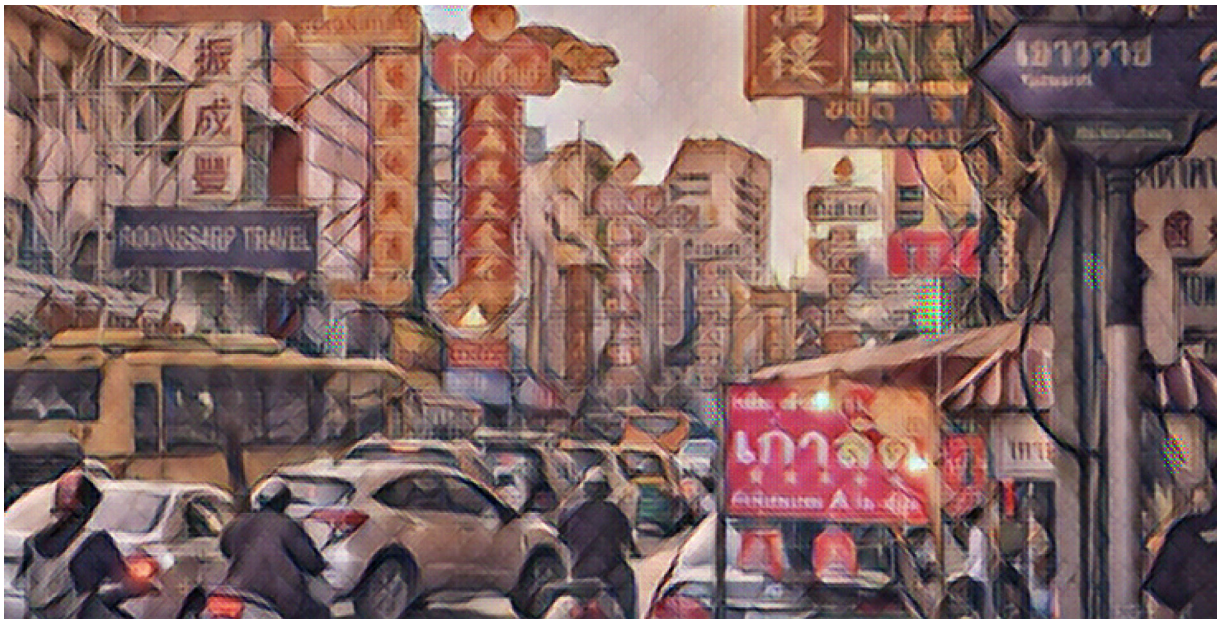
Other types of trafficking

Interviewees from NGOs and OPDs in the three countries also mentioned several other types of trafficking involving persons with disabilities. This included forced criminality such as drug trafficking, online scams or robbery (mentioned in Indonesia and the Philippines) and theft of government disability benefits (the Philippines). In Indonesia, a representative from an OPD related a case in which a woman with an intellectual disability was denied access to birth control so that her husband could sell their babies. In Thailand, an interviewee from the justice sector told the research team about cases involving surrogate babies who were born with disabilities. Since surrogacy is illegal in Thailand, children with disabilities born through surrogacy are especially vulnerable. The babies would be taken to the border with Laos or Myanmar and left there. Some of them did not survive, others received help from people in the area, and still others were exploited. The issue of surrogate babies with disabilities was also mentioned by an NGO participant in the Thailand expert workshop.

It is also possible that other types of trafficking involving persons with disabilities occur in the three study countries. For example, neither forced marriage nor organ trafficking involving persons with disabilities were mentioned by participants in our study, although

both have been documented in other parts of the world.[11] Nor did we encounter examples of trafficking and exploitation of adults and children with disabilities in residential care settings – which has been documented to be widespread in Ukraine and Mexico – or exploitation of older persons with age-related disability.[12] However, it should be noted that the research team did not enquire directly about these issues or seek interviews with stakeholders working in these areas. Had we done so, it is quite likely we would have uncovered examples of these forms of exploitation.

When describing cases of trafficking and exploitation of persons with disabilities, interviewees in all three countries revealed that family members were often the perpetrators. This included husbands or wives, parents or extended family members. In addition, while some cases did involve a change in location – for example, rural to urban within a country or, in Thailand, across the border from Cambodia, Laos or Myanmar – in many cases the exploitation occurred within the person's home or community. These domestic cases may not always be identified as trafficking, particularly given limited knowledge of trafficking among NGOs, OPDs and staff in frontline agencies and a perception that trafficking involves crossing international borders (Rapid Asia, 2022, p. 20).



11 Women Enabled International and Disability Rights International (2019, p. 2) and EDF (2022) mention cases of persons with disabilities trafficked for organs or body parts. Although there is no publicly available official data on the prevalence of forced marriage in Indonesia, the Philippines or Thailand, child marriage – a form of forced marriage – has been documented in all three countries (Plan International, 2022; Fitzgerald, Humphries-Waa and Harvey, 2022). Forced marriage involving persons with disabilities of all genders has been documented in the United Kingdom (see, for example, Groce, Gazizova and Hassiotis, 2014; Clawson and Fyson, 2017; McCarthy et al., 2021).

12 Exploitation and trafficking involving both adults (particularly women) and children with disabilities has been documented in Ukraine (Mathews et al., 2015) and Guatemala (Rodríguez et al., 2018) (see also Milovanovic, 2023). Exploitation of older persons has been gaining growing attention in Thailand – and to a lesser extent in the Philippines and Indonesia – as these countries' populations age. Studies from the region suggest that exploitation of older persons often has a financial element and can involve physical and psychological violence (Whangmahaporn, 2019; Kulachai, 2018; Commission on Human Rights, 2017).

Trafficking leading to disabilities

The significant impact of trafficking on physical and mental health was also evident in our research. In all three countries, interviewees and expert and validation workshop participants from justice sector agencies, government agencies and NGOs were very aware of this, and many gave examples of cases they had come across in their work, including adults and children who had sustained permanent injuries (including loss of sight or hearing) as a result of physical violence they experienced while trafficked. The research team spoke to several migrant workers who were victims of trafficking in Indonesia and Thailand who had acquired disabilities (see Box 11: 'Supardi's story' and Box 12: 'Maung's story'). Interviewees in Indonesia also gave examples of victims of sex trafficking who had acquired HIV-AIDS. This is well supported by data on victims of trafficking assisted by organisations such as the IOM in Indonesia and SBMI (IOM, n.d.; SBMI, n.d.; Lyneham and Larsen, 2013) as well as multiple studies from the region (see Box 10: 'Exposure to violence …'). In the Philippines, justice sector representatives in the expert workshop mentioned cases of trafficking of children into armed conflict, which carries significant risks of physical injury and psychological harm (see also Malindog-Uy, 2020). However, as noted above, it is likely that many cases of victims of trafficking who acquire disabilities do not come to the attention of authorities or NGOs.

Box 10: Exposure to violence and poor working conditions

There is a relatively large body of research on the experiences of migrant workers and victims of trafficking from the ASEAN region and the conditions to which they are exposed. As noted above, migrants who experience sexual or labour exploitation and identified victims of trafficking often report experiencing physical and sexual violence as well as psychological violence (including insults, threats, intimidation, verbal abuse, imprisonment, withholding of food or other basic necessities, or enforced sleep deprivation). Many are also subject to poor living and working conditions, dangerous work, and inadequate medical care, which can also lead to illness or injuries.

For example, research on Indonesian and Filipina women working overseas as domestic workers or women from across the ASEAN region forced into sex work has found that many sleep in cramped or poorly ventilated spaces, including in storage rooms or bathrooms, and are given poor quality food or not enough food. They work long hours, often with little or no time off. Many also report not receiving proper medical care following accidents in the home or being forced to use harsh cleaning chemicals without gloves or other protective equipment. Sex workers are often not supplied with condoms or forced to have unprotected sex. They may also be forced to use drugs or drink alcohol. Access to proper medical care may also be limited (Lyneham and Larsen, 2013; Zimmerman et al., 2014; Yea, 2015a; Surtees, 2017; Mission for Migrant Workers, 2017; Saptaningrum et al., 2021; Lennox, 2022; IOM, n.d.).

Men from the Philippines, Indonesia, Cambodia, Laos, Myanmar and other countries in the region working on fishing boats, in construction, factories, or on plantations also experience unhealthy and often dangerous conditions which impact on their physical and mental health (see Box 11: ‘Supardi’s story’ and Box 12: ‘Maung’s story’). Work can involve heavy lifting and exposure to dust and chemicals. Many report that they are not given proper safety equipment or adequate clothing to protect them from the sun or cold. They also report working long hours with little rest, and being forced to work while they are ill orreturn to work before their injuries are properly healed. Living conditions are often cramped and unhealthy, with poor quality food and water, and many are subject to routine physical or verbal abuse and threats (Yea, 2012; Zimmerman et al., 2014; Pocock et al., 2016; Issara Institute and IJM, 2017; Surtees, 2017; Asis, 2019; Saptaningrum et al., 2021).

Newer modes of trafficking, such as cyber scam operations and online gambling operations, also involve use of physical, sexual and psychological violence to control victims. Reports also suggest that living conditions are cramped and unsanitary and that people work long hours and are denied food, water and medical care (OHCHR, Regional Office for South-East Asia, 2023, p. 14; Turner and McCarthy-Jones, 2023).

People who are trafficked for illegal organ donation may also experience long term health impacts, including due to lack of medical care (Yea, 2015b; Llewellyn, 2023).

Box 11: 'We slept in the hold where the fish are kept': Supardi's story

Supardi was trafficked onto a fishing boat several years ago. 'I had a decent job, but with four children to put through high school, it was hard to make ends meet,' he explains. He thought working overseas would help make his family more financially secure.

Agus told Supardi he could get him a job in a factory in South Korea. It sounded great. Supardi had to pay several thousand dollars in fees so that Agus could make all the arrangements. 'I pawned my motorbike to pay for it.'

Supardi travelled from Indonesia to Singapore, but when he got there, he didn't catch a connecting flight to South Korea. Instead, he was taken to a boat, which took him out to a waiting ship. It was then he realised that something was not right.

At first the foreman was kind to him. He gave Supardi and the other crew members some clothes and showed them how to use the equipment to bring in the nets. But the further they got out to sea the worse it became. 'The foreman took our mobile phones, so we couldn't contact anyone. They only gave us rice or bread to eat and we slept in the hold where the fish are kept. When there were lots of fish, we worked for 22 hours a day.'

When the foreman thought the crew weren't working hard enough, he would beat them. 'One time, a piece of equipment broke, and the foreman blamed me. He beat me badly on the head.' Supardi has now lost vision in one eye. He also has trouble concentrating and gets headaches a lot.

Supardi was eventually rescued, along with the rest of the crew. 'Two of my friends jumped ship when it got close to shore and were picked up by another boat.'

Supardi is relieved the nightmare is over, but he has struggled to get his life back together. 'I haven't received any of my wages, and I don't know if I'll ever get any compensation.' He has received some financial assistance from the government and from a local NGO. His neighbours have also been supportive, but he feels embarrassed about what happened to him. 'I was active in my community, in the mosque. I had a good education, a college education. How could I have been so stupid?'

Box 12: 'Seven of us managed to escape': Maung's story

Maung came to Thailand from Myanmar as an undocumented worker when he was 17 years old. 'I didn't have a disability then, and everyone wanted young people to work.' He had to pay a large amount of money to an agent to arrange a job. The agency sent him to work on a farm. The owner only gave the workers rice to eat and they had to grow their own vegetables. 'Occasionally, he would give us some meat.' They also had to build their own shelter to sleep in. Maung was never paid any wages for his work.

After he had been working on the farm for six months, Maung fell ill. 'I was given some painkillers, but they didn't take me to a hospital or clinic because the owner was afraid they would find out he employed undocumented workers.' After his illness, Maung was very weak and couldn't do as much work as he used to. His employer punished him by kicking him and whipping him. He tried to run away but his employer found him. 'All the farm owners know each other, so if you run away, they tell each other.' After that, he was punished even more harshly.

Maung's employer put him in a cage and chained him. He beat his legs until they went numb. Eventually, he was no longer able to walk. 'One of my friends who worked on another farm knew what was happening to me. He couldn't stand the cruelty anymore, so he got together some friends to help me. Seven of us managed to escape.'

Maung now lives with some friends. He doesn't want to register himself with the authorities. He is afraid he will be arrested because he came to Thailand as an undocumented worker. But he considers himself lucky. He was given a wheelchair by a Thai person with a disability, and he is able to earn money by interpreting and translating between Burmese (Myanmar) and Thai. 'I know how to write in our language, so when my friends want to write to their families back home, I charge them a small amount to do it for them.'

Interviews with staff from NGOs and trafficked victims with disabilities in Indonesia and the Philippines and with justice sector actors in Thailand highlighted the impact of trafficking on mental health. This included cases in which victims of trafficking experienced depression and other psychological conditions as a result of being trafficked. Significant levels of depression and thoughts of suicide have also been documented among victims of trafficking in Thailand, Cambodia and Vietnam (Zimmerman et al., 2014; Kiss et al., 2015a, 2015b). Police in Thailand, for example, related a case in which a man who was trafficked in the fishing industry was forced to work 24 hours a day and was beaten and chained up. As a result, he acquired a psychosocial (mental health) disability. Interviewees from NGOs in the Philippines underscored the significant impact of sex trafficking on children's mental health, with children displaying symptoms of trauma such as depression, suicidal thoughts or behavioural issues. This could be complicated by drug dependency. Because they are still developing physically, intellectually, socially and emotionally, children may be particularly vulnerable to the physical and psychological harms of trafficking, with both short- and long-term impacts on their health and wellbeing (Davis, 2015; Roche et al., 2023). The mental health impacts of trafficking are likely exacerbated by the limited number of psychologists and psychiatrists as well as barriers to accessing this kind of support, including the stigma associated with psychosocial disabilities in many countries in the region, including the three countries in this study (UNICEF, Research Institute for Mindanao Culture, and Burnet Institute, 2022; UNICEF, Institute for Population and Social Research, and Burnet Institute, 2022; Rousseau, 2019).

Disability and vulnerability to trafficking

Key points

- Persons with disabilities and their families experience higher levels of poverty, which is strongly linked to trafficking risk.
- Limited access to quality education means persons with disabilities may not have the skills and knowledge to make judgements about exploitative situations, may be more susceptible to deceptive recruitment, and may be less aware of their rights, including their sexual and reproductive health rights.
- There is a lack of accessible and understandable information on trafficking in persons targeted to persons with disabilities.
- Persons with disabilities often have fewer options for decent work or experience discrimination in employment, which compounds poverty and makes them vulnerable to deceptive recruitment.
- Gender and age make persons with disabilities vulnerable to different types of trafficking.
- Persons with particular types of impairments can be more vulnerable to certain forms of trafficking. Persons with intellectual and psychosocial (mental health) disabilities appear to be among the most vulnerable.

Poverty and financial stress

Our research underscored the strong link between individual and household poverty and vulnerability to trafficking. Across the region, financial need is one of the primary reasons people choose to migrate for work, either overseas or within their own country. This includes the need to pay for basic household expenses such as food, clothing and education, as well as a desire to save for the future. While migration can improve individuals' or households' financial situation, as highlighted above, it can also expose people to exploitative conditions. People who are under acute financial stress may be less able to negotiate wages or conditions, making them particularly vulnerable to exploitation. Poverty may also help explain why many people do not report exploitative situations that they, their family members or their children experience, particularly when there are few other choices for earning an income (see Box 13: 'Chet's story').

Box 13: 'We'd have nothing to live on': Chet's story

Chet is in his early 20s and has a visual impairment. He lives in Nonthaburi province in Thailand with his mother, stepfather and grandmother. He is the only child in the family. Neither his mother nor his stepfather has a job. Every day, his mother and stepfather take him to a market near their home where he sings. Sometimes passersby give him money.

Chet knows the way that his family treats him is exploitation, but he doesn't think he can do anything about it. Besides, he needs to work to feed his family. 'If I didn't go, we'd have nothing to live on, nothing to eat,' he says.

Households in which there is a person with a disability are often under added financial stress, including due to additional medical or other costs, such as transportation to clinics or hospitals, carers or the use of assistive devices. In some cases, a disability may mean that a person is not able to work, or a family member needs to stay home to care for or support them. A recent study on the costs of raising children with disabilities in the Philippines found that expenses for a child with disabilities are 40-80% higher than for a child without disabilities and poverty rates are 50% higher in households with children with disabilities (Carraro, Robinson and Hakeem, 2022). Figures for poverty rates among persons with disabilities in Indonesia and Thailand are similar (Rahayu Kusumastuti et al., 2018, p. 64; Hastuti, Pramana and Sadaly, 2020; Merttens, 2022, pp. 27-8) and are as high – and in some cases higher – in Cambodia, Laos and Myanmar (Palmer, Williams and McPake, 2016; Lao Statistics Bureau, 2020; Mitra and Yap, 2021). There is also some evidence that women with disabilities in the region experience higher levels of poverty (Merttens, 2022, pp. 28-9).

In some cases, family members are not able to stay home to care for the person with a disability. If there are limited options for education, care and support, or these are not affordable, children or adults with disabilities may be left alone, which can leave them vulnerable to abuse and exploitation (see Box 14: 'They can't afford to pay …').[13]

13 This issue has also been noted in Thailand (NHRCT, 2015, p. 7).

Box 14: 'They can't afford to pay someone to look after the children'

'Parents who leave their children at home are exposing them to risks,' says Noelle, a social worker who works for a local government in the Philippines. She acknowledges that sometimes parents don't have a choice. 'Sometimes they have to do it because they need to go to work, and they don't have the money to pay for someone to look after their children. If they can't get their children into a special school or a daycare centre that caters for children with disabilities, it's really difficult.' Noelle says that some parents – especially those living in rural or remote areas – don't realise they can access education assistance and other programs than can help them with these kinds of situations.

These issues are exacerbated by gaps in social protection for poor households and persons with disabilities. Despite improvements in provision and targeting of social protection schemes in the region, a significant percentage of the poorest households are not covered.[14] Social assistance schemes such as cash transfers or subsidies for goods and services for persons with disabilities are also only reaching a small number of beneficiaries. In Indonesia, a recent estimate suggests that fewer than 5% of persons with disabilities are covered (Rahayu Kusumastuti et al., 2018, p. 89). In the Philippines, the benefits of schemes providing subsidies for goods and services, education and transport for persons with disabilities are concentrated among relatively well-off households, with 43% of the subsidies received by the richest quintile, and less than 6% by the poorest quintile (Carraro, Robinson and Hakeem, 2022) (see also Box 15: 'I apply every year …'). In Thailand, a larger proportion of persons with disabilities are covered by social protection. Recent estimates indicate that the main social protection program – the Disability Grant – reaches just over half of all persons with disabilities with a monthly cash transfer, although the grant does not cover all additional expenses, particularly for those with more severe disabilities (Merttens, 2022, pp. 71-2; Thammasat University and UNICEF, 2019).[15] Social protection schemes for persons with disabilities in Cambodia, Laos and Myanmar are relatively new, and there are significant gaps in coverage (Ministry of Labour and Social Welfare, 2020; Development Pathways, 2022; HelpAge International, 2018). This means that persons with disabilities often depend on family members to support them financially.

14 In Indonesia, for example, the National Team for the Acceleration of Poverty Reduction recently reported that 42% of households in the lowest income decile were not routinely benefiting from food assistance, conditional cash transfers and subsidised healthcare schemes (TNP2K, 2023). A World Bank study in the Philippines found that 44% of the poorest quintile were not covered by social protection in 2015 (Acosta et al., 2018).

15 In addition to the Disability Grant, Thailand has numerous other social assistance programs for people with a disability, run by several ministries, including social assistance for families of people living with a disability, the Ministry of Digital Economy and the Society Equipment Lease Programme, the Ministry of Transport disability equipment subsidies, the Ministry of Social Development and Human Security equipment purchase subsidy, the living environment improvement assistance for disabilities, a personal assistance service for disabled persons, a sign language interpreter service for hearing impaired persons and guide dogs for visually impaired persons. The Universal Health-care Coverage Scheme also provides rehabilitation services and aid tools for persons with disabilities who are registered (Merttens, 2022, p. 80).

Box 15: 'I apply every year, only to be rejected'

Grace is Deaf. She works in a laundry. Although she earns very little, she says she is not eligible for the Philippines' government's Pantawid Pamilyang Pilipino Program (4P), which is a conditional cash grant program, or the local government social assistance program. She has also applied for the Educational Assistance program but did not receive it. 'Every year I spend P500 (around A$14) to comply with the requirements of the Educational Assistance program, as well as putting in time and effort, only to be rejected.'

Schemes providing insurance in case of injury or illness, disability, death, or unemployment for migrant workers are also available in all three countries. In Indonesia and the Philippines, these cover documented workers who migrate outside the country for work. In Thailand, they cover workers from other countries who migrate to Thailand. While the Thai system is relatively comprehensive, it only covers documented migrants and currently only around half of these documented migrants are accessing it (IOM, 2021; Merttens, 2022, p. 4).

Education and access to information

When asked about the factors that contributed to vulnerability to trafficking among persons with disabilities as well as those without disabilities, many interviewees mentioned education. Studies from the region have found that most victims of trafficking have a primary school or lower secondary school education, although there are also victims with vocational or tertiary education (Surtees, 2017; Zimmerman et al., 2014; Issara Institute and IJM, 2016; Urada et al., 2016; Yea, 2012).[16] This may also be changing as online scam centres target those with higher levels of education (OHCHR, Regional Office for South-East Asia, 2023).

Education can impact on vulnerability to trafficking in several ways. For example, a lack of education can limit employment and livelihood opportunities, pushing people into low wage work or jobs in the informal sector, where there are fewer protections for workers' rights. It can also mean that people do not develop essential knowledge and life skills, including skills in analysing information critically, managing money, making decisions and managing interpersonal relationships. These skills can help people make better judgements about situations that are potentially exploitative.

16 The education levels of victims of trafficking are likely influenced by several factors, including the areas they come from. In peri-urban or rural areas, for example, there may be fewer opportunities for a quality education, particularly beyond primary school. The cost of schooling may also mean that children leave school earlier (Surtees, 2017).

Box 16: 'Sometimes trust can be misplaced'

'People with disabilities are vulnerable for lots of different reasons,' says Putri, who works for an Indonesian OPD. She thinks persons with disabilities are often not fully aware of their rights. 'Or if they have an intellectual disability, they may not really understand what's going on. And in many cases the people who are supposed to protect them – their families – are actually the perpetrators.'

Putri says that dependence on family members makes persons with disabilities vulnerable. 'They put a lot of trust in them, and sometimes its misplaced.' She tells the story of a man with an intellectual disability whose family took his wages. 'The wages would be deposited in his account, but then he would get confused that the money kept running out so quickly. It turned out that his brother was taking the money out of his account. He had given him the PIN number for his ATM card.'

She also says that sometimes people with disabilities feel they are a burden to their families, so they keep quiet. 'But sometimes they are also afraid that if they say something, then then they won't be given any food, or they will be beaten, or kicked out.'

Persons with disabilities in the region face particular challenges in accessing quality education. These include physical accessibility (distance to a school, lack of transport options, and accessibility of school buildings), the cost of schooling, lack of inclusive teaching practices, and discrimination and bullying from both teachers and children (Hastuti, Pramana and Sadaly, 2020; Afkar et al., 2020; Agbon and Mina, 2017; Carraro, Robinson and Hakeem, 2022, pp. 43-4; NHRCT, 2015, pp. 10-11; Thammasat University and UNICEF, 2019). The impact of these challenges is reflected in the large numbers of children with disabilities who do not complete basic education.[17] All three countries have taken important steps towards inclusive education. However, educational materials and support for students with disabilities is often limited, and many teachers do not yet have the skills to respond to students' diverse learning needs. Special schools cater to children with disabilities, but prevailing assumptions that children with disabilities have limited capacity to learn, regardless of the type of disability, often mean that children with disabilities are not provided with opportunities to achieve their full potential (Afkar et al., 2020; Carraro, Robinson and Hakeem, 2022, pp. 43-4; Hamilton et al., 2018; NHRCT, 2015, pp. 10-11).

17 In Indonesia, for example, around 10% of children with disabilities do not attend primary school. At junior secondary school, however, this jumps to 51%. And only 25% of children with disabilities attend senior high school (Hastuti et al, 2020, p. 22). In the Philippines, a recent study found that 52% of children with disabilities from poorer households were not attending school (UNICEF, 2018; see also Hamilton et al., 2018). In Thailand, 19.5% of children with physical disabilities are out of school, compared with 6.9% of children without disabilities, although this jumps to around 55% of children with intellectual disabilities and 78% of children with multiple disabilities (Merttens, 2022, pp. 37-8; see also National Statistical Office and UNICEF, 2022).

There are also significant gaps in the provision of education and information about sexuality, sexual health, and sexual and reproductive rights among persons with disabilities in the region, particularly women (Vaughan et al., 2015; Tsuda et al., 2017; Women Enabled International and Disability Rights International, 2019). A recent study of sexuality education in Asia and the Pacific found that many teachers of students with disabilities do not feel well equipped to teach these topics and parents are often concerned about their children learning about sexuality (Carew et al., 2022, pp. 62-4). Religious and social norms about sex outside marriage as well as cultural norms about open discussion of sex also mean that information is not widely shared. There is also a belief that persons with disabilities – especially persons with intellectual disabilities – are asexual (Tsuda et al., 2017; EDF, 2022; Carew et al., 2022). This lack of information means that persons with disabilities may not recognise unhealthy relationships, inappropriate sexual contact or exploitative situations. As an NGO representative in the Philippines expert workshop stated, 'A child with a disability will not be able to report something if she has been told her entire life that she doesn't need to know about her sexual and reproductive rights'.

Finally, interviewees from NGOs and OPDs and participants in expert and validation workshops in all three countries pointed to the lack of information about trafficking that is targeted at persons with disabilities and limited information in accessible and understandable formats. The lack of information means that persons with disabilities may not recognise risky or exploitative situations or know where to go for help. In recognition of this, anti-trafficking stakeholders are beginning to work more closely with OPDs (see Box 17: 'Working with OPDs …').

Box 17: Working with OPDs to make prevention more disability-inclusive

'In the last few years, our city has stepped up efforts to prevent online sexual exploitation of children,' says Christine, who works for a city government in the Philippines. 'We are working with Interpol to monitor internet activities and the local government has allocated more budget for prevention.' This includes sending police out to local schools – including special schools – to teach children and parents how to protect themselves.'

Persons with disabilities are an important focus. 'One per cent of our internal revenue allotment is for disability support programs and activities. We encourage persons with disabilities to join OPDs and we partner with these organisations in conducting activities.'

Lack of employment and livelihood opportunities

Lack of employment and livelihood opportunities is a significant driver of trafficking and is linked to both poverty and education. Studies from the region have found that persons with disabilities face a range of additional challenges in employment. Low

levels of education may limit the options available to them. Workplaces may not be physically accessible or there may be limited access to assistive devices which could enable participation in employment (Mina, 2017; Cameron and Contreras Suarez, 2017; Cheausuwantavee and Keeratiphanthawong, 2021). Persons with disabilities also experience significant discrimination in employment, including because of negative perceptions about their capabilities as well as employers' reluctance to accommodate their needs (Artharini, 2017; Cheausuwantavee and Keeratiphanthawong, 2021; Bualar, 2014). OPD representatives in the Thailand expert workshop, for example, said that having a disability card often meant that employers would not hire persons with disabilities.

Box 18: 'There are so few options for decent work'

'People with disabilities often end up in exploitative work out of necessity,' says Novi, who works for an Indonesian OPD. 'There are so few options for decent work for persons with disabilities. So if they need to feed their families, and they can't earn enough to do that, then they will turn to other kinds of work.'

She tells the story of a Deaf woman who was a sex worker. 'When I asked her why she did that kind of work she said, "What else can I do with my disability?"' The woman's two children were living with her parents in her home village, while she worked in a city. She would go home to see them when she could and bring some money to pay for their food and clothing. 'Initially, her parents didn't know she was a sex worker, but then somehow, they found out. They told her she could keep visiting the children as long as she brought money for the extended family as well.'

As a result, persons with disabilities have much lower rates of participation in the workforce.[18] They also tend to be concentrated in lower quality or more vulnerable employment. In Indonesia, only 22% of persons with disabilities are employed in the formal sector (Hastuti, Pramana and Sadaly, 2020, p. 19; see also Cameron and Contreras Suarez, 2017, pp.16-17). In the Philippines, persons with disabilities are often employed in low-skilled occupations, even when they are qualified to do work requiring higher levels of skills (De Luna-Narido and Tacado, 2016). In Thailand, a recent survey found that only 21% of persons with disabilities were employed, with just under half employed in the agricultural sector, followed by trade and services (39%), and manufacturing (12%) (National Statistical Office and UNICEF, 2022). There is also some evidence that women with disabilities in the region are more likely to be in vulnerable

18 According to Indonesia's 2018 National Socio-economic Survey (Susenas), for example, only around 32% of persons with disabilities were in the workforce, compared to almost 70% of persons without disabilities (Hastuti, Pramana and Sadaly, 2020, pp. 18-19). A survey of persons with disabilities in Metro Manila and Rosario, Batangas in the Philippines found that just under 60% of those in urban areas and 42% in rural areas were employed. However, more than half of those were looking for additional work to supplement their income (Mina, 2013).

employment (Mina, 2017; Bualar, 2014). This is despite the existence of government policies in all three countries which aim to increase workforce participation among persons with disabilities.

Box 19: 'They don't earn enough money to support themselves'

'The most important thing is to provide persons with disability with skills so that they can live independently, regardless of their nationality,' says Por, who works in law enforcement in Thailand. He says most of the vocational skills that are offered to persons with disabilities don't enable them to earn enough income to support themselves, making them vulnerable. 'For example, persons with disabilities are trained in making handicrafts, but then where do they sell them? That's why persons with disabilities are easy targets for human trafficking.'

Gender and type of disability

Although people of all genders are vulnerable to trafficking, there are different patterns of trafficking for children and adults with disabilities of different genders. Among persons with disabilities who experience trafficking, our research suggests that women and girls with disabilities are more vulnerable to sexual exploitation, with all the cases of sex trafficking we encountered involving women with disabilities.[19] This is consistent with global evidence (OHCHR, 2012; Women Enabled International and Disability Rights International, 2019).

Our research also suggests that vulnerability to trafficking may be influenced by the type of disability. A number of the cases described by our interviewees, for example, involved persons with intellectual, developmental or learning disabilities or psychosocial (mental health) disabilities trafficked for sex or labour. Persons with intellectual, developmental or learning disabilities may be more vulnerable to trafficking because they have limited capacity to understand what is happening to them (see also Reid, 2018; OHCHR, 2012) (see also Box 16: 'Sometimes trust can be misplaced'). Research also suggests that adults – and particularly children – whose disabilities are more visible, including persons with physical disabilities or visual impairments, are more vulnerable to forced begging because they are more likely to evoke sympathy from passers-by (Groce, Loeb and Murray, 2014, pp. 7-8; EDF, 2022, p. 5). In some cases, traffickers deliberately inflict injuries on victims in order to create greater sympathy (Anti-Slavery International, 2014; UNICEF ROSA, 2022). This was mentioned by an NGO participant in the Thailand expert workshop, who recounted a case in which a father had deliberately blinded his child and then used the child to solicit money.

19 Although this may also be because boys and men are less likely to report sexual exploitation due to shame.

Other factors

In addition to the above, our research identified several other factors which contribute to persons with disabilities' vulnerability to trafficking. These include social norms around obligations to family, which may make persons with disabilities feel obligated to tolerate exploitative practices as part of their contribution to household income or as payment for the 'burden' they place on the family (see Box 13: 'Chet's story' and Box 16: 'Sometimes trust can be misplaced'). The stigma of disability and discrimination towards persons with disabilities, including in education and employment, can also result in persons with disabilities being more socially isolated and lead to low self-esteem, which traffickers can use to manipulate people (Women Enabled International and Disability Rights International, 2019). Stigma and shame associated with disability can also mean that children or adults with disabilities are abandoned or placed in institutions, making them highly vulnerable to exploitation and trafficking (Committee on the Rights of Persons with Disabilities, 2016).

More broadly, interviewees identified gaps in the implementation and enforcement of laws as contributing to vulnerability. This included, for example, gaps in enforcement of laws on child protection and official complicity in processes which facilitate trafficking, such as undocumented border crossings, falsifying of documents, and expediting documents through official approval processes.

Assessing the response

Laws and regulations

Key points

- Indonesia, the Philippines and Thailand have ratified international human rights instruments relevant to trafficking, the rights of adults and children with disabilities, and migrant workers.
- ASEAN member states have made a number of agreements in relation to human rights, including the ASEAN Convention Against Trafficking in Persons (ACTIP), which is a legally binding instrument.
- National laws on disability in Indonesia, the Philippines and Thailand outline the rights and entitlements of persons with disabilities, although full implementation of these rights is an ongoing challenge in all three countries.
- In line with Article 5 of ACTIP, laws on trafficking in all three countries recognise persons with disabilities as a group that is vulnerable to trafficking in persons by imposing harsher penalties for cases of trafficking involving a person with a disability.
- Labour laws, laws on migrant workers and laws protecting women and children from violence, abuse and exploitation provide additional protection and avenues for prosecution.

Indonesia, the Philippines and Thailand have all ratified a number of the core international human rights instruments relevant to trafficking, the rights of adults and children with disabilities, and migrant workers (see Table 2 and Table 3).

Table 2: Ratification of international human rights instruments by Indonesia, the Philippines and Thailand

	Indonesia	Philippines	Thailand
United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979)	Signature: 1980 Ratification: 1984	Signature: 1980 Ratification: 1981	Accession: 1985
United Nations Convention on the Rights of the Child (1989)	Signature: 1990 Ratification: 1990	Signature: 1990 Ratification: 1990	Accession: 1992

	Indonesia	Philippines	Thailand
United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	Signature: 2001 Ratification: 2012	Signature: 2001 Ratification: 2012	Accession: 2006
United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	Signature: 2004 Ratification: 2012	Signature: 1993 Ratification: 1995	Signature: NA Accession: NA
United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)	Signature 2000 Ratification: 2009	Signature: 2000 Ratification: 2002	Signature: 2001 Ratification: 2013
United Nations Convention on the Rights of Persons with Disabilities (2006)	Signature: 2007 Ratification: 2011	Signature: 2007 Ratification: 2008	Signature: 2007 Ratification: 2008

Table 3: Ratification of fundamental International Labour Organization Conventions

	Indonesia	Philippines	Thailand
C029 – Forced Labour Convention, 1930 (No. 29)	12 Jun 1950	15 Jul 2005	26 Feb 1969
C087 – Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	09 Jun 1998	29 Dec 1953	-
C098 – Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	15 Jul 1957	29 Dec 1953	-
C100 – Equal Remuneration Convention, 1951 (No. 100)	11 Aug 1958	29 Dec 1953	08 Feb 1999
C105 – Abolition of Forced Labour Convention, 1957 (No. 105)	07 Jun 1999	17 Nov 1960	02 Dec 1969
C111 – Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	07 Jun 1999	17 Nov 1960	13 Jun 2017

	Indonesia	Philippines	Thailand
C138 – Minimum Age Convention, 1973 (No. 138)	07 Jun 1999 *Minimum age specified: 15 years*	04 Jun 1998 *Minimum age specified: 15 years*	11 May 2004 *Minimum age specified: 15 years*
C182 – Worst Forms of Child Labour Convention, 1999 (No. 182)	28 Mar 2000	28 Nov 2000	16 Feb 2001
C187 – Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)	31 Aug 2015	17 Jun 2019	23 Mar 2016

As ASEAN Member States, Indonesia, the Philippines and Thailand have also made a number of agreements in relation to human rights (see Box 20: 'ASEAN human rights instruments …'). This includes the ASEAN Convention Against Trafficking in Persons (ACTIP), which is a legally binding instrument. Regional-level actions to give effect to the ACTIP are outlined in the ASEAN Multi-Sectoral Work Plan Against Trafficking in Persons 2023-2028 (Bohol Trafficking in Persons Work Plan 2.0). ASEAN Member States' commitment to disability inclusion is implemented at a regional level through the ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities (Enabling Masterplan). However, reflecting the broader disconnect between the disability and counter-trafficking sectors, the Bohol Trafficking in Persons Work Plan 2.0 does not currently reference disability; nor does the Enabling Masterplan reference trafficking and exploitation of persons with disabilities. This disconnect is replicated in national action plans on anti-trafficking and disability in each of the countries.

Box 20: ASEAN human rights instruments and other documents

- ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)
- ASEAN Human Rights Declaration (2012)
- Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN (2013)
- ASEAN Convention Against Trafficking in Persons, Especially Women and Children (2015)
- ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (2017)
- ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities (2018)

- Declaration on the Protection of Children from all Forms of Online Exploitation and Abuse in ASEAN (2019)
- ASEAN Declaration on the Rights of Children in the Context of Migration (2019)
- Joint Statement on Reaffirmation of Commitment to Advancing the Rights of the Child in ASEAN (2019)
- ASEAN Guidelines on Effective Return and Reintegration of Migrant Workers (2020)
- ASEAN Roadmap on the Elimination of the Worst Forms of Child Labour by 2025 (2020)

National laws and policies in all three countries outline the rights and entitlements of persons with disabilities in a range of areas, including education, employment, health care and rehabilitation, political participation and freedom from discrimination (see Table 4). Of the three countries, Indonesia's 2016 Law on Persons with Disabilities is the most comprehensive and is in line with the rights-based approach outlined in the United Nations Convention on the Rights of Persons with Disabilities (2006) (UNCRPD). This is in large part because persons with disabilities played a strong role in the development of the provisions in the Law and advocated strongly for a rights-based perspective (Yulianto, Suryadini and Jackson, 2023). In Thailand and the Philippines, the United Nations Committee on the Rights of Persons with Disabilities has expressed some concerns that national laws are not yet fully harmonised with the rights-based approach, with some legislation still framed in terms of a medical and charity approach (Committee on the Rights of Persons with Disabilities, 2016, 2018).[20] In addition, although a legal framework is in place, in all three countries persistent social stigma towards persons with disabilities, as well as lack of funding and other resources, among other factors, means that progress in fully implementing the provisions outlined in the UNCRPD and national laws is somewhat mixed. This means that persons with disabilities still face a range of barriers to accessing their rights and entitlements, including physical, social, institutional and communication barriers (Committee on the Rights of Persons with Disabilities, 2016, 2018, 2022).

20 Medical and charity perspectives on disability define persons with disabilities primarily in terms of their impairments or deficits and focus on providing treatment and rehabilitation as well as benevolent aid. Since the late 1990s, the global narrative on disability has shifted, with disability now understood as a function of barriers in the environment which prevent people from participating fully in society. There is also an important emphasis on the fundamental human rights of persons with disabilities which governments have an obligation to fulfill.

Table 4: National disability laws and their provisions

Indonesia	Law No. 8 of 2016 on Persons with Disabilities	Rights-based legislation which provides comprehensive legal protection for the rights of persons with disabilities, including rights to be free from discrimination, abuse and exploitation; and rights to education, health, employment, accessibility, social welfare, political participation, and justice and legal protection. Recognises women with disabilities as having additional rights to reproductive health, and additional protection from multiple discrimination and from violence, including sexual violence and exploitation.
Philippines	Republic Act No. 9442 An Act Amending Republic Act No. 7277 Magna Carta for Persons with Disability (2007)	Provides for the rehabilitation, self-development and self-reliance of persons with disabilities. Outlines rights in relation to employment, education, health care, social services, telecommunications, buildings and transportation, and political and civil rights. Prohibits discrimination against disabled persons in employment, transportation, and in public accommodation and services.
Thailand	Persons with Disabilities Empowerment Act of 2007 (amended 2013)	Prohibits discriminatory and unfair treatment of persons with disabilities. Outlines provisions and entitlements in relation to accessing and using public facilities and services, rehabilitation, education, employment housing, social welfare, telecommunications, and participation in social, economic and political activities.

Laws on anti-trafficking in all three countries implicitly recognise persons with disabilities as a group that is vulnerable to trafficking, including by imposing harsher penalties for offences involving trafficking of persons with disabilities (see Table 5). This is in line with Article 5 of the ACTIP, which requires ASEAN Member States to apply higher penalties for cases of trafficking which involve serious injury or death, including suicide, or victims who are particularly vulnerable, 'such as a child or a person who is unable to fully take care of or protect himself or herself because of a physical or mental disability or condition'.

Table 5: Anti-trafficking laws

Indonesia	Law No. 21/2007 on the Eradication of the Criminal Act of Trafficking in Persons	Recognises the significant physical, psychological and social harm of trafficking and outlines victims' right to rehabilitation for both physical and psychological conditions. Does not include a definition for child trafficking, therefore requiring prosecutors to prove the 'means' element in such cases. No specific mention of persons with disabilities. However, Minister of Women's Empowerment and Child Protection Regulation No. 8 2021 on Standard Operating Procedures for Integrated Services for Witnesses and/or Victims of Trafficking in Persons notes that services for persons with disabilities must be in line with relevant laws and regulations on the rights of persons with disabilities.
Philippines	Republic Act No. 11862 Expanded Anti-Trafficking in Persons Act (2022)	Anti-Trafficking in Persons Act (2003) recognises persons with disabilities as being more vulnerable. Section 3(b) states that '[c]hild – refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition' (emphasis added). Most recent amendment to the Act in 2022 includes several new elements related to disability. Section 2 states that measures and programs to eliminate trafficking and support trafficked persons should be 'disability inclusive'. Under Section 6(l), trafficking of a person with disabilities is considered 'qualified trafficking' and attracts harsher penalties. Section 16(t) includes the National Council on Disability Affairs as a partner in efforts to address trafficking, stating that it will coordinate with the Inter-Agency Council Against Trafficking (IACAT) to develop programs for the prevention of trafficking involving persons with disabilities and provide assistance to persons with disabilities who are trafficked.

Thailand	Anti-Trafficking in Persons Act, B.E. 2551 (2008, last amended in 2019) Human Trafficking Criminal Procedure Act, B.E. 2559 (2016)	Anti-Trafficking in Persons Act outlines the rights of victims of trafficking to physical and mental recovery and rehabilitation, including expenses associated with this. In 2017, harsher penalties were introduced for perpetrators where the victim is 'a child not over fifteen years of age or a person with physical disability or mental infirmity'.

In addition to specific laws protecting persons with disabilities, there are a range of other laws and regulations which provide protection for all persons (see Table 6). This includes laws protecting all people from exploitation and unsafe working conditions and providing for recovery, rehabilitation and compensation in the event of accidents, illness or disability. Laws and regulations also protect women and children from violence, abuse and exploitation.[21] However, for the most part these laws do not integrate a disability perspective which recognises persons with disabilities' specific vulnerabilities and rights (Committee on the Rights of Persons with Disabilities, 2016). In addition, some groups which are vulnerable to disabilities resulting from trafficking – such as workers in the informal sector – may not be fully protected by existing labour laws (Harkins, 2019; Hamid, Aldida and Intan, 2022; Domingo and Siripatthanakosol, 2023, p. 28; Cabegin, 2023). One exception to this is Indonesia's recently passed sexual violence law (Law No. 12 of 2022), which includes specific recognition of the vulnerabilities of women with disabilities to sexual violence and outlines their rights to reasonable accommodation. This provides an additional avenue for prosecuting sex trafficking, including of persons with disabilities, and accessing compensation for victims (see also Rapid Asia, 2022, p. 20). Participants in the Indonesia validation workshop also mentioned that Indonesia's Child Protection Law and the Law on the Protection of Indonesian Migrant Workers were also used to prosecute offenders. Utilising other laws to prosecute trafficking crimes may be particularly useful given the difficulties of proving the crime of trafficking (David, 2008; UNODC, 2017).

21 Thailand does not currently have a specific law providing protection for women.

Table 6: Selected laws relevant to protection for victims of trafficking who acquire disabilities

Indonesia	**Laws protecting workers (including migrant workers)** Law No. 13 of 2003 on Employment Law No. 40 of 2004 on the National Social Security System Law No. 24 of 2011 on the Social Security Administrative Body Law No. 6 of 2012 on the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers Law No. 11 of 2019 on Social Welfare Law No. 6 of 2023 on Job Creation **Laws protecting women and children** Law No. 35 of 2014 Amending Law No. 23 of 2002 on Child Protection Law No. 12 of 2022 on the Criminal Act of Sexual Violence
Philippines	**Laws protecting workers (including migrant workers)** Republic Act No. 10022 An Act Amending Republic Act No. 8042 Migrant Workers and Overseas Filipinos Act (2009) Republic Act No. 10361 Domestic Workers Act (2013) Republic Act No. 10606 National Health Insurance Act (2013) Republic Act No. 10654 An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2014) Republic Act No. 11199 Social Security Act (2018) Republic Act No. 11223 Universal Health Care Act (2019) **Laws protecting women and children** Republic Act No. 6955 Anti-Mail Order Bride Act (1990) Republic Act No. 7610 Special Protection of Children Against Abuse, Exploitation and Discrimination Act (1992) Republic Act No. 9231 Elimination of the Worst Forms of Child Labour (2003) Republic Act No. 9262 Anti-Violence Against Women and Their Children Act (2004)[22] Republic Act No. 11930 Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act (2022)

22 House Bill 8655 Expanded Anti-Violence Against Women and Their Children (E-VAWC) Bill seeks to amend this Act.

Thailand	**Laws protecting workers (including migrant workers)** Labour Relations Act, B.E. 2518 (1975) Worker's Compensation Act, B.E. 2537 (1994) Labour Protection Act, B.E. 2541 (1998) State Enterprise Labour Relations Act, B.E. 2543 (2000) Home Workers Protection Act, B.E. 2553 (2010) Social Security Act, B.E. 2558 (2015) Maritime Labour Act, B.E. 2558 (2015) Royal Ordinance on Management of Employment of Migrant Workers in Thailand B.E. 2560 (2017) Labour Protection in Fishing Work Act, B.E. 2562 (2019) **Laws protecting children and other vulnerable people** Child Protection Act, B.E. 2546 (2003). Protection Of Helpless Persons Act, B.E. 2557 (2014) Control of Begging Act, B.E. 2559 (2016) Prevention and Suppression of Prostitution Act, B.E. 2539 (1996)

Barriers to accessing services

Key points

- Existing processes for identifying victims of trafficking are likely to miss many persons with disabilities. Because the latter are not formally identified, they may not be able to access the full range of services.
- Services often operate with limited funding and staff. This makes it difficult to meet the specific needs of all victims, which are often complex and require consistent support over the medium to long term.
- Frontline staff often have limited awareness of disability or limited capacity to meet the specific needs of persons with disabilities.
- Provision of psychological and psychiatric care for victims of trafficking, and of care for children with disabilities is a particular challenge.
- NGOs play a critical role in providing services to victims of trafficking, often working in collaboration with government. However, limited funding and staff makes providing services challenging.
- Limited provision of long-term care for physical and mental health, particularly outside major cities, can make it difficult for victims of trafficking to recover fully.
- Return and reintegration of trafficked victims with disabilities is particularly challenging when family members have been involved in trafficking.
- Trafficked victims with disabilities face significant risks of being re-trafficked when the underlying drivers – poverty, lack of education, and limited employment and livelihood opportunities – are not addressed.
- Trafficked victims with disabilities face a range of challenges in accessing justice, including limited access to legal assistance and to reasonable accommodation, and communication challenges when participating in the justice process.

Identification

Identification of victims of trafficking relies on proactive approaches (such as screening at airports, labour and welfare inspections, tracing of financial transactions, or raids on suspected commercial sex operations) and reactive approaches (reports by victims, their family members or members of the public). As noted in Box 4: 'The tip of the iceberg …', the nature of trafficking involving persons with disabilities – and challenges with identifying people who acquire impairments as a result of trafficking – means that proactive approaches miss a large number of cases. As police attending the Thailand expert workshop explained, 'It's difficult for us to identify labour trafficking when it involves people being exploited in in their own homes or by their families. People don't want to come forward and labour inspections don't pick this kind of thing up'. A further challenge is that frontline staff and staff from NGOs may not recognise exploitation of persons with disabilities as trafficking since it does not fit the 'typical' pattern of a migrant worker deceived into exploitative employment or someone in forced sex work. This has implications for the services to which victims are entitled, including rights to access justice and remedies such as restitution and/or state-funded compensation.

There are also significant challenges with underreporting. Underreporting of trafficking and exploitation is a global phenomenon and has been well documented in the ASEAN region (Kasper and Chiang, 2022; Andrevski, Larsen and Lyneham, 2013; Farrell and Pfeffer, 2014; Surtees and Zulbahary, 2018). However, our research found that persons with disabilities face additional barriers to reporting. In particular, interviewees and expert workshop participants from NGOs and OPDs and justice actors in the Philippines, Indonesia and Thailand pointed out that limited access to education and information – or having an intellectual disability – means that persons with disabilities do not always recognise their experiences as trafficking. They also suggested that dependence on family members and others – for care and as a source of household income – made people reluctant to report. In some cases, this may be because the income from the exploitation may make a significant contribution to the household (see Box 13: 'Chet's story').

Interviewees from NGOs and victims of trafficking themselves also said that underreporting was driven by feelings of shame and embarrassment, particularly in cases of sexual exploitation, as well as a reluctance to relive painful experiences. Victims' own psychological state can also make them reluctant to report, or delay reporting. The lack of a victim-centred approach when people do report can be an additional source of trauma (see Box 21: 'Why didn't you make a complaint?).

Box 21: 'Why didn't you make a complaint?'

Agus works for an Indonesian NGO that helps migrant workers who have experienced exploitation and abuse. He told the research team about the case of a victim of trafficking who experienced physical violence which led to a disability while working as a domestic worker in the Middle East:

'She suffered serious burns on her hands, her face, and part of her chest. When it happened, her employer didn't take her to the hospital, just gave her some ointment. When the case was brought to Indonesia, it was very difficult. We filed complaints several times with the Ministry of Manpower … They kept asking questions in a way that suggested they were blaming the victim. [For example:] 'Why didn't you make a complaint when you were abroad, why only now?' They didn't think about her mental state at the time. She only had the courage to make a complaint [once she returned to Indonesia] because we assisted her. When she was abroad, she was too afraid, and there was no-one to assist her. The government doesn't really understand that, so even though they're a victim, the government doesn't take their side.'

In all three countries, interviewees from NGOs and victims of trafficking themselves said that fear or mistrust of authorities or a perception that authorities were not approachable or would not help them was a significant barrier. Fear of being returned to abusive situations (see Box 6: 'Dao's story'), or of being deported or prosecuted for immigration offences in the case of undocumented migrant workers who have experienced abuse or exploitation (see Box 12: 'Maung's story') also contributes to a reluctance to report. Indeed, none of the victims of trafficking we spoke to in Thailand had reported their experiences to authorities. Other research has suggested that some victims of trafficking in Thailand are reluctant to be formally identified because they believe this may require them to cooperate with law enforcement in prosecuting traffickers or because they will be required to stay in government shelters for the duration of legal proceedings (in the case of non-Thai citizens) (Rousseau, 2019; Rapid Asia, 2022, p. 60).[23] These challenges mean that NGOs and OPDs in all three countries can – and in some cases already do – play an important role in bridging gaps in the identification process, with victims' experiences coming to light when they approach these organisations for help or support (see Box 25: 'The role of NGOs …'). In the Thailand expert workshop, representatives from government agencies said that most cases are brought to the attention of authorities by NGOs or the Ministry of Social Development and Human Services.

The inaccessibility of reporting mechanisms and communication challenges also make reporting more difficult for persons with disabilities. All three countries have established mechanisms for reporting of incidents of trafficking or exploitation, such

23 Thai victims of trafficking are able to receive community-based support and assistance (Rousseau, 2019).

as hotlines or mobile applications.[24] However, interviewees from NGOs and OPDs in Indonesia and the Philippines reported that these mechanisms are not fully accessible for persons with disabilities, particularly persons who are Deaf or hard of hearing, or those with speech impairments. Participants in the Thailand expert workshop said that reporting mechanisms were available in several regional languages and would be made accessible for persons with disabilities.[25] However, even when they do report, interviewees from NGOs and victims of trafficking themselves said that persons with disabilities – including those with psychosocial (mental health) or intellectual disabilities, as well as those who are Deaf or have speech impairments – are not always taken seriously. For example, a Deaf victim of trafficking in the Philippines said that police had asked her, 'Are you sure that's what happened to you?' when she reported her experience. In addition, interviewees from NGOs in the Philippines suggested that police and local government officials were often reluctant to intervene in cases of exploitation within a family to avoid family breakdown, traumatising children or leaving the family without a primary income earner. Because of this reluctance, police sometimes took limited action, or, if legal action proceeded, cases were settled before the trial.

Actors involved in screening and identification also identified challenges in identification and interviewing of persons with disabilities. Processes for formal identification focus on establishing the three elements of trafficking (act, means and purpose). Officials are also expected to assess and document victims' physical and psychological condition and refer them to appropriate services. In the Philippines, officials are now also tasked with collecting information on whether the person has a disability.[26] However, in interviews undertaken for this study and in expert and validation workshops, police, social workers and others involved in screening and identification in all three countries consistently reported that they did not feel they had the skills or knowledge to identify persons with disabilities or understand and respond to their needs, particularly non-apparent disabilities or those which required a specialist diagnosis. In Thailand and the Philippines, interviewees and participants in expert and validation workshops said that frequent staff turnovers within government agencies exacerbated these challenges, with skills and knowledge lost when staff moved to new areas. Stigma associated with disabilities – particularly psychosocial disabilities – may also mean that persons with disabilities do not disclose their disability at the time of identification. Participants in the validation workshop in Thailand also raised concerns about data privacy and obtaining victims' consent to collect data on disability, particularly in light of Thailand's new Personal Data Protection Act B.E. 2562 (2019). Interviewees and expert workshop participants from justice

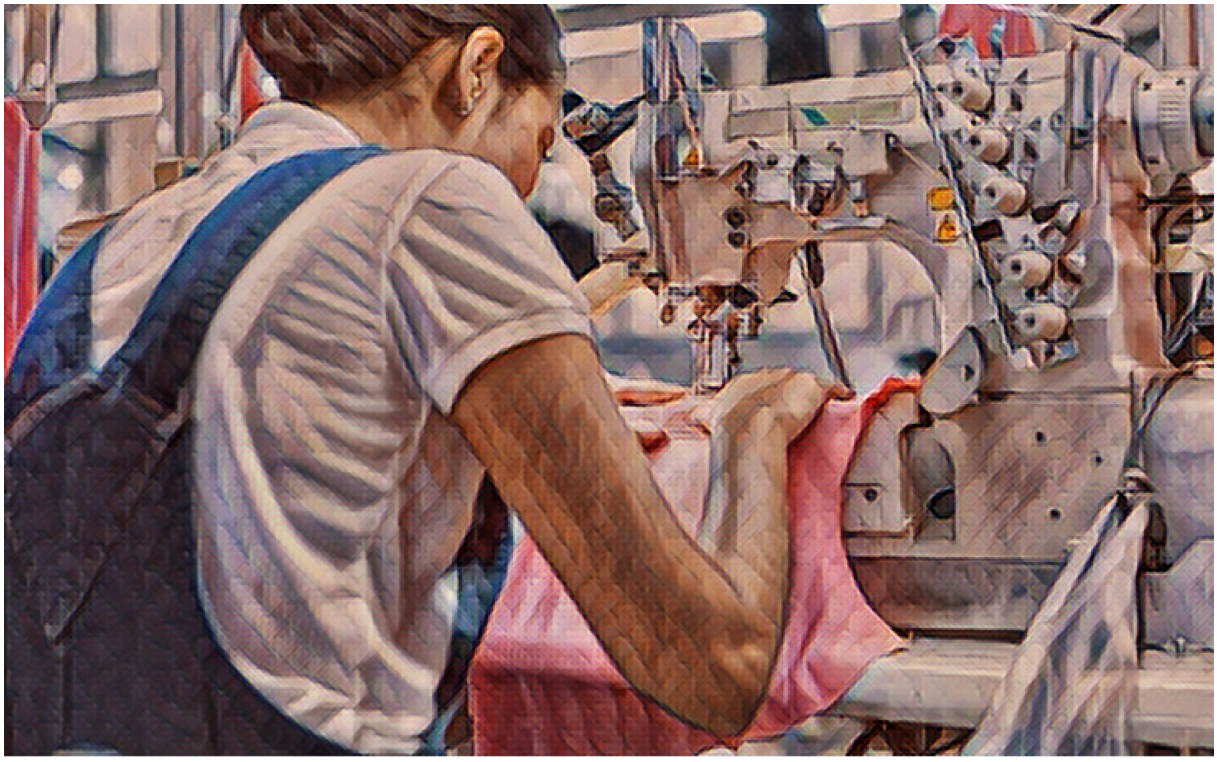
24 In Indonesia, this includes the Indonesian Migrant Worker Protection Agency's Crisis Centre and the Sahabat Perempuan dan Anak 129 (SAPA 129) helpline for cases of violence against women and children. In the Philippines, it includes the 1343 Action Line Against Human Trafficking, the Philippine National Police's Women and Children Protection Centre's Aleng Pulis helpline, and Department of Social Welfare and Development hotlines. Hotlines in Thailand include those of the Royal Thai Police Anti Human Trafficking Division (1191 Hotline and Facebook page), the Royal Thai Police (1599 Hotline and Facebook page), the Ministry of Social Development and Human Security (1300 Hotline) and the Ministry of Labour (1506 Hotline). The Ministry of Social Development and Human Security also has a mobile application, 'Protect-U'. Some NGOs in the three countries also have hotlines.

25 In Thailand, it has been reported that some hotline staff do not have enough knowledge and understanding to give effective advice and assistance to persons with disabilities (NHRCT, 2015).

26 Expert workshop participants reported that this was currently based on observation, with a formal assessment of disability undertaken where intake officers observe signs that a person has a disability.

sector agencies, NGOs and OPDs in all three countries also pointed to communication challenges, including for cases involving persons with intellectual disabilities or those who are Deaf, given that the availability of sign language interpreters is limited in some areas. Communication with Deaf people who don't use formal sign language was noted as a particular challenge. Interviewees in the Philippines reported that local police had received training in basic sign language.

As a result of these challenges, many persons with disabilities who are victims of trafficking – or those who acquire impairments as a result of trafficking – may not be identified as presumed victims during screening processes and, as a consequence, may not be referred to authorities tasked with formal identification. Without formal identification, they may not be eligible for the full range of services available for victims of trafficking, although most are still able to access some services.



Shelter, recovery, return and reintegration

In recognition of their complex needs, all three countries provide a comprehensive range of services for people who have been identified as victims of trafficking or presumed victims of trafficking, including both documented and undocumented migrants. This includes services designed to meet short- and medium-term needs for shelter, medical treatment, psychological support, financial support, legal assistance, and protection as well as longer-term support for economic recovery such as training in vocational or life skills, or initial funds to start a small enterprise (see Rapid Asia, 2022). In all three countries, interviewees and participants in expert and validation workshops described multidisciplinary teams working together to deliver integrated and coordinated support for victims of trafficking. All three countries also provide a range of services for migrant workers – both documented and undocumented – who are experiencing health, financial

or legal challenges or to support them to reintegrate into their communities on their return. Access to these services does not require a person to be identified as a victim of trafficking or presumed victim of trafficking.

Box 22: A coordinated approach to service provision for trafficked victims with disabilities

'In our city, we have an interagency council on trafficking in persons,' says Gabriel, who works for a municipal government in the Philippines. 'The Social Welfare and Development Office coordinates aftercare services, like shelter, psychosocial support, education, and preparing the victim to testify in court. If there are victims with disabilities, they coordinate with the Persons with Disabilities Affairs Office'. Gabriel explains that there is funding to support victims of trafficking. 'So if the victim needs a specific service, such as a sign language interpreter, then the local government can pay for that.'

Gabriel adds that the Persons with Disabilities Affairs Office has provided disability awareness training to the police and the police are now partnering with the Social Welfare and Development Office to disseminate information about how people can report exploitation.

'Our biggest challenge is staff to provide aftercare services and monitor victims once they have reintegrated. We need to double the number of social workers but there is a cap on the budget for personnel.'

Recent changes to guidelines for service provision have included greater recognition of the needs and rights of persons with disabilities who are victims of trafficking. In the Philippines, the Implementing Rules and Regulations for the Expanded Anti-Trafficking in Persons Act of 2022 state that measures and programs to prevent and eliminate trafficking in persons, and ensure the recovery, rehabilitation and reintegration of trafficked persons should be 'culturally-responsive, gender- and age-appropriate, and disability-inclusive'.[27] In Indonesia, the revised 2021 Standard Operating Procedures for Integrated Service Provision for Witnesses and/or Victims of Trafficking in Persons issued by the Minister of Women's Empowerment and Child Protection note that services for persons with disabilities must be in line with relevant laws and regulations on the rights of persons with disabilities.[28] Participants in the validation workshop in Thailand emphasised that the principles of equality and non-discrimination are enshrined in Thai law, and therefore guarantee persons with disabilities the right to equal treatment, including through the provision of reasonable accommodation.

27 Available at https://www.officialgazette.gov.ph/2023/03/18/2022-implementing-rules-and-regulations-of-republic-act-r-a-no-9208-the-anti-trafficking-in-persons-act-of-2003-as-amended-by-r-a-no-10364-the-expanded-anti-trafficking-in-persons-act-of/.

28 Available at https://jdih.kemenpppa.go.id/dokumen-hukum/produk-hukum/peraturan-menteri-pppa-nomor-8-tahun-2021. The sexual violence law (Law No. 12 of 2022) also outlines rights for victims of sex trafficking with disabilities.

Despite this, there are a range of challenges in the provision of services for victims of trafficking. When people's physical, psychological, social and economic needs are not fully met, it can be more difficult for them to make a full recovery. This can mean that illnesses, injuries or conditions become permanent. It can also lead to re-trafficking. In Thailand, some non-Thai victims of trafficking reportedly reject services in order to avoid long stays in government shelters (Rousseau, 2019). In Indonesia and the Philippines, interviews with service providers, NGOs and victims of trafficking indicated that limited awareness of the services that are available – as well as administrative requirements such as identity documents or enrolment in government health care schemes – can make it difficult for people to access services (see Box 23: 'She was skin and bone …').

Box 23: 'She was skin and bone, but nobody would treat her'

Lila is a victim-survivor of trafficking who volunteers with an Indonesian NGO to support other victims. She explains how difficult it can be to access health care when victims of trafficking don't have any identification documents.

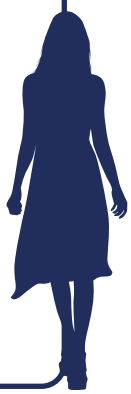
'I was assisting a woman whose CD4 count was under 200, so she was HIV-positive. When it gets like that you're really down to skin and bone, and you need immediate treatment in hospital.' The woman had been trafficked from a border region in East Nusa Tenggara and did not have any identity documents with her.

Lila contacted the relevant local government agency. She explained how unwell the woman was and asked for a referral to the regional hospital so the woman could be admitted as a public patient. However, staff at the agency said they could not provide a referral without first taking a detailed history of the case and seeing the woman's identity documents.

Lila then decided to try a private clinic in Jakarta. 'I called them and explained the situation, but they also said they needed the history and all her documents before they would treat her.'

Eventually, after Lila said her NGO would pay for the woman to be treated as a private patient, the clinic agreed to provide a referral. 'But she had to get some tests for heart and liver function first and they were worried about tuberculosis as well. So we had to go to the regional hospital for the tests.'

Even though the woman was considered a private patient, there was still a long wait for the tests. Increasingly concerned about the woman's physical health, Lila decided to take her to a public health clinic in Jakarta. 'Thankfully she was able to get the tests and her results were OK so she was able to get the antiretroviral therapy. Now she's doing well, she's put weight back on,' Lila explains.



Interviewees and expert workshop participants from NGOs and government agencies in Indonesia and the Philippines also pointed to the limited number of social workers and other staff who could support victims to access services and provide ongoing case

monitoring, particularly at the local level. In all three countries, there are challenges in the availability of specialist care, particularly for mental health (UNICEF, Research Institute for Mindanao Culture, and Burnet Institute, 2022; UNICEF, Institute for Population and Social Research, and Burnet Institute, 2022; Rousseau, 2019; NHRCT, 2015) (see Box 24: 'Peer support helps trafficked victims …'). In the Philippines, expert workshop participants said that there are often lengthy wait times for therapy and shortages of medication for persons with psychosocial disabilities. Expert workshop participants in Indonesia said that there were not enough psychologists and psychiatrists in the country and that regional areas were particularly underserved. In relation to support for recovery more broadly, both NGOs and victims of trafficking in Indonesia said that support was often not long enough – or intensive enough – to enable people to make a full recovery and that it is not tailored to meet people's specific needs. They also felt that the stigma associated with sex work impacts service providers' attitudes towards victims who have been sexually exploited.

Box 24: Peer support helps trafficked victims with disabilities recover

'One of the biggest impacts of trafficking is mental health,' says Lestari, who runs an NGO that supports victims of trafficking. 'Many of our clients have been in and out of psychiatric hospitals.' One client has been admitted a dozen times. 'He's finally doing OK. He's still taking medication, and the doctor has told him to keep taking it. But he's able to work again now, driving a taxi.'

Lestari thinks mental health is one of the hardest parts of recovery. 'There are so many triggers. If something happens or things in their life are hard, they can relapse.' Her organisation helps victims access the support they need to recover. 'Support from peers is a big part of what we do,' she explains. 'People who have been trafficked understand what someone has been through, and they know that it's possible to recover.' The organisation does what it can with limited resources. 'Sometimes we have to pay for our own transport to go and see clients.

With regard to shelter specifically, NGOs and victims of trafficking in Indonesia and the Philippines indicated that although there are an adequate number of shelters, there are not enough staff to meet the needs of all clients. Conditions in shelters are not always conducive to recovery. In Indonesia, trafficked victims with disabilities expressed concern about restrictions on leaving the shelter or using mobile phones. While these are aimed at protecting victims who are involved in legal proceedings, they mean that shelters are often experienced as 'detention'. Similar concerns have also been expressed in relation to government shelters in Thailand (Rousseau, 2019; see also McAdam, 2021). Trafficked victims with disabilities in Indonesia also suggested that there are few programs to keep people occupied during their time in the shelter, which adds to feelings of isolation, although this was disputed by participants in the Indonesia validation

workshop who pointed to training courses that residents could pursue. Facilities in some shelters are sometimes basic: a shelter that a member of the research team visited in Kupang, in Eastern Indonesia, was dark and poorly ventilated.[29] However, participants in the Indonesia validation workshop pointed out that there are minimum standards for government shelters and the services that are provided. Across the region, shelters primarily cater for women and children, with fewer shelters serving the needs of men: the Philippines has one shelter specifically for male victims of trafficking while Thailand has four shelters for men and their families, and one for boys (Rapid Asia, 2022, pp. vi, 52, 60).

There are currently no specialised shelters for victims of trafficking with disability in any of the three countries, although persons with disabilities can be accommodated in general shelters. All three countries have increased their efforts to make shelters accessible, including through conducting accessibility audits in collaboration with OPDs and conducting training for staff. Shelter staff who participated in the Indonesia validation workshop, for example, reported that they had developed guidelines for providing services to persons with disabilities and delivered training for staff. However, interviewees and expert and validation workshop participants from NGOs and government agencies reported that in general frontline staff involved in providing services to victims of trafficking do not have a good understanding of disability, including the specific needs of persons with disabilities and how to support them. In Indonesia, for example, an interviewee from an NGO told a member of the research team about a case in which a victim of trafficking with symptoms of depression was placed in a psychiatric hospital because shelter staff did not know how to provide treatment. This environment made her symptoms worse. The need for greater support for mental health in shelters was also mentioned in both expert and validation workshops in the Philippines. In the Philippines, staff from NGOs also told the research team that they sometimes have to turn away adults or children with disabilities because they don't have the capacity to give them the support they need. Justice sector actors in the Philippines expert workshop also noted the difficulty of finding appropriate shelters for children with disabilities. In Thailand, staff from one shelter told the research team that the shelter had a ramp and they had received training in how to support trafficked victims with disabilities, but they had not yet had a case in which the victim had a disability. A former shelter director in the Thailand expert workshop said that she now recognised that some of the victims who came to the shelter had disabilities, but because these were not apparent, shelter staff were not aware of it, and therefore may not have provided them with the services they needed.

Box 25: The role of NGOs in providing services to victims of trafficking in persons

In all three countries, NGOs are a critical part of the support system for vulnerable people, including for victims of trafficking (see also Rapid Asia, 2022, pp. 25-6, 54-5, 64). They are often vital in reaching people that government

29 There were also some issues with the physical accessibility of the building, including stairs and bathroom facilities.

services miss, especially those who have not been formally identified as victims of trafficking.

Some NGOs providing services to identified and presumed victims of trafficking work in collaboration with government and may receive some government funding for the services they provide. Others operate independently. For those who are reluctant to engage with authorities, NGOs offer an alternative source of help and support. NGOs' independence from government may make it easier for them to establish trust with victims.

Despite the critical role they play, NGOs often operate with very little funding. This makes it difficult for them to carry out their work effectively and provide long-term support for cases. There is significant scope for NGOs – and, more importantly, OPDs – to play a greater role in identification and provision of services for trafficked victims with disabilities, including:

- providing information about available services and resources
- screening potential victims and referring them to government services
- providing administrative support, advocacy, and accompaniment to help victims of trafficking navigate government bureaucracy so they can access services
- directly providing services, including shelter, legal assistance, peer support, counselling and other services.

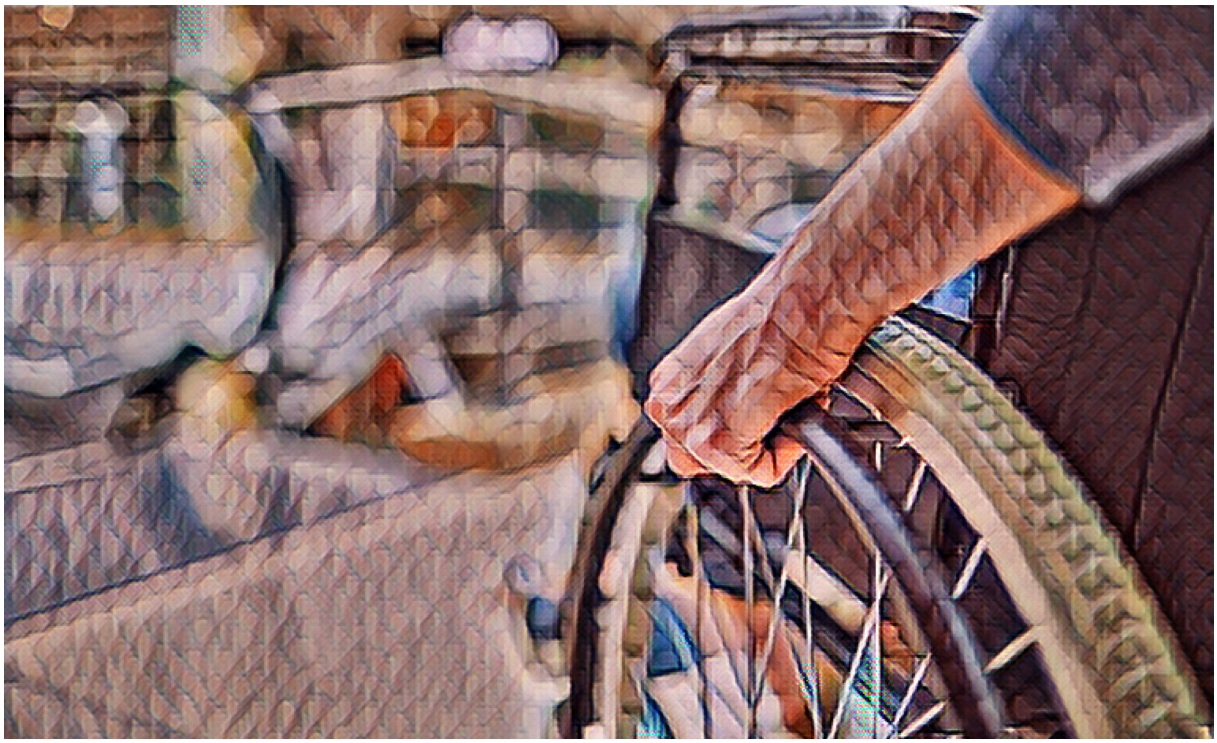
This will require efforts to bridge the current gap between the disability and social services sectors and those involved in combatting trafficking in persons.

Trafficked victims with disabilities also face a number of challenges with return and reintegration. As noted above, service providers, NGOs and victims of trafficking pointed to the challenges in providing services over the medium- to long-term, particularly once people leave shelters (see also Rapid Asia, 2022, p. 22). They also noted that access to services is difficult once people return to their home communities, especially when these are outside of major cities, where services may be limited, or require people to travel to district or provincial capitals. Participants in the expert workshop in the Philippines reported that ongoing case management was difficult once responsibility for cases was turned over to local government agencies, which often had limited personnel and budget, particularly for more complex conditions. Physical and psychological conditions – and a lack of accessible transport options – can also make travel tiring, uncomfortable or stressful, making it particularly difficult for persons with disabilities to access these services. A lack of treatment options and support to enable recovery can lead to further abuses of the rights of persons with disabilities. An interviewee from an Indonesian NGO reported that a victim of trafficking who had acquired a psychosocial (mental health) disability as a result of his trafficking experience had been shackled in his home by his family. Such treatment is still relatively common in some parts of Indonesia (HRW, 2016, 2018; Baklien et al., 2023).

Interviewees also highlighted the fact that return and reintegration is very challenging where family members are complicit in the trafficking. In the Philippines, interviewees said that return and reintegration was particularly difficult for children with disabilities as very few families were willing to foster these children, either because they did not feel equipped to address their needs, or because of additional medical and other costs.

Persons with disabilities who experience trafficking – or those who acquire disabilities as a result of trafficking – also often face multiple kinds of social stigma. Migrant workers who are victims of trafficking in persons, for example, often feel as though they have 'failed', especially when they do not return with expected savings. People who have been trafficked for sexual exploitation can also face judgement from neighbours and communities or rejection from families. Having a disability can add to this. For example, there is still significant stigma attached to psychosocial disabilities. People living with HIV-AIDS can also face discrimination in their communities as well as in accessing services.

Finally, interviewees in all countries pointed to the significant risks of being re-trafficked when the underlying drivers of trafficking – including poverty, lack of education, and limited employment and livelihood opportunities – are not addressed. Victims of trafficking in Indonesia, for example, mentioned that although they had been provided with livelihood skills, they had not received any financial support to help them establish a small business. The lack of sustainable livelihoods options is exacerbated by challenges with accessing social protection schemes for persons with disabilities, including because of eligibility and administrative requirements.



Legal assistance and engaging with the justice system

Trafficked victims with disabilities have a range of legal needs. This can include needs relating to visas and immigration, family law issues such as divorce, custody of children, guardianship or adoption, assistance with recovering unpaid wages, and assistance with criminal charges or a criminal record for crimes committed while the person was trafficked (OVC, 2015; Sumner, 2023). Laws on anti-trafficking in all three countries outline the rights of victims to legal assistance (see Rapid Asia, 2022, pp. 17, 44, 46, 47-8, 61). All three countries also have laws designed to provide access to free legal services for vulnerable groups. Legal assistance for victims of trafficking is normally provided by government agencies. However, NGOs, legal aid organisations and law faculties in some universities also deliver legal assistance, often providing a vital service especially when presumed victims of trafficking are reluctant to use government services.[30]

Despite this, victims of trafficking face challenges in accessing legal assistance. In Indonesia and the Philippines, interviewees from NGOs and legal aid providers said that government and NGOs had limited capacity to provide legal assistance. Recent research suggests there are also not enough legal specialists to meet the demand for legal assistance among victims of trafficking in persons in Thailand (Rapid Asia, 2022, p. 61). In Indonesia, staff from NGOs and legal aid providers said that they receive very little government funding for their work and often rely on volunteers. Lack of clarity within government ministries about who is responsible for providing assistance was also mentioned as a barrier, with one victim of trafficking in Indonesia reporting that they were referred from one ministry to another in an effort to find assistance for their case. In the Philippines, victims of trafficking and NGO staff said that legal service providers were not approachable. None of the victims of trafficking we spoke to in Thailand had sought legal assistance. This is consistent with the findings of other recent studies which suggest that people experiencing exploitative conditions in Thailand largely avoid legal mechanisms, particularly when this involves engaging with a government agency (HRDF, 2023; Domingo and Siripatthanakosol, 2023). This makes it very difficult to understand the experiences of trafficked victims with disabilities in accessing legal assistance in Thailand.

A significant obstacle to victims of trafficking accessing justice is reluctance to participate in legal proceedings. This can be for a range of reasons, including trauma, fear of reprisals from traffickers, or lack of trust in the criminal justice system (Andrevski, Larsen and Lyneham, 2013; Domingo and Siripatthanakosol, 2023). All three countries have laws which provide protection for witnesses involved in criminal proceedings (Rapid Asia, 2022, pp. 17-18, 47).[31] In all three countries, interviewees and expert workshop participants from justice sector agencies, NGOs and OPDs as well as victims of trafficking themselves said that victims of trafficking were often reluctant to pursue legal action when a family member was involved in their exploitation, particularly if the family member was a caregiver or the primary income earner. Staff from NGOs and victims of

30 For example, in 2022 a national-level NGO in Indonesia consulted for this study provided legal assistance to 651 returned migrant workers, of which 280 had indications of trafficking.

31 In Indonesia, this is covered by Law No. 31 of 2014 on the Protection of Witnesses and Victims, in the Philippines by Republic Act No. 6981 Witness Protection, Security and Benefit Act (1991) and in Thailand by the Witness Protection in Criminal Cases Act, B.E. 2546 (2003).

trafficking in Indonesia and the Philippines also said they were dissuaded by the fact that legal proceedings were lengthy, emotionally draining and often did not have satisfactory outcomes, including in the form of restitution or compensation. This is despite the fact that laws in each country include provision for restitution or state-funded compensation for victims of trafficking, a point which was emphasised by participants in expert and validation workshops in both Thailand and Indonesia (see also Rapid Asia, 2022, pp. 18, 21-2, 44-5, 46, 48, 58-9, 62).[32] The cost of legal action – including costs associated with filing a case or transportation costs to attend court hearings – was mentioned as a barrier in the Philippines, although participants in expert and validation workshops pointed out that funding was available for this.

National laws in all three countries guarantee the rights of persons with disabilities to justice and to reasonable accommodations in the justice process.[33] In practice, however, many trafficked victims with disabilities – and persons with disabilities who engage with the justice system more broadly – still face a range of challenges (Indonesia Coalition of Organizations of Persons with Disabilities, 2022; HWDI, 2019; Committee on the Rights of Persons with Disabilities, 2022). In all three countries, interviewees from within the justice sector as well as NGOs said that justice actors often did not have a strong knowledge of different disabilities and the needs of persons with disabilities (see Box 26: 'Lack of understanding of disability …'). Participants in the Indonesia validation workshop pointed out that police, court personnel and judges had received some disability awareness training, although they acknowledged the need to ensure this was undertaken regularly. In Indonesia, justice sector actors said that obtaining an assessment of a person's impairment from a doctor, health specialist, psychologist or psychiatrist which can be used as a basis for determining reasonable accommodations was a lengthy process. Court personnel from Indonesia also said that there were a limited number of expert witnesses who could provide testimony in relation to disability issues and finding legal advocates with the right skills and knowledge to support victims was difficult. Staff from NGOs and victims of trafficking themselves in Indonesia suggested that court proceedings did not always emphasise the wellbeing of victims, including child victims, and that justice actors sometimes saw victims as partially responsible for what

32 In interviews with the research team, Thai police mentioned five cases involving persons with disabilities in which the traffickers had been prosecuted. In all of these cases, police reported that victims had received compensation according to Thai law.

33 In Indonesia, for example, the justice sector has made significant efforts to outline specific accommodations for persons with disabilities in the justice process. Government Regulation No. 39 of 2020 on Reasonable Accommodations for Persons with Disabilities in the Judicial Process outlines the types of accommodations to which persons with disabilities are entitled and the responsibilities of justice actors in securing these. The regulation enables police, courts or other actors involved in the legal process – including NGOs – to request an assessment of the person's impairment from a doctor, health specialist, psychologist or psychiatrist which can be used as the basis for determining what accommodations need to be made. Following on from this regulation, both the Supreme Court and the Attorney General's Office have issued guidelines on reasonable accommodation and provision of services for persons with disabilities (Mulai and Hidayat, 2023). The Supreme Court is also currently developing a Regulation on Standards for Examination of Persons with Disabilities in the Judicial Process and the Criminal Investigation Agency is drafting a regulation outlining procedures for reasonable accommodation in investigation processes. OPDs have played a critical role in many of these developments. As a result, many court buildings are now accessible, and some provide accessible information on legal proceedings. Court personnel have also been provided with training in understanding and meeting the needs of persons with disabilities (SAPDA, 2022).

had happened to them. However, representatives from the justice sector and NGOs in the Thailand expert workshop said that they felt court proceedings in Thailand were victim-centred, citing recent training for staff in trauma-informed approaches, provisions such as closed hearings and video testimony, and providing victims with support and enough time to ensure they were ready to testify. Justice sector actors in the Philippines validation workshop also said that video and online testimonies were used to prevent retraumatisation of victims (see also Rapid Asia, 2022, p. 51). Closed hearings and video testimony are also available for women and children in Indonesia (Rapid Asia, 2022, p. 21).

Box 26: Lack of understanding of disability is a key challenge in ensuring legal proceedings are accessible and inclusive

'There have been a few cases of persons with disability being trafficked in Thailand recently,' says Kovit, who works in the justice sector. 'I think there are probably more cases, but people don't report them.'

Kovit thinks one of the challenges for persons with disabilities who are engaged in legal proceedings is that judges and court officials don't have a good understanding of disability. 'Our staff have never done any training on disability. We would like to do this, but there is no budget for it.'

In all three countries, interviewees and expert and validation workshop participants from NGOs, OPDs and the justice sector raised issues around perceptions of persons with disabilities in legal contexts as well as formal legal capacity. Interviewees from NGOs and OPDs in Indonesia, for example, said that law enforcement and justice actors often held stereotypes about persons with disabilities, particularly those with psychosocial (mental health) disabilities. Interviewees with OPDs and justice sector actors in Indonesia and participants in the expert workshop in Thailand reported that persons with disabilities, including those with intellectual and psychosocial disabilities, speech impairments, or sensory disabilities were often not seen as credible witnesses. Although the UNCRPD clearly outlines persons with disabilities' rights to justice, OPDs and other stakeholders have raised concerns about processes and practices for determining the legal capacity of persons with disabilities and practices around substituted decision-making, particularly for persons with intellectual or psychosocial disabilities (Disabilities Thailand, 2016; Committee on the Rights of Persons with Disabilities, 2016, 2018, 2022; HWDI, 2019; Disability Convention Team, 2017; Mulai and Hidayat, 2023). In expert and validation workshops in Thailand, justice sector actors said that they often faced challenges in determining how to proceed in cases where the victim had an intellectual, developmental or psychosocial disability and that there was currently very little legal or practical guidance on this (see Box 27: 'Disability and the "means" element of trafficking'). In the Philippines, justice sector actors in the validation workshop said that capacity to testify is determined by the

person's ability to perceive and to make this perception known to others and that judges were trained to determine whether the person's statement was truthful and to identify other evidence to corroborate it.

Box 27: Disability and the 'means' element of trafficking

Among those involved in counter-trafficking efforts, an important discussion is beginning about whether the 'means' element should apply in cases where a victim is over the age of 18 but their intellectual, developmental or psychosocial disability means that their capacity to understand information and make decisions is limited (see, for example, OSCE, forthcoming).

As noted in Box 1: 'Key definitions', both the UN Protocol and the ACTIP state that exploitation of a child is considered trafficking even if it does not involve threat, force, coercion, abduction, fraud, deception, or abuse of power or of a position of vulnerability. This recognises the inherent vulnerability of children, including the fact that they are still developing their cognitive abilities and that there is a significant power imbalance between children and adults which can influence children's decisions (UNODC, 2014). Should the 'means' element of trafficking also not apply to persons with intellectual, developmental or (some types of) psychosocial disabilities, who are similarly vulnerable?

It is important to understand that applying the same consideration as in child trafficking does not imply that a person with an intellectual, developmental or psychosocial disability is a child. Many disability advocates reject the idea of a 'mental age', arguing that it infantilises persons with disabilities and contributes to discrimination and abuse of the rights as adults. Instead, they argue for language that emphasises the fact that they may need support to understand things or make decisions (Smith, 2017; Silverman, 2018).

In all three countries, interviewees and workshop participants from justice sector agencies and NGOs raised concerns around communication challenges in legal proceedings, including with children and adults with intellectual, developmental or psychosocial disabilities, speech impairments and those who are Deaf or hard of hearing and those who did not use formal sign language. This is despite ongoing efforts to improve access to sign language interpreters. The main challenges mentioned were limited availability of professional sign language interpreters (including those who have been registered, certified or authorised to provide services during court proceedings), particularly outside major cities, and interpreters not having adequate skills and knowledge in interpreting in court proceedings, particularly for cases of trafficking in persons (see also Alternative report, 2020; Disability Convention Team, 2017; HWDI, 2019; Disabilities Thailand, 2016; NHRCT, 2015) (see Box 28: 'Deaf relay interpreters help overcome …'). In the Philippines, expert workshop participants said that this issue was often addressed

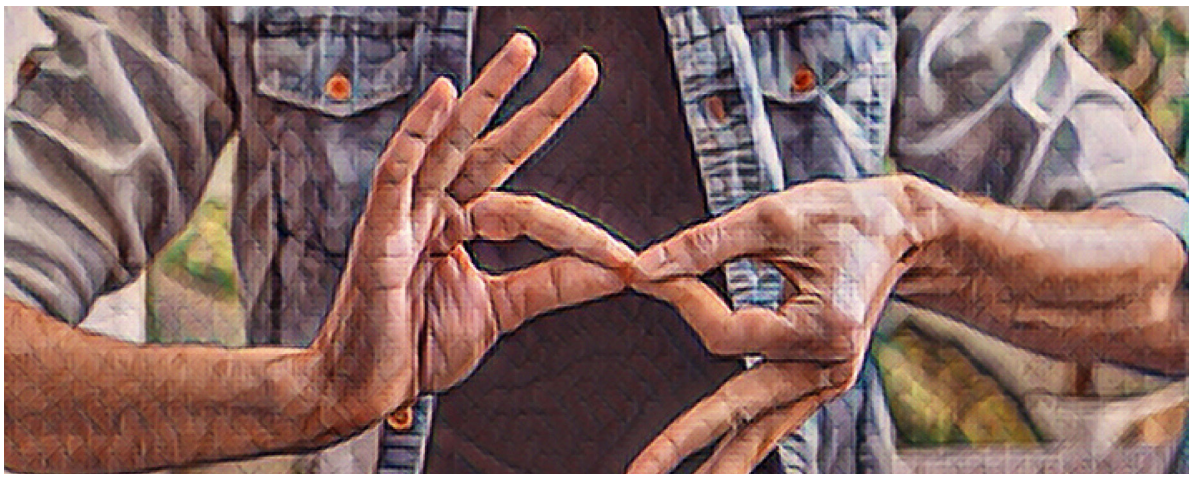
by using family members or teachers as sign language interpreters, but that this introduced its own set of challenges. While some funding was available for sign language interpreters, it was often not enough, took a long time to process, or was only available for court proceedings, not for the investigation stage (see also Disabilities Thailand, 2016; Alternative report, 2020). NGO representatives in the Thailand expert workshop also mentioned that there was also a shortage of interpreters for other languages.

Box 28: Deaf relay interpreters help overcome communication challenges in the Philippines

Julio works as a Deaf relay interpreter. He helps other Deaf people to file cases and works with hearing interpreters during police interviews or interviews with barangay (local government) officials. 'Not everyone knows Filipino Sign Language. Some people use non-standard signs or gestures, especially if they haven't been to school. They need someone who can understand them and translate their message into standard sign language.'

Julio says Deaf people – especially those who don't have good access to information or have trouble communicating – are often easy targets for trafficking. 'A few years ago, I worked with a Deaf boy with multiple disabilities who had been groomed online and sexually exploited. The police had a sign language interpreter, but the interpreter and the child couldn't understand each other. So I was brought in.'

The shortage of interpreters is a still a challenge, especially outside major cities. 'There are only seven hearing sign language interpreters in my province,' Julio explains. Interpreting in court is specialised work. 'Court interpreters have to be certified and appointed by the Supreme Court.' But court officials don't always know where to find professional sign language interpreters and budget isn't always available. 'Sometimes judges have to pay the interpreters out of their own pockets.'



CONCLUSIONS AND RECOMMENDATIONS

Persons with disabilities experience many of the same conditions that make other groups vulnerable to trafficking: poverty, limited educational or employment opportunities, and social exclusion as a result of an inaccessible environment and lack of community support services necessary for inclusion and participation. However, they also have some additional factors which make them more vulnerable to all types of trafficking. Persons with disabilities also face common barriers to being identified as a victim of trafficking, accessing services and engaging with the justice system as well as dealing with a unique set of challenges associated with their impairment.

Government and non-government actors involved in efforts to prevent and respond to trafficking in persons in all three countries have made good progress in reducing the vulnerability of persons with disabilities to trafficking and better addressing the needs of trafficked victims with disabilities. However, interviewees and experts consulted for this research acknowledged that there is significant scope for improvement.

The following priority recommendations were developed in collaboration with stakeholders in each of the three countries. A longer set of recommendations is provided in Annex 2. The full list was developed by the research team on the basis of the report findings and presented during expert and validation workshops. Participants in the workshops reviewed these, selected those which they felt were most important or relevant and added their own. The regional-level recommendations are aligned with the key areas in the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children. These were developed by the research team and presented to the Research Advisory Board for the study as well as at expert and validation workshops in each country.

A core recommendation of this report is that persons with disabilities and OPDs are meaningfully engaged in efforts to prevent trafficking against persons, protect and reintegrate trafficked victims with disabilities into their communities, and ensure that they have access to justice. Meaningful engagement means actively involving persons with disabilities, including children with disabilities, in planning, developing, delivering and evaluating policies and programs so that they can share their views, insights and lived experience in line with the UNCRPD. Measures could include advocating and raising awareness of trafficking in persons and the rights of persons with disabilities, including through implementing training for frontline staff; participating in the development of information and education materials on trafficking in persons; advising on accessibility and inclusiveness of services, and potentially developing new programs and services to support inclusion and reintegration of victims with disabilities in the community; and collaborating with anti-trafficking actors to document good practice and learning on inclusion of persons with disabilities.

Regional-level recommendations

Prevention of trafficking in persons

To help **prevent trafficking of persons with disabilities**, efforts could usefully focus on:

- developing information and awareness materials on trafficking targeted to persons with disabilities that ASEAN Member States can use in national awareness campaigns

- developing a shared perspective on disability and trafficking through joint training of anti-trafficking policymakers at the regional level
- providing training to build the capacity of law enforcement, immigration, education, social welfare, labour and other relevant officials in ASEAN Member States to understand the intersection of disability and trafficking and develop disability-sensitive responses
- developing regional good practice guidelines on disaggregation of trafficking victim data by disability and supporting Member States to apply these in their own national data collection systems.

Protection of victims

To improve **protection of trafficked victims with disabilities**, efforts could usefully focus on:

- developing regional good practice guidelines on identification, shelter, recovery, return and reintegration for trafficked victims with disabilities, including on the use of the Washington Group Short Set of Questions on Functioning – Enhanced and the Washington Group/UNICEF Child Functioning Module questions in screening and identification processes
- facilitating sharing of knowledge and emerging good practice on provision of services, including providing trauma-informed care specifically for persons with disabilities (see, for example, Kezelman and Dombrowski, 2021), within the region and beyond.

Law enforcement and prosecution of crimes of trafficking in persons

To improve **law enforcement and prosecution** of crimes of trafficking involving persons with disabilities, efforts could usefully focus on:

- facilitating sharing of knowledge on good practices for improving access to justice for persons with disabilities and building the capacity of law enforcement and justice actors to provide accessible and inclusive justice services
- conducting training and providing opportunities for networking and sharing of knowledge between legal advocates and legal aid providers in the region to build their knowledge and skills on disability and trafficking.

Regional and international cooperation and coordination

To improve **regional and international coordination and cooperation**, efforts could usefully focus on:

- strengthening regional cooperation on prevention and elimination of trafficking while respecting Member States' regulations and processes for information sharing and their individual law enforcement systems
- initiating the development of a joint regional-level curriculum on technology for the prevention and elimination of trafficking in persons

- providing regular opportunities for anti-trafficking actors to build their knowledge and understanding of disability issues, including through training, networking and sharing knowledge with each other and with representatives from countries outside of the region, such as Australia
- facilitating cooperation and sharing of knowledge on disability and trafficking with the ASEAN Disability Forum and organisations of persons with disabilities (OPDs), non-governmental organisations (NGOs) and other relevant organisations in ASEAN Member States
- incorporating a disability perspective in the ASEAN Multi-Sectoral Work Plan Against TIP 2023-2028 (Bohol Trafficking in Persons Work Plan 2.0) and its implementation, and including a perspective on the issue of trafficking and exploitation of persons with disabilities in the ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities and its successor.

Priority country-level recommendations

Indonesia

Stakeholders in the Indonesia validation workshop agreed that efforts should focus on:

1. developing guidance for frontline staff, NGOs and OPDs on referral mechanisms and accessible, trauma-informed services for persons with disabilities who are victims of trafficking and/or victims of trafficking who acquire disabilities
2. strengthening opportunities for trafficked victims with disabilities to access peer support, including through community-based or online groups
3. providing information to trafficked victims with disabilities about social protection schemes available to them and supporting them to register for these
4. developing regulations and guidelines on disaggregation of trafficking data by disability at national and local levels
5. appointing an organisation to act as a data bank to ensure that data on trafficking in persons is disaggregated by disability
6. amending Law No. 21/2007 on the Eradication of the Criminal Act of Trafficking in Persons to incorporate a disability perspective and recognise the specific needs and rights of persons with disabilities, by expanding the definition and scope of trafficking in persons, and synchronising regulations on trafficking in persons and disability
7. providing training to build awareness among police, prosecutors, judges and court officials of existing regulations on reasonable accommodation to enable them to fully implement these
8. developing and delivering training for frontline staff (law enforcement, immigration officers, social workers and healthcare workers) to build their understanding of the intersection between trafficking and persons with disabilities and how to identify trafficked victims with disabilities

9. strengthening the ability of NGOs and OPDs to screen for presumed trafficked victims with disabilities by involving them in training for frontline staff
10. involving OPDs in all stages of planning, implementation, monitoring and evaluation, such as in the provision of shelter for persons with disabilities who are victims of trafficking and victims of trafficking who acquire disabilities
11. incorporating a disability perspective in National and Regional Action Plans for the Eradication and Management of Trafficking in Persons and incorporating issues of trafficking in persons into National and Regional Action Plans on Disability, including ensuring an adequate budget.

Philippines

Stakeholders in the Philippines validation workshop agreed that efforts should focus on:

1. developing accessible and understandable information on trafficking and exploitation targeted to persons with disabilities and their families
2. building understanding of rights among adults and children with disabilities and their families, including rights in relation to work and wages, and sexual and reproductive rights
3. building the capacity of the Barangay Council (local government) for the Protection of Children and Persons with Disabilities, including its process for reporting and managing cases
4. holding a disability and trafficking awareness day or including the topic of disability and trafficking in activities held to observe World Day against Trafficking in Persons
5. incorporating information on processes for assessing disability in the Inter-Agency Council Against Trafficking (IACAT) handbook, including using the Washington Group Short Set of Questions on Functioning – Enhanced or the Washington Group/UNICEF Child Functioning Module questions in screening and identification processes and (where necessary) at other key points, such as admission to a shelter
6. ensuring that mechanisms for reporting such as hotlines are accessible and appropriate for persons with different kinds of disabilities and are child friendly
7. developing guidance for frontline staff on where to refer trafficked victims with disabilities for services to prevent reliance on family members for services, such as family members providing sign language interpretation
8. providing training to build understanding of disability among frontline staff in barangays (local governments), including social workers, shelter staff and others responsible for shelter, recovery, return and reintegration, including understanding and meeting the needs of persons with different disabilities
9. amending Republic Act No. 11862 Expanded Anti-Trafficking in Persons Act to recognise the specific vulnerabilities of persons with disabilities to trafficking and including additional provisions to ensure their right to services
10. providing training to build understanding of disability among police, prosecutors and court staff, including how to provide reasonable accommodation

11. providing accessible and understandable information to victims of trafficking with disability about the prosecution process and their rights in relation to reasonable accommodation
12. developing directories of accredited services available to support procedural accommodations
13. incorporating a disability perspective in the National Strategic Action Plan Against Trafficking in Persons
14. supporting the implementation of new requirements for collecting data on disability under the Implementing Rules and Regulations for the Expanded Anti-Trafficking in Persons Act of 2022
15. institutionalising disability inclusion by appointing a disability working group or focal point to national and local trafficking task forces and associated budget and providing them with regular opportunities to share knowledge
16. strengthening engagement with the National Council on Disability Affairs and with Organisations of Persons with Disabilities at both national and local levels.

Thailand

Stakeholders in the Thailand validation workshop agreed that efforts should focus on:

1. developing standards for collecting data on trafficked victims with disabilities, taking into account their diverse identities, including age, gender, and type of disability, and promoting disaggregation and reporting of trafficking data by disability at national and local levels
2. incorporating issues of disability and intersectional disadvantage into existing guidelines and training on trafficking for police, prosecutors, judges and court officials
3. providing training to social workers, shelter staff, hospital staff and others responsible for shelter, recovery, return and reintegration to build their understanding of disability and how to meet the needs of persons with different disabilities
4. incorporating a disability perspective in training programs on trauma-informed care for social workers, shelter staff, hospital staff and others
5. developing accessible and understandable information on trafficking targeted to persons with disabilities and their families. This should include age-appropriate materials for children with disabilities
6. conducting outreach to persons with disabilities and their families through schools, OPDs and the community to build their awareness of trafficking and exploitation and where to seek help
7. amending the Anti-Trafficking in Persons Act and other relevant laws to recognise the specific vulnerabilities of persons with disabilities to trafficking and including additional provisions to ensure their right to services.

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Annexes

Annex 1: List of respondents

Indonesia

Interviews and focus group discussions

Justice sector agencies	Criminal Investigation Agency, Indonesian National Police
	East Nusa Tenggara Regional Police
	Cianjur District Police
	Office of the Attorney General
	West Java Provincial Prosecutors Office
	East Nusa Tenggara Provincial Prosecutors Office
	Cianjur District Prosecutors Office
	Legal and Judicial Education and Training Development Research Agency, Supreme Court
Other state agencies	Witness and Victim Protection Agency
	East Nusa Tenggara Indonesian Migrant Worker Protection Service Centre
	East Nusa Tenggara Women's Empowerment, Child Protection and Family Planning Office
	West Java Women's Empowerment, Child Protection and Family Planning Office
	Cianjur Integrated Service Centre for the Empowerment of Women and Children
	Cianjur District Social Affairs Office
Non-government organisations (NGOs)	Indonesian Migrant Workers Union (National Office)
	National Network for Anti-Trafficking (Jaringan Nasional Anti Tindakan Pidana Perdagangan Orang, JARNAS Anti TPPO)
	Bandung Legal Aid Institute
	Women's Home (Sanggar Rumah Perempuan), Kupang
	Zero Human Trafficking, Kupang
	Indonesian Workers Association (Asosiasi Tenaga Kerja Indonesia Raya, Astakira), Cianjur District
	Indonesian Migrant Workers Union, Cianjur District Branch
	Yayasan Sakura Indonesia Al Jamaan

Organisations of persons with disabilities (OPDs)	Integration and Advocacy Space for Persons with Disabilities (Sasana Integrasi dan Advokasi Difabel, SIGAB) Advocacy Centre for Women, Persons with Disabilities and Children (Sentra Advokasi Perempuan, Difabel dan Anak, SAPDA) Disability Transformative Advocacy Movement for an Inclusive East Nusa Tenggara (Gerakan Advokasi Transformasi Disabilitas Untuk Inklusi Nusa Tenggara Timur, GARAMIN NTT) Indonesian Association of Women with Disabilities (Himpunan Wanita Disabilitas Indonesia, HWDI) Cianjur District
International organisations	International Organization for Migration

Victims of trafficking

2 male and 8 female trafficked victims with disabilities in Bogor

Expert workshop

Justice sector agencies	Indonesian National Police Office of the Attorney General Supreme Court Bandung High Court Jakarta High Court South Jakarta District Court Watampone District Court
Other state agencies	National Commission on Violence Against Women Jakarta Women and Children's Protection Centre
Organisations of persons with disabilities (OPDs)	Advocacy Centre for Women, Persons with Disabilities and Children (Sentra Advokasi Perempuan, Difabel dan Anak, SAPDA) Indonesian Association of Women with Disabilities (Himpunan Wanita Disabilitas Indonesia, HWDI) Indonesian Mental Health Association (Perhimpunan Jiwa Sehat, PJS)
Universities/ researchers	Centre for Human Rights Studies, Islamic University of Indonesia

Validation workshop

Justice sector agencies	Directorate of General Crimes, Indonesian National Police
	Indonesian National Police Hospital
	Directorate for Terrorism and Transnational Crime, Attorney General's Office
	Legal and Judicial Education and Training Development Research Agency, Supreme Court
	Jakarta High Court
	South Jakarta District Court
Other state agencies	Ministry of Social Affairs
	Shelter and Trauma Centre, Ministry of Social Affairs
	Handayani Centre Jakarta
	Cianjur Integrated Service Centre for the Empowerment of Women and Children
	Jakarta Women and Children's Protection Centre
	West Java Women and Children's Protection Centre
	Coordinating Ministry for Human Development and Culture
	National Commission on Disability
Non-government organisations (NGOs)	Families of Labour Migrants (Keluarga Besar Buruh Migran Indonesia, KABAR BUMI)
	Yayasan Sakura Indonesia Al Jamaan
	Rumah Faye
	Indonesian Migrant Workers Union
	Indonesian Family Planning Association
Organisations of persons with disabilities (OPDs)	Integration and Advocacy Space for Persons with Disabilities (Sasana Integrasi dan Advokasi Difabel, SIGAB)
	Advocacy Centre for Women, Persons with Disabilities and Children (Sentra Advokasi Perempuan, Difabel dan Anak, SAPDA)
	Indonesian Association of Women with Disabilities (Himpunan Wanita Disabilitas Indonesia, HWDI)
	Indonesian Mental Health Association (Perhimpunan Jiwa Sehat, PJS)
Universities/ researchers	Centre for Human Rights Studies, Islamic University of Indonesia
International organisations	End Child Prostitution in Asian Tourism (ECPAT) Indonesia
	International Organization for Migration Indonesia

Philippines

Interviews and focus group discussions

Justice sector agencies	Women and Children Protection Center, Visayas Field Unit, Philippines National Police
	Women and Children Protection Center, Luzon Field Unit, Philippines National Police
	Anti-Human Trafficking Division, National Bureau of Investigation
	Taskforce on Women and Children and Against Trafficking in Persons, Department of Justice
	Regional Taskforce Against Trafficking XI (Davao City), Inter Agency Council Against Trafficking
Other state agencies	Department of Social Welfare and Development
	Cebu Municipal Social Welfare and Development Office
	Cebu Persons with Disability Affairs Office
	Cebu City Government Gender and Development Office
	Commission on Human Rights, Regional Office VII (Cebu)
Non-government organisations (NGOs)	Albert Schweitzer Familienwerk Foundation Philippines
	Children's Legal Bureau (Cebu)
	Humanitarian Organization for Peace Engagement (HOPE)
Organisations of persons with disabilities (OPDs)	Bidlisiw Foundation
	WOW LEAP (Women with Disabilities LEAP to Social and Economic Progress, Inc)
International organisations	End Child Prostitution in Asian Tourism (ECPAT) Philippines

Victims of trafficking

5 female trafficked victims with disabilities in Davao City

Expert workshop

Justice sector agencies	Anti-Trafficking in Persons Division, Women and Children Protection Center, Philippines National Police
	Anti Violence Against Women and Children Division, National Bureau of Investigation
	Inter-Agency Council Against Trafficking, Department of Justice
	Manila Regional Trial Court

Other state agencies	Department of Social Welfare and Development
Non-government organisations (NGOs)	Bahay Tuluyan Foundation
Organisations of persons with disabilities (OPDs)	Federation of Persons with Disabilities (National Capital Region)
International organisations	Plan International

Validation workshop

Justice sector agencies	Operations Center, Inter-Agency Council Against Trafficking Manila Regional Trial Court National Bureau of Investigation Philippines National Police
Other state agencies	Department of Social Welfare and Development Department of the Interior and Local Government Department of Migrant Workers Philippine Commission on Women
Non-government organisations (NGOs)	HOPE Kababaihan Group Alliance of Filipino Families for Mental Health (AFFMH) Football for Humanity (FFH)
Organisations of persons with disabilities (OPDs)	Philippine Federation of the Deaf, Inc Federation of Persons with Disabilities, National Capital Region Deaf Association of Lapu City/Cebu Federation of the Deaf
Private sector	Organisation not specified

Thailand

Interviews and focus group discussions

Justice sector agencies	Child Woman Protection, Anti-Human Trafficking, and Fishery Industry Centre, Royal Thai Police
	Provincial Police in Ranong, Samut Sakhon and Chiang Rai
	Bureau of Human Trafficking Crime, Department of Special Investigations, Ministry of Justice
	Rights and Liberties Protection Department, Ministry of Justice
	Department of Trafficking in Persons Litigation, Office of the Attorney General
	Provincial Public Prosecutors Office in Ranong, Samut Sakhon and Chiang Rai
	Division for Human Trafficking, Bangkok Criminal Court
	Provincial Courts in Ranong, Samut Sakhon and Chiang Rai
Other state agencies	Department of Anti-Trafficking in Persons, Ministry of Social Development and Human Security
	Foreign Affairs Division, Office of the Permanent Secretary, Ministry of Social Development and Human Security
	Department of Empowerment of Persons with Disabilities, Ministry of Social Development and Human Security
	Ranong Shelter for Men
	Chiang Rai Shelter for Men
	Baan Songkwai
	Command Centre on Prevention on Labour Trafficking, Ministry of Labour
Non-government organisations (NGOs)	Stella Maris
	SR Law
International organisations	Multi-stakeholders Initiative for Accountable Supply Chain of Thai Fisheries (MAST)

Victims of trafficking

9 trafficked victims with disabilities from Thailand, Myanmar, Cambodia and Laos (male, 5; female, 3 and gender non-binary, 1)

Expert workshop

Justice sector agencies	Royal Thai Police
	Office of the Judiciary, Court of Justice
	Department of Special Investigation, Ministry of Justice
	Rights and Liberties Protection Department, Ministry of Justice
Other state agencies	Division of Anti-Trafficking in Persons, Ministry of Social Development and Human Security
	Department of Empowerment of Persons with Disabilities, Ministry of Social Development and Human Security
	Ministry of Social Development and Human Security
	Ministry of Labour
Non-government organisations (NGOs)	Stella Maris
	Talitha Kum
International organisations	Association for the Mentality Ill of Thailand
Universities/ researchers	Thammasat University

Validation workshop

Justice sector agencies	Royal Thai Police
	Court of Justice
	Office of the Attorney General
	Department of Special Investigation, Ministry of Justice
	Ministry of Justice
Other state agencies	Ministry of Social Development and Human Security
	Ministry of Labour
	National Human Rights Commission of Thailand
Non-government organisations (NGOs)	Stella Maris
	International Justice Mission
	A21 Thailand
	Alliance Anti Trafic (AAT) Thailand
	Labor Protection Network

Organisations of persons with disabilities (OPDs)	Disabilities Thailand Association for the Mentality Ill of Thailand
Universities/ researchers	Institute for Population and Social Research, Mahidol University Institute of Asian Studies, Chulalongkorn University
International organisations	ASEAN Intergovernmental Commission on Human Rights Winrock International

Annex 2: Full list of country-level recommendations

The following list of recommendations was developed by the research team on the basis of the report findings and presented during expert and validation workshops. Participants in the workshops reviewed these, selected those which they felt were most important or relevant and added their own. The priority recommendations identified in each of the three countries are presented in the main report and indicated in bold text in this list. Country-level recommendations are aligned with key areas outlined in each country's national action plans for anti-trafficking.

Indonesia

Prevention of trafficking in persons

To help **prevent trafficking of persons with disabilities**, efforts could usefully focus on:

- developing accessible and understandable information on trafficking targeted to persons with disabilities. This should include age-appropriate materials for children with disabilities. Materials can be disseminated to schools, organisations of persons with disabilities (OPDs) and through channels that are used by persons with disabilities (e.g. social media, community newsletters)
- building persons with disabilities' understanding of their rights, including their rights in relation to work and wages, and their sexual and reproductive rights. This information could be included in citizenship or life skills training programs implemented by social affairs offices or run by non-government organisations (NGOs) or OPDs. Age-appropriate information can be included in school curricula
- ensuring that mechanisms for reporting such as hotlines and mobile applications are accessible for persons with different kinds of disabilities
- building understanding of trafficking in persons among persons with disabilities and their organisations and communities and understanding of disability among anti-trafficking actors.

Medical rehabilitation, social rehabilitation, return and reintegration

To improve access to and delivery of **medical and social rehabilitation, return and reintegration services**, efforts could usefully focus on:

- **developing guidance for frontline staff, NGOs and OPDs on referral mechanisms and accessible, trauma-informed services for persons with disabilities who are victims of trafficking and/or victims of trafficking who acquire disabilities**. This could include the development of directories of services for persons with disabilities available in provinces or districts, including legal aid providers
- ensuring that adequate funding for service provision is allocated and available, particularly at the local level
- providing funding for NGOs and OPDs that deliver services for trafficked victims with disabilities, including legal aid providers
- conducting accessibility audits of existing shelters, in collaboration with OPDs

- providing training to build understanding of disability among social workers, hospital staff, healthcare workers, shelter staff, legal aid providers and others responsible for shelter, recovery, return and reintegration, including how to meet the needs of persons with different disabilities
- developing guidance for social workers, shelter staff, hospital staff and others on providing trauma-informed care specifically for persons with disabilities
- strengthening provision of legal aid services for trafficked victims with disabilities
- strengthening delivery of psychological, psychiatric and psychosocial support services, including through virtual and tele-health and community-based options
- **strengthening opportunities for trafficked victims with disabilities to access peer support, including through community-based or online groups**
- ensuring that employment and livelihood training and support provides victims with a sustainable livelihood, including by:
    - taking into account the personal interests and needs of trafficked victims with disabilities
    - including training in life and work skills such as problem solving, negotiation, and decision-making; effective communication; conflict resolution; health and wellbeing, self-awareness, and financial skills
    - responding to the demands of local markets in the areas to which trafficked victims with disabilities will return
    - linking to nationally recognised vocational qualifications where appropriate, and
    - linking to government entrepreneurship schemes, including those which can provide start-up capital or access to micro-loans
- **providing information to trafficked victims with disabilities about social protection schemes available to them and supporting them to register for these**.

Development of legal norms

To improve **legal norms**, efforts could usefully focus on:

- **developing regulations and guidelines on disaggregation of trafficking data by disability at national and local levels**. This could use a standard approach, such as the Washington Group Short Set of Questions on Functioning – Enhanced or the Washington Group/UNICEF Child Functioning Module questions
- **appointing an organisation to act as a data bank to ensure that data on trafficking in persons is disaggregated by disability**
- **amending Law No. 21/2007 on the Eradication of the Criminal Act of Trafficking in Persons to incorporate a disability perspective and recognise the specific needs and rights of persons with disabilities, by expanding the definition and scope of trafficking in persons, and synchronising regulations on trafficking in persons and disability**
- **providing training to build awareness among police, prosecutors, judges and**

court officials of existing regulations on reasonable accommodation to enable them to fully implement these. This can build on existing training provided for Supreme Court judges in collaboration with the Human Rights Study Centre at the Indonesian Islamic University and the Australia Indonesia Partnership for Justice 2. The training should include the perspectives of persons with disabilities who have had direct experience engaging with the legal system

- improving awareness among law enforcement and justice actors of victims' right to restitution as outlined in Supreme Court Regulation No. 1 of 2022 concerning Procedures for the Settlement of Claims and Provision of Restitution and Compensation to Victims of Crime
- developing guidelines for the use of discretion in cases where a victim with a disability lives in a province other than where the case is being heard to minimise the victims' need to travel.

Law enforcement

To improve **screening and identification of trafficked victims with disabilities**, efforts could usefully focus on:

- **developing and delivering training for frontline staff (law enforcement, immigration officers, social workers and healthcare workers) to build their understanding of the intersection between trafficking and persons with disabilities and how to identify trafficked victims with disabilities**
- **strengthening the ability of NGOs and OPDs to screen for presumed trafficked victims with disabilities by involving them in training for frontline staff**
- including the Washington Group Short Set of Questions on Functioning – Enhanced or the Washington Group/UNICEF Child Functioning Module questions in screening and identification processes and (where necessary) at other key points, such as admission to a shelter.

To improve **access to justice for trafficked victims with disabilities**, efforts could usefully focus on:

- ensuring that funding for reasonable accommodation is available at all stages of the prosecution process, from investigation through to sentencing
- mainstreaming the use of assessments of a person's impairment as a basis for reasonable accommodation, including conducting these remotely if needed
- expanding access to legal aid for trafficked victims with disabilities, including by strengthening collaboration between OPDs and legal aid providers
- developing a group of legal advocates or intermediaries with an understanding of disability and trafficking who can help guide trafficked victims with disabilities through the legal process and support them during court proceedings
- developing directories of services available to support reasonable accommodation such as certified sign language interpreters, expert witnesses with experience in disability issues, and legal advocates with experience in disability issues
- engaging communication support workers (such as speech therapists) for victims with intellectual disabilities or those who do not use standard sign language to

enable them to provide evidence during investigations and court proceedings.

Coordination and cooperation

To improve **coordination and cooperation**, efforts could usefully focus on:

- **involving OPDs in all stages of planning, implementation, monitoring and evaluation, such as in the provision of shelter for persons with disabilities who are victims of trafficking and victims of trafficking who acquire disabilities**
- improving communication and coordination between government and non-government actors involved in anti-trafficking efforts, particularly at the local level, including through the issuing of local government regulations outlining mechanisms for coordination and associated budget
- strengthening coordination and collaboration with NGOs and OPDs
- appointing a disability working group or focal point to national, provincial and local trafficking task forces and associated budget and providing them with regular opportunities to share knowledge
- **incorporating a disability perspective in National and Regional Action Plans for the Eradication and Management of Trafficking in Persons and incorporating issues of trafficking in persons in National and Regional Action Plans on Disability, including ensuring an adequate budget.**

Philippines

Prevention and advocacy

To help **prevent trafficking of persons with disabilities**, efforts could usefully focus on:

- **developing accessible and understandable information on trafficking and exploitation targeted to persons with disabilities and their families**. This should include age-appropriate materials for children with disabilities as well as screen-readable, sign language and easy read versions for persons with intellectual disabilities or low levels of education. Materials can be disseminated to schools, OPDs, NGOs which support parents of children with disabilities, barangays (local governments) and municipalities/cities, and through channels that are used by persons with disabilities and their families (e.g. social media, community newsletters)
- **building understanding of rights among adults and children with disabilities and their families, including rights in relation to work and wages, and sexual and reproductive rights**. This information could be included in citizenship or life skills training programs run by government agencies, NGOs or OPDs. Age-appropriate information can be included in school curricula
- strengthening collaboration with the National Council on Disability Affairs in developing programs for the prevention of trafficking involving persons with disabilities, including establishment of a legal division within the National Council for Disability Affairs and working with the Public Attorney's Office, Department of

Migrant Workers, Local Government Units and the courts, and providing adequate funding for these programs

- **building the capacity of the Barangay (local government) Council for the Protection of Children and Persons with Disabilities, including its process for reporting and managing cases**
- collaborating with the Department of Education on providing training for teachers in mainstream and special schools on the risks of trafficking for children with disabilities and how to identify signs of abuse or exploitation
- **holding a disability and trafficking awareness day, or including the topic of disability and trafficking in activities held to observe World Day against Trafficking in Persons**
- including the topic of disability and trafficking in the Anti-Trafficking in Persons and Anti-Violence Against Women and Their Children strategies, in programs and awareness campaigns of Local Government Units and in barangay (local government) forums held by police.

Protection and reintegration

To improve **screening and identification of trafficked victims with disabilities**, efforts could usefully focus on:

- co-producing a new module on disability and trafficking for the Inter-Agency Council Against Trafficking (IACAT) training program with OPDs, and using this to deliver – in partnership with OPDs – training for frontline staff (police, public prosecutors [fiscals], teachers, social workers, health workers, and staff from NGOs and OPDs) to build their understanding of the intersection between trafficking and persons with disabilities and how to identify trafficked victims with disabilities
- **incorporating information on processes for assessing disability in the IACAT handbook, including using the Washington Group Short Set of Questions on Functioning – Enhanced or the Washington Group/UNICEF Child Functioning Module questions in screening and identification processes and (where necessary) at other key points, such as admission to a shelter**
- **ensuring that mechanisms for reporting such as hotlines are accessible and appropriate for persons with different kinds of disabilities and are child friendly**
- **developing guidance for frontline staff on where to refer trafficked victims with disabilities for services** to prevent reliance on family members for services, such as family members providing sign language interpretation. This could include the development of directories of services for persons with disabilities available in provinces, municipalities/cities or barangays (local governments).

To improve access to and delivery of **shelter, recovery, return and reintegration services**, efforts could usefully focus on:

- establishing help desks at the barangay (local government) and municipal/city level to provide accessible and understandable information for trafficked victims with disabilities on the support that is available to them, including shelter, medical care, psychological treatment and psychosocial support, and legal assistance

- proactively providing accessible and understandable information to trafficked victims with disabilities and their families about social protection programs available to them and supporting them to register with and access these
- supporting the introduction of a disability support allowance to cover some of the disability-related extra costs for persons with disabilities
- **providing training to build understanding of disability among frontline staff in barangays (local governments), such as social workers, shelter staff and others responsible for shelter, recovery, return and reintegration, including understanding and meeting the needs of persons with different disabilities**
- providing a training program targeting families, foster families and persons with disabilities on independent living that respects the will and preferences of persons with disabilities, including the provision of personal assistance and support for decision-making that adheres to the best interpretation of the will and preference of the person (rather than the best interests of the person, which goes against the UNCRPD)
- determining arrangements for the provision of shelter for children with disabilities who are victims of trafficking, given the challenges in finding shelters which will accept them
- allocating additional budget to address the needs of trafficked victims with disabilities in relation to shelter recovery, return and reintegration
- developing guidance for social workers, shelter staff, hospital staff and others on providing trauma-informed care specifically for persons with disabilities (see, e.g., Kezelman and Dombrowski, 2021), including providing a recreation program
- strengthening delivery of services in urban and rural areas, particularly psychological, psychiatric and psychosocial support services, including by offering tele-health consultations and training barangay (local government) health workers or development workers to provide community-based psychosocial support
- strengthening community-based support in urban and rural areas for trafficked victims with disabilities to enable them to live independently, such as access to assistive technologies or personal support workers
- ensuring that children with disabilities who are victims of trafficking are reintegrated into education
- allocating staff and financial resources to continue monitoring victims once they have reintegrated into the community
- assessing and monitoring the capacity of local governments to deliver services to victims, including conducting accessibility audits of facilities providing services to trafficked victims with disabilities
- developing short-, medium- and long-term plans to develop community support services to support trafficked victims with disabilities while they are at the shelter, and during recovery, return and reintegration that fosters general welfare, and respect for dignity and autonomy, and takes into account the importance of family settings for children and independent living for adults.

Prosecution and law enforcement

To improve **prosecution and law enforcement**, efforts could usefully focus on:

- strengthening Republic Act No. 9442 (Magna Carta for Persons with Disability) to better protect persons with disabilities from abuse and exploitation
- **amending Republic Act No. 11862 Expanded Anti-Trafficking in Persons Act to recognise the specific vulnerabilities of persons with disabilities to trafficking and including additional provisions to ensure their right to services**
- amending the Implementing Rules and Regulations for the Expanded Anti-Trafficking in Persons Act of 2022 to include specific provisions for persons with disabilities, including children with disabilities
- developing regulations outlining processes and procedures for reasonable accommodations for persons with disabilities in the prosecution process.

To improve **access to justice for trafficked victims with disabilities**, efforts could usefully focus on:

- **providing training to build understanding of disability among police, prosecutors and court staff, including how to provide reasonable accommodation**
- ensuring that funding for reasonable accommodation is available at all stages of the prosecution process, from investigation through to sentencing
- **providing accessible and understandable information to victims of trafficking with disability about the prosecution process and their rights in relation to reasonable accommodation**
- revising the manual of the Philippine National Police to include guidance on audio and video recording of interviews that complies with data privacy and confidentiality to prevent re-traumatisation and for evidence purposes
- promoting the implementation of the Supreme Court's 'Rule on Mandatory Legal Aid Service' requiring lawyers to provide pro bono legal services, and encouraging practising lawyers to provide free legal services to the community, including through outreach to the Public Attorney's Office and the Integrated Bar of the Philippines
- increasing the number of available judges across the country to accelerate case resolution
- allowing online participation of persons with disabilities in court proceedings while taking care to ensure that poor internet connectivity does not hinder accurate sign language and Deaf relay interpretation
- collaborating with the Commission on the Filipino Language and the National Coordinating Committee for the Deaf to provide a training and certification program to increase the number of available sign language interpreters and Deaf relay interpreters, and develop their skills in working in legal settings, including court proceedings
- standardising payment rates for sign language interpreters and Deaf relay interpreters
- ensuring that courts, the Persons with Disability Affairs Office, local government

and other service providers have adequate budget for sign language and Deaf relay interpretation services

- increasing the available sign language interpreters by enjoining local government units to hire and provide reasonable compensation for their services
- **developing directories of accredited services available to support procedural accommodations** such as certified sign language interpreters and Deaf relay interpreters accredited and authorised by the Supreme Court to provide services to the court, and making this publicly available, including by uploading it to the Supreme Court's website
- engaging communication support workers (such as speech therapists) for victims with intellectual disabilities or those who do not use standard sign language to enable them to provide evidence during investigations and court proceedings
- developing a group of legal advocates or intermediaries with an understanding of both disability and issues of trafficking and exploitation who can help guide trafficked victims with disabilities through the legal process and support them during court proceedings. This should include specialist child advocates or intermediaries who can support children who are victims of trafficking.

Partnership and networking

To improve **coordination and cooperation**, efforts could usefully focus on:

- **incorporating a disability perspective in the National Strategic Action Plan Against Trafficking in Persons**
- **supporting the implementation of new requirements for collecting data on disability** under the Implementing Rules and Regulations for the Expanded Anti-Trafficking in Persons Act of 2022 by developing a standard approach with the aim of harmonising data, such as the use of the Washington Group Short Set of Questions on Functioning – Enhanced or the Washington Group/UNICEF Child Functioning Module questions, and ensuring that frontline staff and others know how to use these
- **institutionalising disability inclusion by appointing a disability working group or focal point to national and local trafficking task forces and associated budget, and providing them with regular opportunities to share knowledge**
- making the reproductive health system accessible to persons with disabilities
- utilising the Gender and Development budget in the provision of services for persons with disabilities, including making information materials on gender and development accessible and understandable
- **strengthening engagement with the National Council on Disability Affairs and with OPDs at both national and local levels**

Thailand

Prosecution

To improve **investigation, prosecution and adjudication of cases involving trafficked victims with disabilities**, efforts could usefully focus on:

- **developing standards for collecting data on trafficked victims with disabilities, taking into account their diverse identities, including age, gender, and type of disability, and promoting disaggregation and reporting of trafficking data by disability at national and local levels.** This could include using of the Washington Group Short Set of Questions on Functioning – Enhanced or the Washington Group/UNICEF Child Functioning Module questions
- **incorporating issues of disability and intersectional disadvantage in existing guidelines and training on trafficking for police, prosecutors, judges and court officials.** This could include how to identify the needs of persons with disabilities (particularly those with non-apparent disabilities), and how to provide reasonable accommodation at all stages of the investigation, prosecution and adjudication process. This should emphasise a victim-centred approach and enable collection of information that can be used in legal proceedings
- providing accessible and understandable information to victims of trafficking with disability about the investigation, prosecution and adjudication process, and their rights in relation to reasonable accommodation
- providing training for sign language interpreters to develop their skills in working in legal settings, including court proceedings
- engaging communication support workers (such as speech therapists) for victims with intellectual disabilities or those who do not use standard sign language to enable them to provide evidence during investigations and court proceedings
- developing a group of legal advocates or intermediaries with an understanding of disability and trafficking who can provide legal assistance, guide trafficked victims with disabilities through the legal process and support them during court proceedings. This should include specialist child advocates or intermediaries who can support children with disabilities who are victims of trafficking.

Protection

To improve **screening and identification of trafficked victims with disabilities**, efforts could usefully focus on:

- developing and delivering training for frontline staff (police, labour officials, immigration officers, navy and customs officers, social workers and health workers) and staff from NGOs and OPDs to build their understanding of the intersection between trafficking and disability
- ensuring that mechanisms for reporting such as hotlines or mobile applications are accessible for persons with different kinds of disabilities and that hotline staff can refer victims to appropriate services
- **developing guidelines for screening for cases involving persons with disabilities, including those with non-apparent disabilities**. The guidelines

should emphasise a victim-centred approach and enable collection of information that can be used in legal proceedings and for the purposes of protection. The guidelines include the use of the Washington Group Short Set of Questions on Functioning – Enhanced or Washington Group/UNICEF Child Functioning Module questions and training so that frontline staff know how to use these

- including guidance for frontline staff on where to refer trafficked victims with disabilities for services. This could include the development of directories of services for persons with disabilities available in provinces, districts and sub-districts.

To improve access to and delivery of **shelter, recovery, return and reintegration services**, efforts could usefully focus on:

- **mapping the roles and existing capabilities of different agencies – including any gaps – to ensure efficient coordination and cooperation, and provision of appropriate assistance for victims**
- developing guidelines on delivering shelter, recovery, return and reintegration services for trafficked victims with disabilities
- **providing training to social workers, shelter staff, hospital staff and others responsible for shelter, recovery, return and reintegration to build their understanding of disability and how to meet the needs of persons with different disabilities**
- building on existing good practices in working with NGOs to strengthen collaboration with OPDs in delivering recovery, return and reintegration services
- **incorporating a disability perspective in training programs on trauma-informed care for social workers, shelter staff, hospital staff and others**
- strengthening delivery of psychological, psychiatric and psychosocial support services, particularly outside healthcare settings and for continuing care, including through online, tele-health and community-based options
- strengthening opportunities for trafficked victims with disabilities to access peer support, including through community-based or online groups
- continuing to build on existing good practice to link persons with disabilities with inclusive employment opportunities, vocational training and livelihoods support (training and start-up capital)
- providing information to trafficked victims with disabilities about the disability card and other social protection schemes available to them and supporting them to register for these.

Prevention

To help **prevent trafficking of persons with disabilities**, efforts could usefully focus on:

- **developing accessible and understandable information on trafficking targeted to persons with disabilities and their families. This should include age-appropriate materials for children with disabilities**. Materials can be disseminated to schools, OPDs and through channels that are used by persons with disabilities (e.g. social media, community newsletters)

- **conducting outreach to persons with disabilities and their families through schools, OPDs and the community to build their awareness of trafficking and exploitation and where to seek help.**
- building persons with disabilities' understanding of their rights, including in relation to work and wages, and their sexual and reproductive rights. This information could be included in citizenship or life skills training programs run by government agencies, NGOs or OPDs. Age-appropriate information could be included in school curricula.
- strengthening engagement with OPDs in prevention efforts, including by inviting representatives from OPDs to join provincial Anti-Trafficking in Persons Committees.
- **amending the Anti-Trafficking in Persons Act and other relevant laws to recognise the specific vulnerabilities of persons with disabilities to trafficking and include additional provisions to ensure their right to services.**