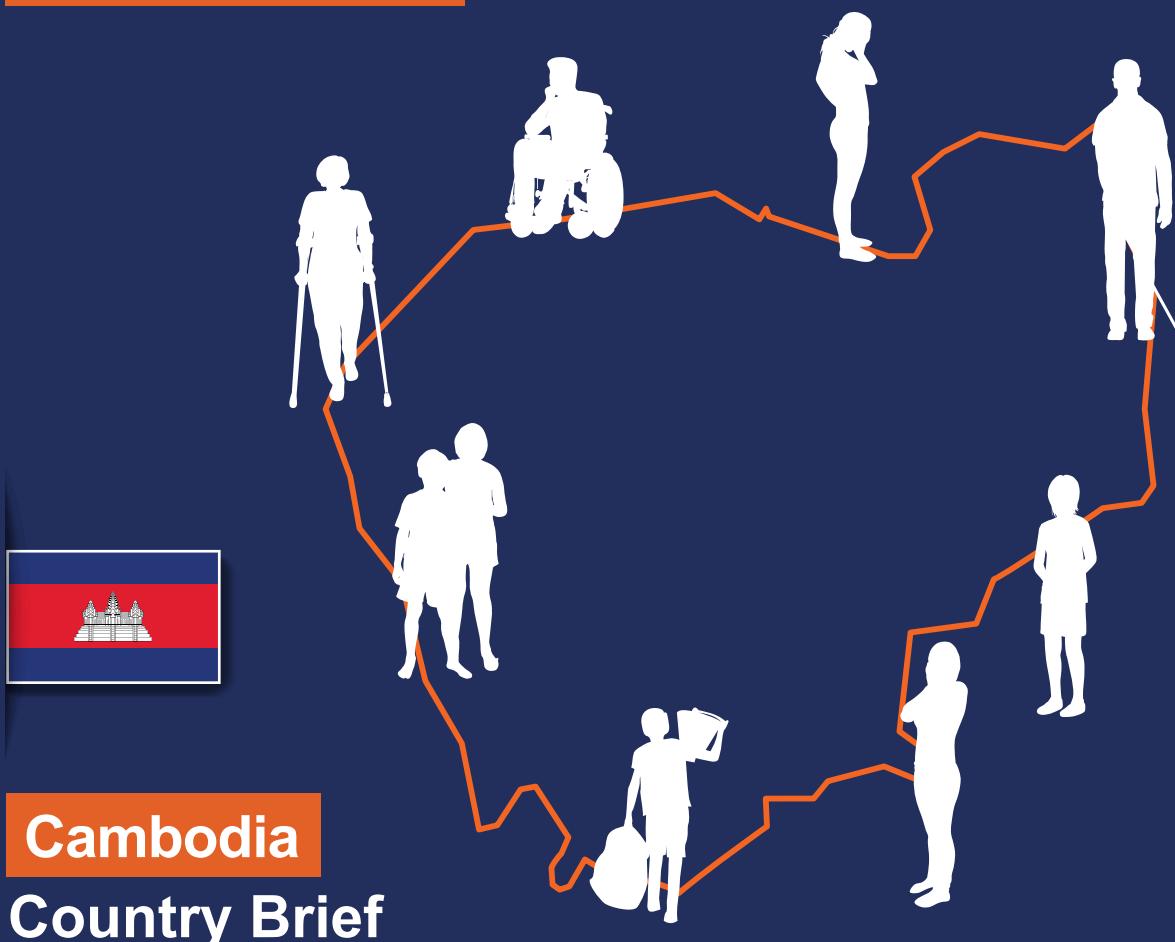


Exploring the intersection between **disability** and trafficking





LA TROBE
UNIVERSITY

Centre for
Human Security
and Social Change

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Exploring the intersection between **disability** and **trafficking**

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Lucia Pietropaoli
Team Leader, ASEAN-ACT



Key findings and recommendations



Trafficking of persons with disabilities

- It is very difficult to obtain a full picture of the extent and nature of the problem of trafficking and disability in Cambodia. This is in part because - like other countries in the region – Cambodia does not collect or disaggregate data on identified and/or assisted victims of trafficking by disability.
- The lack of data is compounded by the hidden nature of trafficking and the fact that very few victims of trafficking with disabilities report their experiences to authorities.
- 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, and can involve crossing international borders.
- Children with disabilities in Cambodia are a particularly vulnerable group.
- Migrants from Cambodia who experience sexual or labour exploitation or abuse often sustain injuries, illness or trauma which can lead to disability. This occurs across all types of trafficking, including sex work, labour exploitation and cyber scam and online gambling operations.
- The significant psychological impacts of trafficking are exacerbated by the challenges in accessing mental health care and the stigma associated with mental health issues in Cambodia.



Vulnerability to trafficking

- Persons with disabilities and their families experience higher levels of poverty, which is strongly linked to trafficking risk.
- Very few persons with disabilities in Cambodia have access to social protection.
- Limited access to quality education means persons with disabilities may not have the skills and knowledge to make judgements about exploitative situations, may be 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 disabilities – or levels of support needs – can be vulnerable to certain forms of trafficking.
- Social norms around obligations to family may make persons with disabilities in Cambodia 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.



Laws and regulations protecting persons with disabilities

- Through its ratification of core international human rights instruments relevant to trafficking, the rights of adults and children with disabilities, and migrant workers, Cambodia has committed to ensuring that persons with disabilities are protected from trafficking and exploitation and are able to access recovery services and justice.
- Cambodia is party to a number of agreements in relation to human rights, including the ASEAN Convention Against Trafficking in Persons (ACTIP), which is a legally binding instrument.

- Cambodia's 2008 Law on Suppression of Human Trafficking and Sexual Exploitation does not make explicit mention of persons with disabilities. However, the National Strategic Plan on Combating Trafficking in Persons 2024-2028 recognises persons with disabilities as one of the groups that is vulnerable to trafficking and includes strategies to strengthen protection for these groups.
- Cambodia's 2009 Law on Protection and Promotion of the Rights of Persons with Disability explicitly prohibits exploitation of persons with disabilities and outlines penalties for "acts to intentionally gain benefits by abusing the naivety or vulnerability of persons due to their disabilities, by forcing those persons to commit or not to commit any acts that cause serious damage to them".
- Cambodia's labour law, law on migrant workers and law protecting women and children from violence, abuse and exploitation provide additional protection for victims of trafficking, including those with disabilities, and avenues for strengthening prosecution of trafficking offenders and other types of crimes.



Barriers to identification

- Many victims of trafficking with disabilities are likely not being identified in Cambodia, in part because of the difficulties in identifying exploitation carried out by family members.
- Identification is also challenging because many victims do not report their experiences, including because a family member was involved in their trafficking, they do not trust authorities, or because of the significant stigma of trafficking, and sex trafficking in particular.
- Victims of trafficking with intellectual or psychosocial disabilities may not be able to provide information about their trafficking experience, due to communication difficulties or because of trauma.
- Existing screening forms in Cambodia do not capture information about disability and frontline staff responsible for screening and identification have limited understanding of different disabilities, particularly non-apparent disabilities.



Barriers to support services and recovery

- Most support services are delivered through NGOs. The reliance on NGOs is challenging, particularly because most NGOs receive very little government funding and funding from international donors is often not sufficient to provide the kind of long term care that victims of trafficking with disabilities need.
- Shelters are generally not accessible, specialist rehabilitation services are limited, and staff in existing service providers do not always have the skills to meet the needs of persons with disabilities.
- Cambodia does not have enough psychiatrists, psychologists and qualified counsellors to meet the need and mental health services are largely concentrated in urban areas.
- Significant social stigma around issues of mental health makes people reluctant to seek help.
- Lack of accessible transport and infrastructure, as well as the cost of travel and lost income from time taken away from work can make it difficult for victims of trafficking to access services over the medium to longer term.
- Victims of trafficking with disabilities are at significant risk of re-trafficking, including because they face difficulties in accessing social assistance and barriers to participating in vocational training programs.



Barriers to justice

- Many victims of trafficking with disabilities are reluctant to participate in legal proceedings, including due to fear of retaliation from traffickers, particularly in cases where family members were the perpetrators, or because they don't understand their rights or how to access legal assistance.
- Accessibility of court buildings and facilities is limited, and there is little funding and few mechanisms to ensure that persons with disabilities have access to reasonable accommodations.
- Legal professionals and court officials often do not have a strong understanding of the needs of persons with different disabilities.

- A lack of sign language interpreters makes communication with victims of trafficking who are deaf or hard of hearing very difficult.
- Persons with disabilities are often not considered to be credible witnesses.



Recommendations

Key recommendations include:

- Developing information materials on trafficking targeted to persons with disabilities and their families to build awareness of this issue.
- Including the Washington Group questions in identification processes to support officers to identify victims of trafficking with disabilities.
- Providing training for frontline officials, shelter staff and social workers to build their understanding of disability and their skills in working with victims with different types of disabilities.
- Strengthening collaboration between government agencies, civil society organisations, international organisations and the private sector to ensure that victims of trafficking with disabilities can access comprehensive services to support recovery and reintegration.
- Improving access to reasonable accommodations in legal processes and provide training for judges and court staff.



INTRODUCTION

Trafficking in persons is a significant human rights challenge. Across Asia and the Pacific, around 15.1 million people are estimated to be in trafficking situations (International Labour Organization, Walk Free and International Organization for Migration, 2022). 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.

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 susceptible to exploitation by those around them (Carey and Peterson 2020; Jagoe, Toh, and Wylie 2022; Nichols and Heil 2022; Office for Victims of Crime and Bureau of Justice Assistance, n.d.). Second, people may acquire disabilities as a result of trafficking. 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 (Zimmerman, Hossain, and Watts 2011; Ottisova et al. 2016; García-Vázquez and Meneses-Falcón 2024). Although persons with disabilities are widely recognised as a group at risk of trafficking, little is known about the specific vulnerabilities they face, what types of trafficking they experience, and how well existing counter-trafficking efforts and recovery services are meeting their needs.

This Country Brief is part of a series of reports commissioned by the ASEAN-Australia Counter Trafficking (ASEAN-ACT) program on the intersection between disability and trafficking in ASEAN. It builds on a study undertaken by ASEAN-ACT in 2023 which examined disability and trafficking in Indonesia, the Philippines and Thailand (Jackson et al. 2024). To deepen understanding of the intersection of disability and trafficking in the region, ASEAN-ACT commissioned country briefs for three additional countries: Cambodia, Lao PDR and Vietnam. These reports have been developed through a series of national consultation workshops and one-on-one consultations led by ASEAN-ACT staff with government and non-government stakeholders working in each of these countries including NGOs working in counter-trafficking and organisations of persons with disabilities. The national consultation workshop in Cambodia was held over two days in September

2024 in Phnom Penh. A total of 46 people attended from the social services sector, law enforcement, the judiciary and NGOs providing services to victims of trafficking. In addition to the national consultation workshop, ASEAN-ACT staff conducted one on one consultations with three key stakeholders. Notes from the consultations were synthesised with insights from relevant literature by researchers from the Centre for Human Security and Social Change at La Trobe University in Melbourne. Draft reports were presented and validated during a regional workshop held in January 2025, attended by ASEAN Member States' national anti-trafficking coordinating bodies, non-government organisations involved in counter-trafficking and organisations of persons with disabilities, as well as delegates to the Senior Officials Meeting on Transnational Crime and the ASEAN Intergovernmental Commission of Human Rights. The revised drafts were subsequently reviewed by ASEAN-ACT country teams and technical leads, with feedback incorporated into the final versions.

This Country Brief outlines key findings on the intersection of trafficking and disability in Cambodia, including the types of trafficking that persons with disabilities experience, the factors that make them vulnerable to trafficking, and existing laws and regulations which aim to protect persons with disabilities from exploitation and abuse. It also describes the services that government and non-government organisations provide for victims of trafficking with disabilities and the barriers they face in accessing these. The report concludes with recommendations – developed in collaboration with stakeholders – for strengthening prevention, protection and prosecution of trafficking involving persons with disabilities.

Box 1: Key definitions

Persons with disabilities

The understanding of disability adopted in this report 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** that, in interaction with social, cultural, environmental and other **barriers**, may hinder their full and effective participation in society on an equal basis with others.

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). For children, only the 'act' and 'purpose' are required. The element of 'means' is not required. This recognises the inherent vulnerability of children (Protocol to Prevent, Suppress 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.

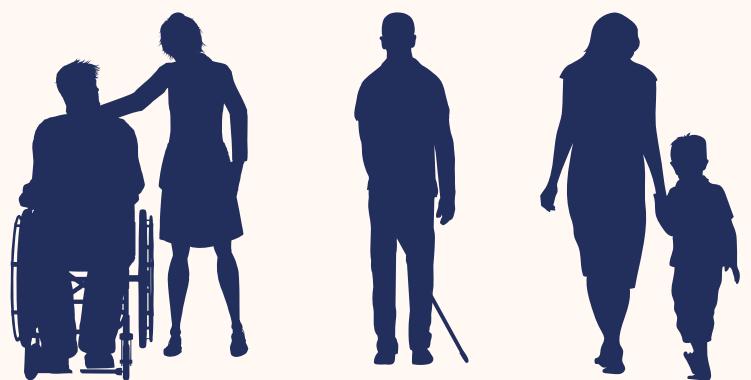
In contrast to popular opinion, trafficking in persons does not require travel or crossing borders. If someone is forced to work or engage in intended exploitation (for any purposes) against their will, it is considered trafficking. In 2016, more than half of the world's identified trafficking victims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

In this report, we use the term 'trafficking' to refer to crimes which involve all three elements for adult victims, and two elements for children. We use the term 'exploitation' in a more general sense, to refer to experiences of abuse, mistreatment, and manipulation, which may or may not be classified as trafficking.

A map of Southeast Asia showing the outlines of Thailand, Laos, Vietnam, and Indonesia. Cambodia is highlighted with an orange fill. A white line with an arrow points from the word 'CAMBODIA' to the center of the orange highlighted area.

CAMBODIA

TRAFFICKING AND DISABILITY IN CAMBODIA



Key points

- It is very difficult to obtain a full picture of the extent and nature of the problem of trafficking and disability in Cambodia. This is in part because
 - like other countries in the region – Cambodia does not collect or disaggregate data on identified and/or assisted victims of trafficking by disability.
- The lack of data is compounded by the hidden nature of trafficking and the fact that very few victims of trafficking with disabilities report their experiences to authorities.
- 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, and can involve crossing international borders.
- Children with disabilities in Cambodia are a particularly vulnerable group.
- Migrants from Cambodia who experience sexual or labour exploitation or abuse often sustain injuries, illness or trauma which can lead to disability. This occurs across all types of trafficking, including sex work, labour exploitation and cyber scam and online gambling operations.
- The significant psychological impacts of trafficking are exacerbated by the challenges in accessing mental health care and the stigma associated with mental health issues in Cambodia.

The World Health Organization estimates that around 16% of people in Southeast Asia have significant disability, due to an impairment they were born with or acquired during their lives (World Health Organization, 2023). This translates to just over 2.8 million people in Cambodia.¹ According to analysis of the Cambodia Demographic and Health Survey, 2021-22, which drew on the Washington Group Questions, 24% of those aged 5 years and older have some degree of disability, 4% have a severe disability and 20% have a non-severe disability (Ministry of Social Affairs, Veterans, and Youth Rehabilitation et al. 2023). Data from the national census undertaken in 2018 indicates that rates of disability increase with age (National Institute of Statistics, Ministry of Planning 2022).

1 The WHO estimates of disability prevalence often differ from national estimates, including because of differences in whether and how questions about disability are asked in population censuses or national surveys. See National Institute of Statistics, Ministry of Planning (2022) and Ministry of Social Affairs, Veterans, and Youth Rehabilitation et al (2023) for other estimates of the prevalence of disability in Cambodia.

It is very difficult to accurately estimate the numbers of persons with disabilities who are trafficked, either globally or in individual countries. Across ASEAN Member States – including Cambodia – obtaining accurate disaggregated data on the number of trafficked victims 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. Underreporting, the nature of trafficking involving persons with disabilities, and limited understanding of disability - particularly non-apparent disabilities - among frontline responders makes capturing data particularly difficult (Jackson et al., 2024).

Like other countries in the region, the government of Cambodia does not currently collect disaggregated data on disability for identified and/or assisted victims of trafficking, although strengthening data collection is mentioned in the National Strategic Plan for Combating Trafficking in Persons 2024-2028. According to participants in the national consultation workshop, some NGOs collect data on disability, however, this usually only pertains to those individuals who encounter their organisation. Anecdotally, however, workshop participants agreed that despite a lack of formal data, there were people with physical and psychosocial (mental health) disabilities amongst the victims of trafficking in Cambodia.²

Stakeholders at the national consultation workshop acknowledged that national level disaggregated data would provide valuable information to inform counter-trafficking efforts. However, our research in Indonesia, the Philippines and Thailand suggests that there are likely to be some challenges in collecting it, including the ability of frontline staff to identify disabilities, particularly non-apparent disabilities (Jackson et al. 2024). Limited awareness of disability – and the cost of getting a diagnosis – also means that some persons with disabilities may not be aware they have a disability.

While data on identified victims does not enable an accurate measurement of the extent of trafficking involving persons with disabilities, extensive research on migrant workers from the region 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 (see for example Zimmerman et al. 2014; Kiss et al. 2015; Pocock et al. 2016; Issara Institute and International Justice Mission 2017). These studies indicate that both formal and informal migrants of all genders are vulnerable to experiencing violence, abuse, and exploitation.

2 Officials from the Cambodian Ministry of Social Affairs, Veteran and Youth Rehabilitation (MoSVY) who attended the national consultation workshop explained that they were more aware of people with physical disability amongst trafficking victims they assisted because of the type of assistance they required. Ministry officials were less aware of people with non-apparent disabilities, including those with hearing impairments, intellectual disability or psychosocial impairments due to communications barriers.

Trafficking of persons with disabilities

Consultations undertaken for this report suggest that the types of trafficking persons with disabilities experience in Cambodia mirror broader trafficking patterns in the ASEAN region. Sexual exploitation and forced labour, including forced begging, were the most frequently raised examples of trafficking involving persons with disabilities. Representatives from NGOs who participated in the national consultation workshop observed that most trafficking victims with disability that they had encountered had been sold into sex work to foreigners. Other workshop participants had observed people with hearing and speech impairments being forced into hard labour with low salaries. This included persons with disabilities who were trafficked into roles where they were forced to sell things or forced to beg, often with babies. Our research in Thailand uncovered cases where children with disabilities from Cambodia were trafficked into Thailand where they were forced to beg (see Box 2 : ‘They told me I was going to school’: Pros’s story).

Box 2 : ‘They told me I was going to school’: Pros’s story

Pros has a visual impairment. He travelled 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.

Workshop participants shared multiple stories of trafficking involving children with disabilities (see Box 3: Children with disabilities). A workshop participant from an NGO said that trafficking of children with disabilities is widespread in the northern parts of Cambodia where some families are reluctant to seek support for their children, believing that their disability can be used to generate income for the family.

Participants also gave examples of persons with disabilities being trafficked for organ harvesting. Although organ harvesting is not widespread in Cambodia (United Nations Office on Drugs and Crime 2017), media reports indicate that it may still be occurring (Union of Catholic Asian News 2024) (see Box 4: Organ harvesting). Other research points to the possibility of some women being trafficked and forced into illegal surrogacy (Office to Monitor and Combat Trafficking in Persons, U.S Department of State 2024).

Box 3: Social stigma around disability can lead to isolation and neglect – and make children vulnerable

In Cambodia, children with disabilities are sometimes seen as a source of shame and a burden on the family. This – together with the cost of schooling and limited options for therapies – can mean that children with disabilities are hidden away or neglected (Rose et al. 2023; Toritsyn 2024). This can increase their vulnerability to trafficking.

Our consultations in Cambodia revealed stories about children with a range of different disabilities, including cleft palates and missing limbs, who were not properly cared for by their families. Traffickers would provide food and shelter for these children, but they would be forced to beg or sell fruit or other items. In other cases, families would exploit the child's disability to make money.

Box 4: Organ harvesting: Chantey's story

Chantey, Cambodia: Chantey is deaf and never learned to speak. As a teenager, she was trafficked to Thailand for sexual exploitation. Chantey's traffickers also removed one of her kidneys. She was eventually rescued, but her rescuers didn't notice that she was missing a kidney and Chantey's speech and hearing impairments meant it was difficult for her to tell them what had happened to her.

Trafficking leading to disabilities

Participants in the national consultation workshop in Cambodia observed that many people who have been trafficked acquire disabilities as a result of their trafficking experience. Internal data from one coalition of non-government organisations indicated that up to 78 per cent of the trafficking survivors supported by members of the coalition returned with some type of physical or psychosocial impairment. These reports are consistent with the findings in the broader trafficking literature (Office to Monitor and Combat Trafficking in Persons, U.S Department of State 2024; Alffram and Sok 2023; Dickson and Koenig 2016).

A number of workshop participants talked about the impact of trafficking on the physical health of trafficking victims. They cited examples of men trafficked into the fishing industry whose hearing was damaged because of exposure to loud machinery. There were also accounts of trafficking victims returning with missing limbs and organs, due to mistreatment and torture. Children were also identified as being at risk of acquiring disability when either themselves, or their families, were trafficked (see Box 5: Debt bondage).

Box 5: Debt bondage and child labour in Cambodia's brick factories

In Cambodia's brick factories, recent research has found that debt bondage is common and child labour continues to occur, despite efforts by the Government of Cambodia to address this.

Whole families often work to pay off loans from factory owners. Children as young as 9 work alongside their parents, carrying heavy piles of bricks and using dangerous machinery to mould the clay. Workers are paid per brick and rates are very low, so paying off the debt is almost impossible. In some cases, children are forced to take on their parents' debt when they become adults. Factory owners sometimes take identity documents from workers or require children or elderly family members to stay behind at the factory if the family wants to travel home for a special occasion. Families live in cramped housing, with poor access to sanitation. Access to health care is difficult and often means that people have to go into further debt.

The dangerous work means that children are at risk of accidents. Often these accidents are caused when children's arms and hands are caught in the machines used to mould the bricks. Sometimes, this requires amputation (Cambodian League for the Promotion and Defense of Human Rights (LICADHO), 2016, 2023; Field, 2017; Robertson, 2018; Blomberg, 2020; Goldstein and Nimol, 2023).

Other workshop participants reported on the impact of trafficking on mental and psychological health. For example, a representative from an NGO who attended the national consultation workshop gave examples of people trafficked into the fishing industry who were tortured and forced to take illicit drugs, leading to significant psychosocial impairment. There were multiple stories about women tortured when trafficked into domestic work developing serious psychosocial impairments and the long-term mental health impacts on children who are trafficked (C. Tsai and Dichter 2019). The mental health impacts of trafficking are likely exacerbated by the limited number of psychologists and psychiatrists in Cambodia as well as barriers to accessing this kind of support, including the stigma associated with psychosocial (mental health) disabilities (Parry et al. 2020; Parry and Wilkinson 2020; Aberdein and Zimmerman 2015; Devine 2009).

The accounts shared by the national workshop participants are consistent with research undertaken into the experiences of Cambodian migrant workers. For example, research on women from Cambodia who are forced into sex work in Thailand or into forced marriages (most commonly in China) has found that many live and sleep in cramped spaces, are not given enough food, and work long hours (Watkins-Smith 2022; York 2019; Jordana 2017). A significant percentage also say that their freedom is restricted (Zimmerman, Hossain, and Watts 2011; Kiss et al. 2015). These experiences during trafficking can have a significant impact on victims' physical and mental health (Havey et al. 2021).

Similarly, men from Cambodia working on fishing boats and in the agricultural, manufacturing and construction sectors also experience unhealthy and often dangerous conditions which impact on their physical and mental health (Alffram and Sok 2023; Office to Monitor and Combat Trafficking in Persons, U.S Department of State 2024). 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 or return 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 (Pocock et al. 2016; Zimmerman, Hossain, and Watts 2011; Issara Institute and International Justice Mission 2017).

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. In Cambodia, online scam centres have emerged in the border regions of Poipet, Ream, Sihanoukville, Koh Kong and Bavek as well as in Phnom Penh. Reports suggest that those trafficked into these scam centres from across the ASEAN region are subject to physical and psychological abuse, and live in cramped and unsanitary conditions, work long hours and are denied food, water and medical care (Jesperson et al. 2023; LSCW 2024; Office of the United Nations High Commissioner for Human Rights Regional Office for South-East Asia 2023; Turner and McCarthy-Jones 2023).



VULNERABILITY TO TRAFFICKING



Key points

- Persons with disabilities and their families experience higher levels of poverty, which is strongly linked to trafficking risks.
- Very few persons with disabilities in Cambodia have access to social protection.
- Limited access to quality education means persons with disabilities may not have the skills and knowledge to make judgements about exploitative situations, may be 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 disabilities – or levels of support needs – can be vulnerable to certain forms of trafficking.
- Social norms around obligations to family may make persons with disabilities in Cambodia 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.

Poverty and financial stress

There is a strong link between individual and household poverty and vulnerability to trafficking. Financial need is one of the primary reasons people choose to migrate for work, either overseas or within their own country. 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.

Across the ASEAN region, poverty rates are consistently higher for persons with disabilities. In Cambodia, the poverty rate amongst persons with disabilities is 21.1 per cent, compared to 17.5 per cent for those without disability (Development Pathways 2022a). There is also evidence that women with disabilities in Cambodia experience higher levels of poverty than men with disabilities (Mitra and Yap 2021).

The higher rates of poverty among persons with disabilities are the result of several factors. Persons with disabilities often have additional costs related to their disability, such as medicines, therapies, and assistive devices as well as costs associated with transportation to clinics or hospitals, or carers (Mitra et al. 2017; Palmer, Williams, and McPake 2016; 2019a). A recent study on Cambodia estimated that around 20 per cent of the monthly household income of families with a person with disability is spent on these costs (Palmer, Williams, and McPake 2016; 2019a). Households in which there is a person with a disability are also less likely to have access to safe drinking water and sanitation, decent housing, or assets and access to clean cooking fuels (Ministry of Social Affairs, Veterans, and Youth Rehabilitation et al. 2023). There may also be other 'indirect' costs. For example, 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 (Development Pathways 2022b).

These issues are exacerbated by gaps in social protection for poor households and persons with disabilities. Cambodia has made substantial efforts to expand social protection in the last decade. The 2017 National Social Protection Policy Framework outlines a comprehensive range of social protection schemes, including pensions, health insurance, employment injury, unemployment, and disability, although not all of these schemes have been launched. However, recent research finds that a large proportion of workers in the informal sector – as well as many in the formal sector – are not covered by social protections. This is particularly true among those who are poor or have lower levels of education as well as in certain sectors, including agriculture, wholesale and retail trade, manufacturing, and construction (Merttens, Habib, and Naeem 2024).

A monthly cash transfer of 200,00 riels (approx. A \$75) is available for persons with disabilities, but there are significant gaps in coverage, with one estimate suggesting that only 15 per cent of those with moderate or severe disabilities receive these benefits (Merttens, Habib, and Naeem 2024; see also Development Pathways 2022b). Recent research also suggests that the amount of financial support from the government may only meet less than 10% of the direct costs of disability (Palmer, Williams, and McPake 2019b; 2016). The introduction of the Disability Identification Mechanism in 2023 aims to help address these gaps in coverage (Toritsyn 2024). However, most persons with disabilities continue to depend on family members to help them meet their basic needs.

There are also some protections available for Cambodian citizens who migrate for work. For example, Cambodia has a Memorandum of Understanding with Thailand which enables regular migrants from Cambodia to access social security, workers compensation and health insurance in Thailand. However, this only covers documented migrants and currently only around half of these documented migrants are accessing it (International Organization Migration 2021; Merttens 2022). Similar arrangements are in place with other destination countries, including Republic of Korea, Malaysia, Japan, Singapore, Hong Kong, Saudi Arabia, Kuwait and Qatar (Olivier 2018).

Education and access to information

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.

In Cambodia, children with disabilities face multiple barriers accessing education. According to data collected from the Cambodia Demographic and Health Survey 2021-22, 31% of persons with disabilities reported never having attended school compared with 16% of persons without disability (Ministry of Social Affairs, Veterans, and Youth Rehabilitation et al. 2023). This same survey found that 33% of children with severe disabilities were currently in school, compared to 76% of children without disability (Ministry of Social Affairs, Veterans, and Youth Rehabilitation et al. 2023). Children with disabilities were also found to be less likely to complete both primary and secondary schooling. The key barriers to accessing education include poor infrastructure, few policies to guide the inclusion of people with disability in the education system and negative social attitudes towards disability which lead to exclusion and discrimination (Chantou 2023; Kalyanpur 2011; Nordenrot 2016).

Persons with disabilities also have more limited access to information. Recent research has found that persons with disabilities in Cambodia are less likely to access information through the internet or other channels of communication (Ministry of Social Affairs, Veterans, and Youth Rehabilitation et al. 2023). In addition, there is currently limited information about trafficking that is targeted at persons with disabilities and available in accessible and understandable formats. This can make it difficult for persons with disabilities to recognise risky or exploitative situations or to know where to go for help.

Employment and livelihood opportunities

Lack of employment and livelihood opportunities is a significant driver of trafficking and is linked to both poverty and education. National workshop participants observed that a lack of employment opportunities due to discrimination on the basis of disability makes persons with disabilities in Cambodia more vulnerable to trafficking. These observations are confirmed by studies which 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 (Gartrell and Hak 2017). National workshop participants reported that persons with disabilities also experience significant discrimination in employment and the workplace, including because of negative perceptions about their capabilities as well as employers' reluctance to accommodate their needs (see also Palmer and Williams 2023; Gartrell and Hak 2017).

As a result, persons with disabilities in Cambodia are more likely to be unemployed, in low-status jobs or out of the job market (Gartrell 2010). In Cambodia, 41% of working-age adults with disabilities are not working compared to 10% of persons without disabilities (Development Pathways 2022b; Ministry of Social Affairs, Veterans, and Youth Rehabilitation et al. 2023).³

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 in Indonesia, the Philippines and Thailand suggests that women and girls with disabilities are vulnerable to sexual exploitation (Jackson et al. 2024).⁴

Women with disability in Cambodia face greater vulnerabilities around education and employment than men. The Cambodia Demographic and Health Survey 2021-22 reported slightly more women (57%) than men (43%) with disabilities. Women with disabilities also had lower levels of education and employment than men with disabilities (Ministry of Social Affairs, Veterans, and Youth Rehabilitation et al. 2023). Women were also more vulnerable to gender-based violence than men, with higher

3 Following the passage of the Law on the Protection and the Promotion of the Rights of Persons with Disabilities, in 2010 Cambodia issued a sub-decree setting quotas for recruitment of persons with disabilities in the civil service (2%) and the private sector (1%). Despite this, a study undertaken four years later found that the law had in fact led to a reduction in employment hours amongst people with disability (Palmer and Williams 2023). Nevertheless, there is also some evidence that at least in the civil service, the quota system is working to increase employment opportunities for persons with disabilities, and that it was "speeding up awareness-raising and changing attitudes" towards employment of persons with disabilities (Jonsson 2019, 46).

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

rates of controlling behaviour and violence from partners and other family members, exacerbated by their financial dependence on others (Astbury and Walji 2014). These data indicate that some of the key vulnerabilities to trafficking are experienced more significantly by women with disability, compared to men with disability.

Our research also suggests that vulnerability to trafficking may be influenced by the type of disability or by the level of support needs. Our research in Indonesia, the Philippines and Thailand suggests that persons with intellectual, developmental or learning disabilities may be vulnerable to trafficking because they have limited capacity to understand what is happening to them (Jackson et al. 2024; see also Reid 2018). Observations from the broader literature also suggest that adults – and particularly children – whose disabilities are visible, including persons with physical disabilities or visual impairments, are vulnerable to forced begging because they are more likely to evoke sympathy from passers-by (European Disability Forum 2022, 5; Groce, Loeb, and Murray 2014, 7–8). Certain types of disability, for example autism, are even less visible in Cambodia, with reports that professionals and the general public have limited awareness of autism, and educational and therapeutic services are minimal (Rose et al. 2023).

Other factors

In addition to the above, our consultations identified several other factors which contribute to persons with disabilities' vulnerability to trafficking. These include social norms around obligations to family, which national workshop participants confirmed may make persons with disabilities in Cambodia 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. The stigma of disability and discrimination towards persons with disabilities, including in education and employment, can also result in persons with disabilities being 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 (Gartrell and Hoban 2013).

Our consultations also found that there are some additional vulnerabilities that children who have a parent with disability face that increase their risk of being trafficked. Children of persons with disability are more likely to end up in orphanages, where they are at risk of being trafficked (Nhep et al. 2024). An NGO participant in the workshop observed that when mothers with disability have children with disability, these children are at greater risk of not receiving adequate support or rehabilitation which increases their likelihood of being targeted for exploitation. Workshop participants also recounted stories about children with disabilities observing other children with disabilities earning money through forced begging or other forms of forced labour and perceiving this as normal, and at times, desirable work.

Existing laws and regulations



Key points

- Through its ratification of core international human rights instruments relevant to trafficking, the rights of adults and children with disabilities, and migrant workers, Cambodia has committed to ensuring that persons with disabilities are protected from trafficking and exploitation and are able to access recovery services and justice.
- Cambodia is party to a number of agreements in relation to human rights, including the ASEAN Convention Against Trafficking in Persons (ACTIP), which is a legally binding instrument.
- Cambodia's 2008 Law on Suppression of Human Trafficking and Sexual Exploitation does not make explicit mention of persons with disabilities. However, the National Strategic Plan on Combating Trafficking in Persons 2024-2028 recognises persons with disabilities as one of the groups that is vulnerable to trafficking and includes strategies to strengthen protection for these groups.
- Cambodia's 2009 Law on Protection and Promotion of the Rights of Persons with Disability explicitly prohibits exploitation of persons with disabilities and outlines penalties for "acts to intentionally gain benefits by abusing the naivety or vulnerability of persons due to their disabilities, by forcing those persons to commit or not to commit any acts that cause serious damage to them".
- Cambodia's labour law, law on migrant workers and law protecting women and children from violence, abuse and exploitation provide additional protection for victims of trafficking, including those with disabilities, and avenues for strengthening prosecution of trafficking offenders and other types of crimes.

Cambodia has 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 1 and Table 2).

Table 1: Ratification of international human rights instruments by Cambodia

United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979)	Signature: 1980 Ratification: 1992
United Nations Convention on the Rights of the Child (1989)	Accession: 1992
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: 2000 Ratification: 2002
United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	Signature: 2004 Ratification: NA
United Nations Convention against Transnational Organized Crime (2000)	Signature: 2001 Ratification: 2005
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: 2001 Ratification: 2007
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	Signature: 2001 Ratification: 2005
United Nations Convention on the Rights of Persons with Disabilities (2006)	Signature: 2007 Ratification: 2012

Table 2: Ratification of fundamental International Labour Organization Conventions by Cambodia

C029 – Forced Labour Convention, 1930 (No. 29)	24 Feb 1969
C087 – Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	23 Aug 1999
C098 – Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	23 Aug 1999
C100 – Equal Remuneration Convention, 1951 (No. 100)	23 Aug 1999
C105 – Abolition of Forced Labour Convention, 1957 (No. 105)	23 Aug 1999
C111 – Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	23 Aug 1999
C138 – Minimum Age Convention, 1973 (No. 138)	23 Aug 1999 <i>Minimum age specified: 14 years</i>
C182 – Worst Forms of Child Labour Convention, 1999 (No. 182)	14 Mar 2006

Cambodia is also a party to a number of ASEAN agreements on human rights (see Box 6: ASEAN human rights instruments and other documents).

This includes the ASEAN Convention Against Trafficking in Persons (ACTIP), which is a legally binding instrument. Article 5 of the ACTIP requires 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'. 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). This document references the importance of promoting inclusive and accessible protection, care, and support services for all victims of trafficking, including through developing guidelines and minimum standards for shelter and support services to ensure they are accessible to persons with disabilities. It also specifically mentions the need to collect disaggregated data on disability to measure progress on achieving prevention, protection, law enforcement and regional cooperation outputs.

Lao PDR's commitment to disability inclusion is implemented at a regional level through the ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities. The Enabling Masterplan recognises that persons with disabilities may be victims of violence, exploitation and trafficking. It highlights the need to protect persons with disabilities "both within and outside the home, from all forms of disability based-discrimination, the deprivation of liberty, exploitation, abuse and violence, including sexual and gender-based discrimination and violence". It also references the need for cooperation between ASEAN sectoral bodies and organisations of persons with disabilities on a range of transnational crimes, including trafficking in persons that involves persons with disabilities.

Box 6: 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)

Cambodia's Law on the Protection and the Promotion of the Rights of Persons with Disabilities was adopted in 2009. The Law outlines the rights and entitlements of persons with disabilities in a range of areas, including livelihoods, health care, education, accessible transport, employment and vocational training and is supported by a range of sub-decrees, Prakas, circulars and letters (Royal Government of Cambodia 2009; Ministry of Social Affairs, Veterans, and Youth Rehabilitation et al. 2023). Article 13 of the law states that "neglect, exploitation, and abandonment of persons with disabilities are prohibited" and Article 53 outlines penalties for "acts to intentionally gain benefits by abusing the naivety or vulnerability of persons due to their disabilities, by forcing those persons to commit or not to commit any acts that cause serious damage to them". However, Organisations of Persons with Disabilities in Cambodia have expressed concern that the law does not sufficiently address important rights, including the right to freedom from exploitation, violence and abuse (Cambodia Disabled People's Organization, n.d.). This is part of broader concerns that the law is not fully aligned with the CRPD's human rights approach (United Nations Cambodia 2022). The government of Cambodia has recognised this and is in the process of revising the law, although this has not yet been approved.

The Ministry of Social Affairs, Veterans and Youth Rehabilitation and the Disability Action Council have also developed a draft National Disability Strategic Plan 2024-2028 which is also awaiting approval. The strategic plan outlines seven focus

areas, aligned with the CRPD: employment and economic security, health and well-being, education and lifelong learning, social protection, inclusion and accessibility, safety, rights and justice, and risk and climate change (Ahmad 2024; Sokny 2024). Participants in the national workshop highlighted several areas of the strategic plan which could support efforts to address trafficking and disability. These include strengthening measures to protect persons with disabilities from exploitation in forced begging and as flower sellers, carrying out assessments of accessibility and inclusion, strengthening information dissemination and outreach to persons with disabilities to build their awareness of trafficking and exploitation, and reviewing and revising procedures for investigating and collecting evidence on disabilities acquired through trafficking.

Cambodia has put in place a strong legal and policy foundation for disability rights. However, in practice, persons with disabilities still face a range of barriers to accessing their rights and entitlements, including physical, social, institutional and communication barriers. These barriers are the result of persistent social stigma towards persons with disabilities, limited awareness of rights among persons with disabilities as well as lack of funding and other resources to put in place measures to improve accessibility and ensure reasonable accommodations (UNPRPD, 2022).

Cambodia's 2008 Law on Suppression of Human Trafficking and Sexual Exploitation (Royal Kram No. NS/RKM/0208/005) imposes higher penalties for trafficking involving minors and trafficking involving the death of a victim but does not make explicit mention of any other vulnerable groups. However, as a signatory to the ASEAN Convention Against Trafficking in Persons (ACTIP), Cambodia is legally required 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' (ASEAN 2015).

Implementation of the law is supported by a range of legal and policy instruments. These include guidelines on victim identification, minimum standards for residential care and minimum standards for victim protection (Johnson et al., 2020; Rapid Asia, 2022).⁵ While these do contain some references to specific rights of persons with disabilities (such as the right to a sign language interpreter), participants at the national workshop reflected that there were opportunities to strengthen

5 Guidelines on Forms and Procedures for Identification of Victims of Human Trafficking for Appropriate Service Provision (2015); Minimum Standards on Residential Care for Victims of Human Trafficking and Sexual Exploitation (2014); and Policy on the Protection of Rights of Victims of Human Trafficking (Prakas No. 852), including Minimum Standards for Protection of the Rights of Victims of Human Trafficking (Prakas No. 857) (2009).

disability inclusion in these documents, including through the Ministry of Social Affairs, Veterans and Youth Rehabilitation's current process to revise the minimum standards for victim protection and the finalisation of guidelines for a national referral system. In addition, Cambodia's National Strategic Plan on Combating Trafficking in Persons 2024-2028 recognises persons with disabilities as one of the groups that is vulnerable to trafficking and includes strategies to strengthen protection for these groups. This includes a specific recognition of the need for training in sign language for specialist offers and increasing the availability of sign language interpreters as part of strengthening the criminal justice response.

In addition to the laws on disability and trafficking, Cambodia also has a number of other laws which provide protection for Cambodian workers, including children, and as well as laws aimed at preventing and combating domestic violence (see Table 3: 'Selected laws'). Cambodia's Labour Law, for example, prohibits forced labour and hiring of people to pay off debts and the Law on Prevention of Domestic Violence and Protection of Victims is supported by a range of legal and policy instruments including referral guidelines, guidelines for health care, and minimum standards for counselling which take a human rights based, victim-centred approach (Ministry of Women's Affairs 2021; Hyun 2019). Cambodia's National Action Plan to Prevent Violence against Women (2019-2023) also recognises women with disabilities as being at increased risk of violence and exploitation (Ministry of Women's Affairs 2020).

Table 3: Selected laws relevant to protection for victims of trafficking who acquire disabilities

Selected laws relevant to protection for victims of trafficking who acquire disabilities and women and children	
Laws protecting workers (including migrant workers)	Labour Law of Cambodia (1992) Royal Kram CS/RKM/0397/01 promulgating the Labour Law (1997) Royal Kram NS/RKM/0506/011 on Promulgation of the Fisheries Law (2006) Royal Kram No. 0707-020 on the amendments of Articles 139 and 144 of the Labour Law (2007) Prakas No. 305 of 2007 on Work in Sea Fishing (2007) Royal Kram NS/RKM/0718/015 promulgating the Law on Minimum Wages (2018) Law on Social Security (2019)

Selected laws relevant to protection for victims of trafficking who acquire disabilities and women and children

Laws protecting women and children	Prakas No. 106 of 2004 on the Prohibition of Hazardous Child Labour (2004)
	Law on Prevention of Domestic Violence and Protection of Victims (2005)
	Prakas No. 002 of 2008 on Categories of Occupation and Light Work Permitted for Children Aged from 12 to 15 (2008)
	Law on Tourism (2009)
	Village Commune Safety Policy (2010)

BARRIERS TO ACCESSING SERVICES

Key points

- Many victims of trafficking with disabilities are likely not being identified in Cambodia, in part because of the difficulties in identifying exploitation carried out by family members.
- Identification is also challenging because many victims do not report their experiences, including because a family member was involved in their trafficking, they do not trust authorities, or because of the significant stigma of trafficking, and sex trafficking in particular.
- Victims of trafficking with intellectual or psychosocial disabilities may not be able to provide information about their trafficking experience, due to communication difficulties or because of trauma
- Existing screening forms in Cambodia do not capture information about disability and frontline staff responsible for screening and identification have limited understanding of different disabilities, particularly non-apparent disabilities.
- Most support services are delivered through NGOs. The reliance on NGOs is challenging, particularly because most NGOs receive very little government funding and funding from international donors is often not sufficient to provide the kind of long term care that victims of trafficking with disabilities need.
- Shelters are generally not accessible, specialist rehabilitation services are limited, and staff in existing service providers do not always have the skills to meet the needs of persons with disabilities.
- Cambodia does not have enough psychiatrists, psychologists and qualified counsellors to meet the need and mental health services are largely concentrated in urban areas.

- Significant social stigma around issues of mental health makes people reluctant to seek help.
- Lack of accessible transport and infrastructure, as well as the cost of travel and lost income from time taken away from work can make it difficult for victims of trafficking to access services over the medium to longer term.
- Victims of trafficking with disabilities are at significant risk of re-trafficking, including because they face difficulties in accessing social assistance and barriers to participating in vocational training programs.
- Many victims of trafficking with disabilities are reluctant to participate in legal proceedings, including due to fear of retaliation from traffickers, particularly in cases where family members were the perpetrators, or because they don't understand their rights or how to access legal assistance.
- Accessibility of court buildings and facilities is limited, and there is little funding and few mechanisms to ensure that persons with disabilities have access to reasonable accommodations.
- Legal professionals and court officials often do not have a strong understanding of the needs of persons with different disabilities.
- A lack of sign language interpreters makes communication with victims of trafficking who are deaf or hard of hearing very difficult.
- Persons with disabilities are often not considered to be credible witnesses.

Victims of trafficking have a complex set of medical, psychological, legal, economic and other needs requiring support from a range of service providers, both in the immediate and medium to longer term. However, they face a range of barriers to accessing these services in a way that supports their recovery and reintegration. These barriers are often more acute for victims of trafficking with disabilities.

This section draws on information provided by participants in the national workshop, consultations with key stakeholders, as well as the broader literature on the challenges to accessing services for victims of trafficking more broadly. It is important to note that we did not speak to trafficking victims with disabilities themselves for this report, which means our findings primarily reflect the perspectives and experiences of those in government and non-government organisations.⁶

6 For further insights into the experiences of trafficking victims, see Bearup and Seng (2023), Tsai et al (2020), Tsai et al (2022) and Tsai et al (2023).

Identification

Key points

- Many victims of trafficking with disabilities are likely not being identified in Cambodia, in part because of the difficulties in identifying exploitation carried out by family members.
- Identification is also challenging because many victims do not report their experiences, including because a family member was involved in their trafficking, they do not trust authorities, or because of the significant stigma of trafficking, and sex trafficking in particular.
- Victims of trafficking with intellectual or psychosocial disabilities may not be able to provide information about their trafficking experience, due to communication difficulties or because of trauma.
- Existing screening forms in Cambodia do not capture information about disability and frontline staff responsible for screening and identification have limited understanding of different disabilities, particularly non-apparent disabilities.

Identification of victims of trafficking relies on proactive approaches (such as screening at airports and border crossings, 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). Our research in Indonesia, the Philippines and Thailand indicated that proactive approaches were not always very effective at identifying trafficking involving persons with disabilities, particularly when they were being exploited in their own homes or by family members. We also found that frontline officers involved in identification experienced significant challenges in identifying disabilities among victims (Jackson et al., 2024).

Participants at the national consultation workshop in Cambodia confirmed that there are a number of challenges to identifying victims of trafficking with disabilities. They reported that the current guidelines that frontline staff use to identify victims do not include any questions relating to disability, although they suggested that upcoming revisions to these guidelines provided an opportunity to address this. Workshop participants also said that frontline officers' lack of knowledge and experience working with persons with disabilities makes it difficult for them to identify when a victim may have a disability, particularly non-apparent disabilities such as intellectual

or psychosocial disabilities. Participants said that this is compounded by a lack of clarity between the Cambodian National Police and the Ministry of Social Affairs, Veterans and Youth Rehabilitation about who is responsible for identification of victims, which makes it difficult to ensure that frontline staff are provided with relevant procedures and training. Workshop participants noted that stronger relationships with Organisations of Persons with Disabilities or with service providers experienced in working with persons with disabilities would strengthen the capacity of frontline officers responsible for identification.

Identification of victims of trafficking with disabilities is made more challenging because a significant number of victims do not report their experiences.

Underreporting of trafficking and exploitation is a global phenomenon and has been well documented in the ASEAN region, including in Cambodia (Kasper and Chiang 2022; Andrevski, Larsen, and Lyneham 2013; Farrell and Pfeffer 2014; Surtees and Zulbahary 2018). Workshop participants suggested that unwillingness to report – or to cooperate with authorities – may be driven by victims' lack of trust in the police and the fear of reprisals from their trafficker. This is consistent with our research in other ASEAN countries, which found that victims feared being prosecuted for immigration or other offences or being returned to an abusive situation (Jackson et al., 2024).

Participants in the Cambodia workshop also said that the stigma of trafficking – and sex trafficking in particular – plays a major role in deterring victims of trafficking and their families from reporting and that when families themselves are involved in the trafficking, it can be almost impossible for victims to report to authorities. Workshop participants also said that victims of trafficking with intellectual or psychosocial disabilities may not be able to provide information about their trafficking experience, due to communication difficulties or because of trauma. Another practical challenge to reporting identified in our research in Indonesia, the Philippines and Thailand is the fact that reporting mechanisms such as hotlines are not always accessible for persons with different types of disabilities (Jackson et al. 2024).

These challenges with identification mean that 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.

Support services and recovery

Key points

- Most support services are delivered through NGOs. The reliance on NGOs is challenging, particularly because most NGOs receive very little government funding and funding from international donors is often not sufficient to provide the kind of long term care that victims of trafficking with disabilities need.
- Shelters are generally not accessible, specialist rehabilitation services are limited, and staff in existing service providers do not always have the skills to meet the needs of persons with disabilities.
- Cambodia does not have enough psychiatrists, psychologists and qualified counsellors to meet the need and mental health services are largely concentrated in urban areas.
- Significant social stigma around issues of mental health makes people reluctant to seek help.
- Lack of accessible transport and infrastructure, as well as the cost of travel and lost income from time taken away from work can make it difficult for victims of trafficking to access services over the medium to longer term.
- Victims of trafficking with disabilities are at significant risk of re-trafficking, including because they face difficulties in accessing social assistance and barriers to participating in vocational training programs.

A range of services are available for people who have been identified as victims of trafficking or presumed victims of trafficking in Cambodia. This includes services designed to meet short- and medium-term needs for housing and shelter, medical treatment, psychological support and counselling, administrative and legal assistance, and protection as well as support for economic recovery such as education and training in vocational or life skills (Johnson et al. 2020; Rapid Asia 2022). These are outlined in the 2009 Minimum Standards for Protection of the Rights of Victims of Human Trafficking (Prakas No. 857).

The main government agency responsible for coordinating recovery support for victims of trafficking – including those with disabilities and both Cambodian and foreign trafficking victims – is the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSYV). A workshop participant reported that the Ministry coordinates

with NGOs – as well as Organisations of Persons with Disabilities - to ensure that victims receive services, and refers victims with disabilities to appropriate services, if they are available. The Ministry also collaborates with hospitals, ensuring that victims receive affordable health services.

Box 7: Learning from each other

Hor works for an anti-trafficking NGO in Cambodia. Recently, the organisation has been working as part of a coalition of anti-trafficking organisations and organisations for persons with disabilities. They have developed a learning and training hub that enables members to share information and learn from each other. Hor explained that this approach has strengthened relationships between these organisations, expanded the services available to victims of trafficking with disabilities and helped make services more accessible and inclusive. Members of the coalition have also begun to work together in advocacy efforts to strengthen anti-trafficking initiatives.



Box 8: Meeting the needs of trafficking victims with disability

An NGO representative consulted for this report shared the strategies their organisation used to adjust their services to meet the needs of persons with disabilities. These included:

- Developing a policy and guidelines for persons with disabilities that cover the prevention, intervention and protection stages.
- Engaging and collaborating with other organisations with experience working with persons with disabilities, including organisations of persons with disabilities.
- Providing training to their staff on disability inclusion so they are equipped with the skills they need to work with persons with disabilities.
- Allocating additional funds in organisational budgets to address the needs of persons with disabilities, in recognition of their additional, specialist needs.



Most recovery services in Cambodia are delivered by NGOs through a Memorandum of Understanding with the Ministry of Social Affairs, Veterans and Youth Rehabilitation. Workshop participants reported that both NGO and government-run services need to comply with the Minimum Standards for Protection of the Rights of Victims of Human Trafficking. The Ministry conducts annual monitoring against these standards and provides recommendations for improvement, or issues warnings or fines to the relevant entities.

Recovery services for victims of trafficking are largely provided within shelters, although community-based care is growing, expanding access to services for those who prefer not to reside in shelters or once they leave (Aberdein and Zimmerman 2015; L. C. Tsai, Lim, and Nhanh 2022; L. C. Tsai et al. 2021). Most shelters are run by NGOs, although a government-run victim support centre opened in Banteay Meanchey province in 2023 (Office to Monitor and Combat Trafficking in Persons, U.S Department of State 2024). NGO representatives at the workshop said the reliance on NGOs to deliver services was challenging, particularly when most receive very little government funding and funding from international donors is often not sufficient to provide the kind of long term care that victims of trafficking with disabilities need (see also Aberdein and Zimmerman 2015; Office to Monitor and Combat Trafficking in Persons, U.S Department of State 2024). In general, support services are more readily available for women and children, which means that adult men who experience trafficking can face challenges in accessing support.

While many victims benefit from the services provided by shelters, shelters are generally not accessible and services are not always delivered in a way that is trauma informed and client centred. Research on victim-survivors of sex trafficking in Cambodia, for example, suggests that restrictions on freedom, strict rules and harsh treatment by some shelter staff can exacerbate victims' stress and anxiety and their sense of disempowerment, hampering their recovery (L. C. Tsai et al. 2021; L. C. Tsai, Lim, and Nhanh 2022). Participants in the workshop also said they faced challenges in coordinating and communicating with the multiple organisations required to provide victims of trafficking with disabilities with the comprehensive support they need to recover. They also said that specialist rehabilitation services were limited, and that staff in existing service providers did not always have the skills needed to work with persons with disabilities.

As in other Southeast Asian countries, limited access to psychiatric treatment and mental health support is a significant barrier to recovery (Jackson et al., 2024). The available research suggests that Cambodia does not have enough psychiatrists, psychologists and qualified counsellors to meet the need and there are limited options for ongoing professional development for staff working in trafficking recovery services. Mental health services are also largely concentrated in urban areas, although there are

efforts to expand access in rural and regional areas. There are particular challenges with meeting the needs of male victims of trafficking, persons with disabilities, including those with more severe psychosocial (mental health) disabilities, and children with disabilities. Significant social stigma around issues of mental health also makes people reluctant to seek help (Aberdein and Zimmerman 2015).

Research suggests that access to services, particularly outside major cities, is a significant challenge to reintegration. According to workshop participants, this is exacerbated by the lack of accessible transport and infrastructure, as well as the cost of travel and lost income from time taken away from work to access a service (Aberdein and Zimmerman 2015). Difficulties in accessing social assistance for persons with disabilities also makes meeting basic needs a challenge, with workshop participants suggesting that victims of trafficking with disabilities find the processes for applying for these programs complicated and difficult to navigate (see also Aberdein and Zimmerman, 2015). Participants in the workshop also noted that persons with disabilities who have been trafficked experience a range of barriers to accessing vocational rehabilitation. These barriers include obligations to family that prevent them from participating in training programs and concerns about the loss of income or the costs involved in participating in training. The financial stress that results from this can increase the risk of re-trafficking.

Access to legal services and justice

Key points

- Many victims of trafficking with disabilities are reluctant to participate in legal proceedings, including due to fear of retaliation from traffickers, particularly in cases where family members were the perpetrators, or because they don't understand their rights or how to access legal assistance.
- Accessibility of court buildings and facilities is limited, and there is little funding and few mechanisms to ensure that persons with disabilities have access to reasonable accommodations.
- Legal professionals and court officials often do not have a strong understanding of the needs of persons with different disabilities.
- A lack of sign language interpreters makes communication with victims of trafficking who are deaf or hard of hearing very difficult.
- Persons with disabilities are often not considered to be credible witnesses.

Victims of trafficking 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 (Office for Victims of Crime and Bureau of Justice Assistance 2015; Sumner 2023). Under Cambodia's anti-trafficking law, all victims have the right to legal assistance and to have legal information explained to them in a way they can understand. The 2009 Minimum Standards for Protection of the Rights of Victims of Human Trafficking (Prakas No. 857) includes details about the legal services to which victims of trafficking are entitled (Johnson et al. 2020). Cambodia's Constitution and Criminal Procedure Code also contain provisions regarding legal aid, which is provided by the Bar Association, NGOs or public interest law firms. However, recent research has suggested that legal aid services provided by NGOs are limited and victims are often reluctant to seek legal assistance from public interest law firms (Rapid Asia, 2022).

The 2009 Minimum Standards for Protection of the Rights of Victims of Human Trafficking also outline victims' rights in relation to access to justice. However, a significant obstacle to justice is victims' reluctance to participate in legal proceedings. Research from the region suggests that there are a number of reasons for this, 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). Participants in the Cambodia national workshop confirmed that fear of traffickers was a significant obstacle for victims of trafficking with disabilities and there had been cases where persons with disabilities had been threatened and intimidated by traffickers. This is compounded by the fact that Cambodia does not have strong victim and witness protection programs for those involved in criminal proceedings (LSCW 2024). The psychological abuse experienced during trafficking also means that some victims are unable to recount their experiences, which hinders their access to justice. Consistent with findings from research in Indonesia, the Philippines and Thailand, participants in the Cambodia national workshop said that victims of trafficking with disabilities were often reluctant to pursue legal action when a family member was involved in their exploitation. Workshop participants also noted that low levels of education, lack of accessible and understandable information and limited participation by persons with disabilities in community events and meetings means that they often do not have a good understanding of their legal rights or how to access legal services. For example, there are limited Braille resources available for persons with visual impairments.

The 2009 disability law in Cambodia guarantees the rights of persons with disabilities to justice and to reasonable accommodations in the justice process. The new draft disability law may strengthen these provisions, however, in practice, many trafficked

victims with disabilities – and persons with disabilities who engage with the justice system more broadly – still face a range of challenges. Workshop participants reported that the court system has limited human resources, little funding and few mechanisms to ensure that persons with disabilities have access to reasonable accommodations to enable them to participate in investigative and trial procedures. This means that courts often depend on the Ministry of Social Affairs, Veterans and Youth Rehabilitation to provide these. Workshop participants also said that legal professionals and court officials often did not have experience engaging with persons with disabilities or strong understanding of the needs of persons with different disabilities. They also reported that accessibility of court buildings and facilities was limited, and that broader issues with accessibility of infrastructure made it difficult for persons with disabilities to travel to court hearings.

Workshop participants raised a range of concerns around communication challenges in legal proceedings. In particular, they noted that although people who are Deaf or hard of hearing are entitled to a sign language interpreter (provided by the court, or through the Department of Social Affairs or an NGO), in practice, this does not always occur. There are very few qualified sign language interpreters in Cambodia, including those who are experienced in working in courts. Limited education in sign language also means that many Deaf and hard of hearing Cambodians do not know standard sign language and may instead communicate using non-standard signs or gestures. This makes it very difficult for them to file a complaint, provide information to investigators or give evidence during legal proceedings. An NGO representative at the workshop reflected based on their experience that without the support of NGOs, it was very difficult for persons with disabilities to be considered a credible witness.

Consistent with findings from our research in Indonesia, the Philippines and Thailand, workshop participants in Cambodia reported that there were particular challenges in engaging persons with psychosocial (mental health) disabilities or intellectual disabilities in legal proceedings. In some cases, victims were unable to give evidence. Courts do have procedures for persons with intellectual disabilities, including a provision for them to be accompanied by a guardian or support person from a relevant organisation. However, workshop participants reported that there were limited mechanisms to support persons with intellectual disabilities to give evidence. Evidence provided by persons with psychosocial disabilities was often not considered credible, so investigators and judges had to rely on other evidence.

STRENGTHENING THE RESPONSE



Stakeholders at the national consultation workshop made the following suggestions for strengthening the response to trafficking in persons and disability. An important principle identified by participants is that persons with disabilities should be included in all discussions and processes aimed at strengthening Cambodia's response to trafficking in persons.

Prevention of trafficking in persons

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

- Focusing prevention efforts on skills development and income generation for persons with disabilities to help address poverty and lack of employment opportunities – a key factor contributing to the vulnerability of persons with disabilities to trafficking.
- Conducting public outreach to disseminate information on existing laws, policies, and regulations protecting persons with disabilities.
- Developing information and awareness materials on trafficking targeted to persons with disabilities and their families to increase community knowledge of this issue.

Identification, support services and recovery

To improve identification, support services and recovery efforts could usefully focus on:

Victim identification

- Establishing Standard Operating Procedures for victim identification which include disability.
- Providing training to frontline officers in identification of victims of trafficking with disabilities.
- Engaging specialist officers and health personnel in the identification process to support identification of persons with disabilities, particularly those with non-apparent disabilities.
- Considering including questions from the Washington Group Short Set of Questions on Functioning – Enhanced or the Washington Group/UNICEF Child Functioning Module questions in identification processes to support officers to identify types of disabilities. Questions could also be developed collaboratively by the Disability Action Council and the National Committee for Counter Trafficking.
- Ensuring that identified victims of trafficking with disabilities are aware of the services that are available to support their recovery and rehabilitation.

Support services and recovery

- Disseminating information and conducting professional development training for frontline officials, shelter staff and social workers to build their knowledge and skills in tailoring support for recovery and rehabilitation to the needs of persons with disabilities, including newly appointed personnel. This should include a focus on inclusive language and behaviour and appropriate referral pathways for accessing specialist services.
- Identifying existing sources of specialist skills – such as sign language interpreters – or provide training for staff in these skills.
- Strengthening collaboration between government agencies, civil society organisations, international organisations and the private sector to ensure that victims of trafficking with disabilities can access comprehensive services to support recovery and reintegration.
- Ensuring that adequate funds are allocated to enable victims of trafficking to access comprehensive services to ensure that their recovery and rehabilitation is effectively supported.
- Expanding access to rehabilitation services and support for safe return.
- Facilitating regular knowledge sharing opportunities for organisations working with people with disability and those working on trafficking to help break down silos.

Access to justice

To improve access to justice, efforts could usefully focus on:

- Ensuring that victims of trafficking with disabilities have access to legal services, including support during the investigation and to prepare for court hearings.
- Ensuring that proper procedures are followed during legal proceedings, including ensuring that victims of trafficking with disabilities have documentation of their disability from the Ministry of Health so that this can be used as evidence and to ensure the trafficker receives the appropriate sentence.
- Ensuring that court proceedings are victim-centred, including establishing processes which enable victims of trafficking with disabilities to give evidence without having to face their trafficker.
- Improving accessibility and inclusiveness of the courts, including by providing training to improve disability awareness among court officials, providing separate spaces in court for persons with disabilities who may require a different environment, having social workers available who can support persons with disabilities, improving access to sign language interpreters and engaging communication support workers to enable people with intellectual disabilities or communication impairments to communicate effectively.

National strategy, policy and legislative framework

- Developing a strategic plan focused on victims of trafficking with disabilities, together with a budget, and monitoring and evaluation plan and conduct mid-term and final reviews of the strategy.
- Over the longer term, using disaggregated data to update laws and policies to better protect and support victims of trafficking with disabilities.

Disability-disaggregated data and reporting

- Including indicators on disability in standards for data collection (including existing disabilities and disabilities acquired as a result of trafficking) to ensure that national data on victims of trafficking can be disaggregated by disability. These could be developed collaboratively by the Disability Action Council and the National Committee for Counter Trafficking.

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LaTrobe University acknowledges that our campuses are located on the lands of many traditional custodians in Australia.

We recognise their ongoing connection to the land and value their unique contribution to the University and wider Australian society.

We are committed to providing opportunities for Indigenous Australians, both as individuals and communities through teaching and learning, research and community partnerships across all of our campuses.

La Trobe University pays our respect to Indigenous Elders, past, present and emerging and will continue to incorporate Indigenous knowledge systems and protocols as part of our ongoing strategic and operational business.

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