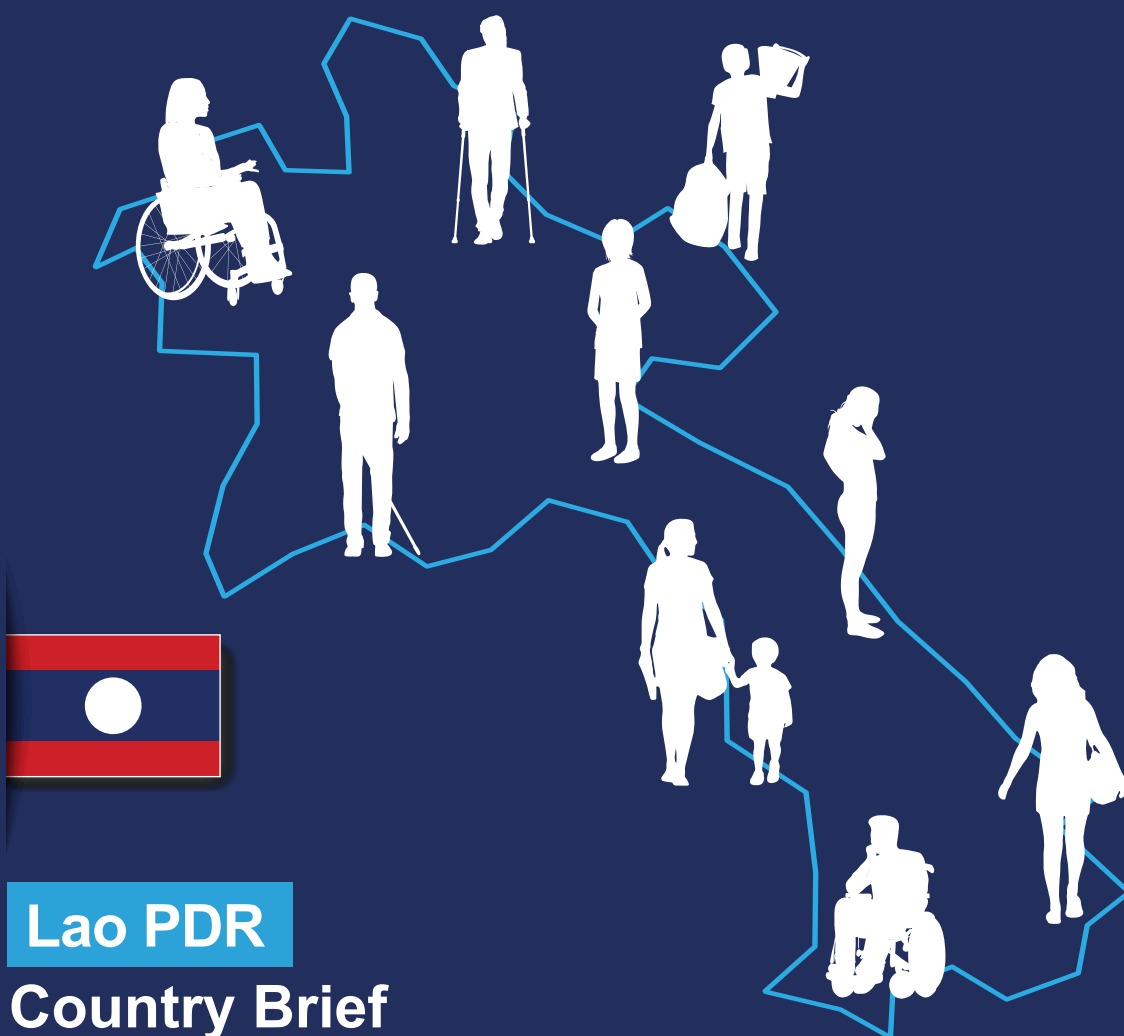


Exploring the intersection between **disability** and **trafficking**



Lao PDR
Country Brief

MARCH 2025



This study by the Australian Government funded ASEAN-Australia Counter Trafficking program (ASEAN-ACT) was conducted by La Trobe University. The views expressed in this study are the authors' alone and do not necessarily represent the views of the Australian Government.

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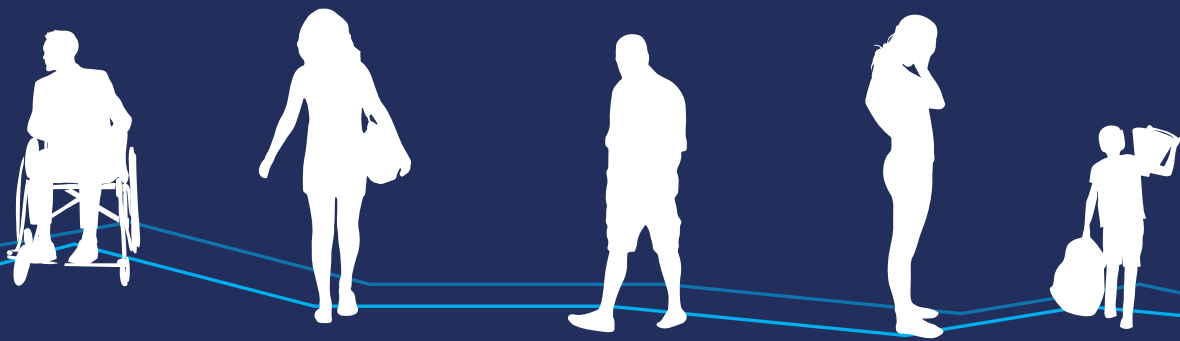
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Acknowledgements

This report was prepared by Elisabeth Jackson, Thushara Dibley, Nurul Qoiriah and Phadsada Chanthavong with strong support from the ASEAN–Australia Counter Trafficking (ASEAN-ACT) team in Lao People’s Democratic Republic (Lao PDR), including Manichanh Keoviriyavong, Maninout Vongvilaxai and Soubin Siphakdy.

ASEAN–Australia Counter Trafficking (ASEAN-ACT) and the authors would like to express sincere thanks to the participants from government agencies, non-government organisations and Organisations of Persons with Disabilities at the Lao PDR National Workshop on Exploring the Intersection Between Disability and Trafficking in Persons in ASEAN, held in Vientiane on 19–20 September 2024, and in particular to representatives from the Disability Mainstreaming and Advisory Service (DMAS) Center, Lao Disabled People’s Association (LDPA), Association Autism, The Aid Children with Disabilities Association (ACDA) National Secretariat to the National Committee on Anti-Human Trafficking in Persons and the Lao Women’s Union whose insights and experience informed this report.

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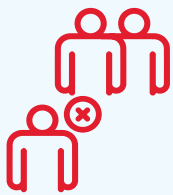


Key findings and recommendations



Trafficking and disability in Lao PDR

- It is very difficult to obtain a full picture of the extent and nature of the problem of trafficking and disability in Lao PDR. This is in part because - like other countries in the region - Lao PDR does not collect or disaggregate data on identified and/or assisted victims of trafficking by disability.
- The lack of data is likely due to several factors, including the challenges that frontline responders face in recognising non-apparent disabilities, as well as fear, social stigma, and the impact of trauma, which make victims reluctant or unable to report what has happened to them.
- Persons with disabilities experience all forms of trafficking. In line with broader trafficking patterns in the ASEAN region, sex and labour trafficking are the most common. This includes both adults and children.
- Anecdotally, trafficking of persons with disabilities is often perpetrated by family members.
- Migrants from Lao PDR who experience sexual or labour exploitation or abuse often sustain injuries, illness or trauma which can lead to disability. In some cases, organisations supporting victims of trafficking were unable to determine whether victims' disabilities existed prior to being trafficked and were made worse through the experience of being trafficked, or were acquired as a result of their trafficking experience.
- The psychological impacts of trafficking are exacerbated by the challenges in accessing mental health care and the stigma associated with mental health issues.



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 Lao PDR have a Disability Certificate and social stigma makes people reluctant to disclose their disability.
- Limited access to quality education means persons with disabilities may not have the skills and knowledge to make judgements about exploitative situations, may be more susceptible to deceptive recruitment, and may be less aware of their rights, including their sexual and reproductive health rights.
- There is a lack of accessible and understandable information on trafficking in persons targeted to persons with disabilities.
- A lack of decent employment opportunities within Lao PDR is a significant factor driving people to seek work in neighbouring countries, most commonly Thailand, often as irregular migrants. This can mean that people are at risk of working situations where they are exploited or mistreated.
- 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. Women with disabilities in Lao PDR face intersecting disadvantage and potentially greater risks of exploitation and trafficking.
- Persons with particular types of disabilities – or levels of support needs – can be vulnerable to certain forms of trafficking.



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, Lao PDR has committed to ensuring that persons with disabilities are protected from trafficking and exploitation and are able to access recovery services and justice.

- Vietnam 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.
- In line with Article 5 of ACTIP, Lao PDR's 2016 Law on Anti-Trafficking in Persons recognises the potential for trafficking to lead to disabilities (Article 14) and imposes harsher penalties for cases of trafficking which result in a person acquiring a disability (Article 89).
- Lao PDR's 2018 Law on Persons with Disabilities outlines the rights and entitlements of persons with disabilities, though not it does not mention trafficking specifically.
- Lao PDR's 2014 Law on Prevention and Combating of Violence against Women and Children (Law No. 56/NA/2014) provides 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 Lao PDR, in part because of the difficulties in identifying exploitation carried out by family members and because many victims do not report their experiences, including because of social stigma or because family members are involved in their trafficking.
- Existing screening forms in Lao PDR do not capture information about disability and frontline staff responsible for screening and identification have limited understanding of different disabilities.
- There is a significant shortage of sign language interpreters. Communication with deaf and hard of hearing victims is also made more difficult because many people do not use a standard sign language.
- In some cases, the victim's mental health may make it challenging to interview them for identification purposes.



Barriers to support services

- Counter-trafficking stakeholders have a limited understanding of the intersection between trafficking and disability, and therefore do not recognise the need to allocate sufficient resources for accessibility and reasonable accommodation.

- Support services often operate with limited funding and staff. This makes it particularly challenging for victims of trafficking, especially those with disabilities, to access the support they need over the medium to long term.
- Physical accessibility of shelters and other facilities is a key obstacle in providing services for victims of trafficking with disabilities.
- Frontline staff often lack the skills to communicate with and support persons with disabilities.
- There are considerable challenges in access to psychiatric treatment and mental health support in Lao PDR.
- Most recovery services are shelter-based, and access to services outside the capital is limited.
- Stigma associated with trafficking – particularly sex trafficking – and disability – is a significant barrier to successful reintegration and that shame can lead family members to reject victims of trafficking.



Barriers to justice

- Many victims of trafficking with disabilities are reluctant to participate in legal proceedings, including due to social stigma and fear of retaliation from traffickers, particularly in cases where family members were the perpetrators, as well as concerns about the cost of legal action and a lack of formal justice services outside urban areas.
- There are no clear guidelines to support criminal justice personnel in calculating compensation, including compensation for damages related to trafficking-induced disabilities.
- Legal aid assistance is available for victims upon request; however, many trafficking victims are unaware of their entitlements under anti-trafficking laws. Additionally, information about their rights is not available in formats suitable for persons with different disabilities.
- Justice agencies and civil society organizations providing paralegal support often lack awareness and understanding of the intersection of trafficking and disability, including the broader definition of disability outlined by the CRPD.
- Police stations and courts have not yet been made accessible to individuals with disabilities.



Recommendations

Key recommendations include:

- Revising and strengthening existing laws and policies to address the unique vulnerabilities persons with disabilities face in the context of trafficking and exploitation and provide better protection.
- Training frontline staff at different levels to recognise different types of disability and how to provide support to persons with disabilities.
- Strengthening links between service providers and stakeholders in sectors such as education, health care and social services to contribute to a more integrated support system that addresses the multifaceted needs of victims.
- Including the Washington Group questions in data collection forms, victim identification guidelines, and support services intake forms.
- Providing guidance on how officials should support and accommodate individuals during investigation, prosecution or court hearings, such as providing sign language interpreters and legal representation.
- Training officials involved in the justice system on how to effectively support persons with disabilities throughout the justice process.



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 (Jagoe, Toh, and Wylie 2022; Office for Victims of Crime and Bureau of Justice Assistance, n.d.; Carey and Peterson 2020; Nichols and Heil 2022). 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 (García-Vázquez & Meneses-Falcón, 2024; Ottisova et al., 2016; Zimmerman et al., 2011). 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. A national consultation workshop in Lao PDR was held over two days in September 2024 and was attended

by a total of 17 people from various government agencies, non-government organisations involved in counter-trafficking and organisations of persons with disabilities. Three one on one consultations were also conducted with key stakeholders to gain deeper insights. 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 Lao PDR, 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, p. 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.



LAO PDR

TRAFFICKING AND DISABILITY IN LAO PDR



Key points

- It is very difficult to obtain a full picture of the extent and nature of the problem of trafficking and disability in Lao PDR. This is in part because - like other countries in the region - Lao PDR does not collect or disaggregate data on identified and/or assisted victims of trafficking by disability.
- The lack of data is likely due to several factors, including the challenges that frontline responders face in recognising non-apparent disabilities, as well as fear, social stigma, and the impact of trauma, which make victims reluctant or unable to report what has happened to them.
- Persons with disabilities experience all forms of trafficking. In line with broader trafficking patterns in the ASEAN region, sex and labour trafficking are the most common. This includes both adults and children.
- Anecdotally, trafficking of persons with disabilities is often perpetrated by family members.
- Migrants from Lao PDR who experience sexual or labour exploitation or abuse often sustain injuries, illness or trauma which can lead to disability. In some cases, organisations supporting victims of trafficking were unable to determine whether victims' disabilities existed prior to being trafficked and were made worse through the experience of being trafficked, or were acquired as a result of their trafficking experience.
- The psychological impacts of trafficking are exacerbated by the challenges in accessing mental health care and the stigma associated with mental health issues.

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 around 1.2 million people in Lao PDR.¹

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 Lao PDR - obtaining accurate data on the number of trafficked

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. Analysis of the 2015 Population Census, for example, found an overall disability prevalence of 2.77% among those aged over 5 years which translates to 160,881 people (Ministry of Planning and Investment, Lao Statistics Bureau, 2020).

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.² 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). 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).

Participants in the national consultation workshop indicated that neither government agencies nor non-government organisations in Lao PDR currently collect data on disability for identified and/or assisted victims of trafficking. While workshop participants gave examples of persons with disabilities trafficked into forced labour, forced begging, sex trafficking and forced marriages as well as cases in which victims of trafficking had acquired physical and psychosocial (mental health) disabilities, there was a limited sense among stakeholders of the possible scale of the problem. Workshop participants suggested that the lack of data about disability and trafficking was likely due to several factors. On the one hand, frontline responders may not be able to recognise less visible disabilities, including intellectual, neurological or learning disabilities or psychosocial (mental health) disabilities. At the same time, fear and social stigma – as well as the impact of trauma – can make victims reluctant or unable to report what has happened to them.³ Family members may also be unwilling to disclose details or may themselves be involved in the trafficking.

Trafficking of persons with disabilities

Consultations undertaken for this report suggest that the types of trafficking persons with disability experience in Lao PDR mirror broader trafficking patterns in the ASEAN region. Participants in the national consultation workshop and one on one

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- 2 Lao PDR used the Washington Group Short Set of Questions on Functioning in the 2015 census (Ministry of Planning and Investment, Lao Statistics Bureau, 2020) and plans to use them again in the next census in 2025 (Lao Statistics Bureau & UNFPA Lao PDR, 2022). The Washington Group Short Set of Questions on Functioning – Enhanced includes 12 questions designed to gather information on difficulties in undertaking basic functioning activities, including seeing, hearing, walking or climbing stairs, remembering or concentrating, self-care, communication (expressive and receptive), upper body activities, and affect (depression and anxiety). It is available at <https://www.washingtongroup-disability.com/question-sets/wg-short-set-on-functioning-enhanced-wg-ss-enhanced/>. The Washington Group/ UNICEF Child Functioning Module has two versions: one for children aged 2–4 years and one for children aged 5–17 years. Both are designed for administration to mothers (or primary caregivers) and assess difficulties in vision, hearing, mobility, communication/comprehension, behaviour and learning (all ages); dexterity and playing (2–4 years); and self-care, remembering, focusing attention, coping with change, relationships and emotions (5–17 years). It is available at <https://www.washingtongroup-disability.com/question-sets/wg-unicef-child-functioning-module-cfm/>.
 - 3 Other research has suggested that migrants from Lao PDR living in Thailand are less visible in “socio-cultural, linguistic, and spatial terms”. This may add to the difficulties in identifying Laotian victims of trafficking with disabilities who have remained in Thailand (Molland, 2022, p. 45).

consultations gave examples of cases in which persons with disabilities had been trafficked domestically and internationally into forced labour in the domestic work, fisheries and agricultural sectors, as well as examples of forced begging (see Box 2, Box 3 and Box 4) (see also Office to Monitor and Combat Trafficking in Persons, U.S Department of State, 2024). They also mentioned cases of women with mild to moderate intellectual or psychosocial disabilities being trafficked into forced marriage to men in China. Forced marriage between women and girls from Lao PDR, as well as Cambodia, Vietnam and Myanmar and Chinese men has been growing over the last two decades (Annamalai, 2024; Bertrand, 2020; Lhomme et al., 2021; Whong, 2020). In other parts of the world, research indicates that women and men with intellectual disabilities are at greater risk of forced marriage (Clawson & Fyson, 2017; Groce et al., 2014; McCarthy et al., 2021; United Nations Office on Drugs and Crime, 2020).

Children with disabilities in Lao PDR can be at greater risk of some forms of exploitation. Stigma and shame mean that some families – particularly those in rural areas – keep children with disabilities at home, away from public view (UNICEF et al., 2022, p. 118; United Nations Lao PDR, 2022). Consultations for this report identified cases of forced begging involving children (see Box 2: Alang’s story). Cases of sex trafficking also often involve teenage girls (see Box 4: ‘Being a sex worker was the only way that I could earn enough money’: Phonthong’s story).

**Box 2: Children with disabilities can be forced to beg for money:
Alang’s story**

Alang and his family are Hmong. They live in Vientiane and are very poor. Alang spends his days begging at a tourist site. Tourists feel sorry for him when they see his badly burned hand. His hand didn’t always look like this. Alang’s parents deliberately burnt it with hot water so that he could earn money begging.

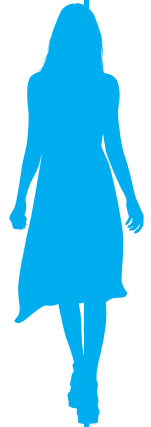
Sex trafficking of persons with disabilities has also been documented. Our research into disability and trafficking in Indonesia, the Philippines and Thailand, for example, uncovered cases in which girls and women with disabilities from Lao PDR were trafficked into Thailand where they were forced into sex work (see Box 3 and Box 4).

Box 3: 'She told me I had to work to pay back the money': Dao's story

"I came to Thailand from Lao PDR about 5 years ago, when I was 17," Dao explains. "As a person with a hearing impairment, it's hard for me to find a job in Lao PDR, especially because I didn't go to school. My aunty said that there were lots of jobs in restaurants in Thailand. I thought it sounded good."

Dao and her aunty crossed the border illegally, then travelled to southern Thailand. "When we arrived, she took me to a karaoke house. It was then I realised she had lied to me. She had brought me to be a sex worker."

Dao's aunty told her she had given money to her parents in advance and that Dao had to work the money off. "I was there for about a year, then COVID-19 hit, and everything shut down." After the karaoke house closed, Dao moved to Bangkok and started selling clothes and bags at markets. She has not been in contact with her family in Lao PDR since she left. "I'm scared my parents will tell my aunty where I am and she will take me back to the karaoke house. I'm always moving my cart to different places so she doesn't find me."



Box 4: 'Being a sex worker was the only way that I could earn enough money': Phonthong's story

Phonthong lost her hearing when she was a teenager. "I can hear a bit in my left ear, but nothing in my right ear," she explained.

When she finished primary school, one of her uncles suggested that she go to Thailand to find a job. She was smuggled over the border at night by boat with a group of other people. "My uncle told me not to talk to anyone. But if I had to say something, I should speak Thai with an Isaan accent."

Once the group arrived in Thailand, they were taken to a barn on a rice farm. "They let us stay there for a week. I was so scared because I could not hear, and I was scared of the authorities as well."

Phonthong was then taken to the south of Thailand where she worked as a domestic worker for a family. But the husband started to sexually harass her. "He liked to touch me and sometimes he would put his arms around me when I was in the kitchen." Phonthong tried to explain the situation

to his wife. “But he just told his wife that I was deaf and stupid and she shouldn’t believe me.” One day when she was on her own in the house, the husband raped her. Phonthong tried to fight. “I used a knife to stab him.” The man’s wife went to the police and told them that Phonthong attacked her husband. “When I found out she had gone to the police, I ran away. I was so scared of them.”

Phonthong returned to Lao PDR but it was hard to find a job. Her aunt suggested she could get her work as a waitress at a karaoke bar back in Thailand. Phonthong’s aunt left her at the bar and disappeared. The bar owner told Phonthong her aunt had taken her salary, and she needed to work to pay it back. Working as a waitress didn’t pay very much, so Phonthong ended up being a sex worker. “I didn’t want to be a sex worker, but I had no choice. It was the only way I could earn enough money to pay the owner back and have some left for myself.”



Trafficking leading to disabilities

Extensive research on migrants who experience sexual or labour exploitation and identified victims of trafficking in the region 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., 2015a; Pocock et al., 2016). These individuals report experiencing physical and sexual violence as well as psychological violence (including insults, threats, intimidation, verbal abuse, restrictions on freedom, withholding of food or other basic necessities, or enforced sleep deprivation) during the time they are trafficked. Many are also subject to poor living and working conditions, dangerous work, and inadequate medical care, which can also lead to long-term illness or injuries.

For example, a study of Lao migrants working in Thailand found that 7% of irregular migrants and 18% of regular migrants reported experiencing severe or very severe physical violence in their workplace and 14% of regular migrants reported severe or very severe sexual and/or other harassment at the workplace. This study also found that around two thirds of irregular migrants worked over 9 hours per day and up to 18 hours, 7 days a week. Despite this, very few migrants – either regular or irregular – say that they are unhappy with their working conditions (IOM & ARCM, 2016; Olsen & Boll, 2018; see for example UN-ACT, 2015; Xayamoungkhoun & Harkins, 2023). This suggests that labour migrants consider some level of exploitation as normal, and – unless it is extreme – an acceptable trade-off for the economic benefits that come with labour migration (see also Huijsmans 2006, 24).



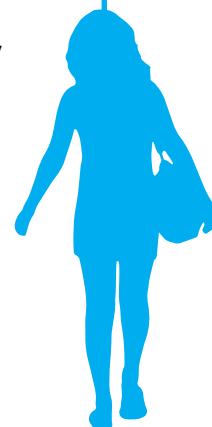
Among victims of trafficking, research suggests that levels of physical, psychological and sexual violence are significantly higher. A 2009 study found that child victims of trafficking in Lao PDR commonly experienced violence, abuse, and threats as well as long working hours, poor quality food and limited access to health services (UNICEF & Ministry of Labour and Social Welfare, 2009). A 2014 study of over 1000 victims from Vietnam, Cambodia, Thailand, Myanmar and Lao PDR found that nearly half reported experiencing physical and/or sexual violence during the time they were trafficked (Zimmerman et al., 2014). Research on workers from Lao PDR and elsewhere in the region trafficked into the Golden Triangle Special Economic Zone also finds high levels of physical and sexual abuse (Jespersion et al., 2023; Office of the United Nations High Commissioner for Human Rights Regional Office for South-East Asia, 2023; Southern & Kennedy, 2022).⁴ In addition, extensive research on the health of sex workers working in Lao PDR and in Thailand finds that they are at significant risk of acquiring HIV/AIDS as well as other sexually transmitted infections, experiencing complications from unsafe abortion, and drug addiction (Andrews et al., 2015; International Organization for Migration, 2023; Phrasisombath, 2012; Phrasisombath et al., 2013; Phrasisombath, Fixelid, et al., 2012; Phrasisombath, Thomsen, et al., 2012; Surit et al., 2022) which can lead to chronic illness and disability.

4 The Golden Triangle Special Economic Zone - a 100km² area leased by the government of Lao PDR to a Chinese businessman - has been widely reported to be a hub for labour and sex trafficking (Denney & Xayamoungkhoun, 2023, p. 29; Jespersen et al., 2023; Kennedy & Southern, 2022; Office of the United Nations High Commissioner for Human Rights Regional Office for South-East Asia, 2023), with workers lured by the promise of high salaries finding themselves working in industries linked to the casinos, including sex work.

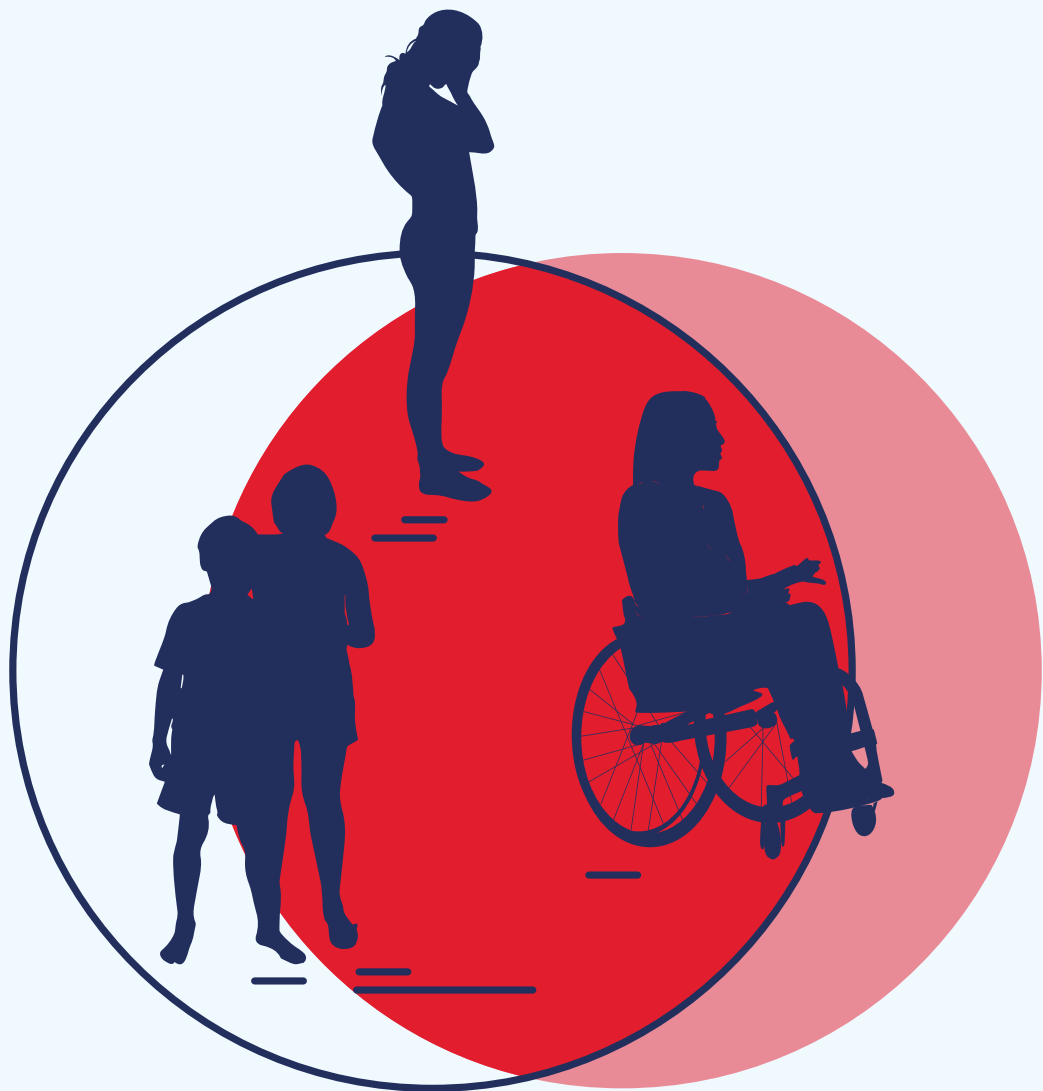
The few examples shared by participants at the national consultation workshop involved cases in which victims of trafficking developed psychosocial (mental health) disabilities as a result of their trafficking experience. A number of these were women and girls who had returned to Lao PDR from China after leaving forced marriages (see Box 5). However, stakeholders consulted for this report also explained that a common challenge that organisations supporting victims of trafficking faced was determining whether victims' disabilities existed prior to being trafficked and were made worse through the experience of being trafficked, or were acquired as a result of their trafficking experience.

Box 5: Forced marriage can have significant impacts on mental health: Sana's story

Sana's friends and neighbours often referred to her as 'slow', so she may have had a mild intellectual or learning disability. As a young woman, she was forced into marriage with a Chinese man. This experience had a significant impact on her mental health. When Chinese authorities returned her to Lao PDR, she was severely distressed. The only thing she had with her was a mobile phone. The phone had photos of children on it, which police assumed were her children. Even though Sana was treated at a hospital, her condition did not improve. This meant she was unable to give police any information about what had happened to her.



VULNERABILITY TO TRAFFICKING



Key points

- Persons with disabilities and their families experience higher levels of poverty, which is strongly linked to trafficking risk.
- Very few persons with disabilities in Lao PDR have a Disability Certificate and social stigma makes people reluctant to disclose their disability.
- 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.
- A lack of decent employment opportunities within Lao PDR is a significant factor driving people to seek work in neighbouring countries, most commonly Thailand, often as irregular migrants. This can mean that people are at risk of working situations where they are exploited or mistreated.
- 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. Women with disabilities in Lao PDR face intersecting disadvantage and potentially greater risks of exploitation and trafficking.
- Persons with particular types of disabilities – or levels of support needs – can be vulnerable to certain forms of trafficking.

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.

Households in which there is a person with a disability are often under added financial stress, including due to additional medical or other costs, such as transportation to clinics or hospitals, carers or the use of assistive devices (Mitra et al., 2017). These additional costs impact on poverty rates. Available data suggests that there is a higher percentage of persons with disabilities in the poorest households in Lao PDR and that persons with disabilities have a much lower standard of living than people on the same income with no disability. Rates of disability are higher in poor, rural areas and among ethnic groups which experience higher rates of poverty (Ministry of Planning and Investment, Lao Statistics Bureau, 2020). Participants in the national consultation workshop reported that high living costs combined with poverty contributed to driving people to seek and accept employment under exploitative conditions.

These issues are exacerbated by gaps in social protection for poor households and persons with disabilities. Lao PDR's 2018 Law on Persons with Disabilities outlines specific benefits for persons with disabilities, including access to free assistive devices, free health care and rehabilitation for persons with disabilities from poor households, free education and vocational training, and tax exemptions for small businesses owned by persons with disabilities. The Law on Social Security also provides for unemployment benefits for persons with long-term disabilities and monthly subsidies for families who are not able to work because they need to care for children with disabilities. Some support is also available in the form of cash and in-kind transfers and subsidised rehabilitation services. However, one on one consultations undertaken for this report indicated that very few people have received a Disability Certificate from the Ministry of Health, which is required to be eligible for these benefits. Limited national-level data on those requiring disability benefits also makes it difficult to target and deliver government support. Many persons with disabilities are also not aware of these benefits and programs or are reluctant to disclose a disability because of fears of social stigma (see also Lao Disabled People's Association, 2022; United Nations Lao PDR, 2022).⁵

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 (see Box 6). These skills can help people make better judgements about situations that are potentially exploitative.

5 Increasing access to social protection is an important area of focus in the National Action Plan on Persons with Disabilities (2020-2030) (United Nations Lao PDR, 2022).

Persons with disabilities in Lao PDR have less access to education than people without disability. Consultations undertaken for this report highlighted that schools often face challenges in accommodating students with disabilities, particularly schools in provincial areas. Despite the right to education for persons with disabilities being recognised in both the disability and education laws, research has found that many children with disability do not attend school because of mobility and accessibility issues as well as “biases about their capabilities” (Thoresen et al., 2017, p. 212); Khamvongsa & Russell, 2009, p. 301). Those who do attend school often experience bullying and discrimination (Phanthalangsy, 2023). As a result less than half of all children with disabilities attended primary school in 2015 and literacy rates of persons with disabilities were 53%, significantly below the national literacy rate of 86 per cent (Lao Statistics Bureau, 2016; Ministry of Planning and Investment, Lao Statistics Bureau, 2020).

People with certain types of disabilities, particularly non-apparent disabilities such as intellectual, developmental or learning disabilities, or complex disabilities, are even further marginalised within the education system. While there are three special education schools across the country for children with disabilities (Vongsaly 2021), an evaluation of an inclusive education project run between 1993-2009 (prior to the disability law being passed) indicated that approaches to inclusive education did not meet the needs of children with sensory loss, complex needs or students with disability who did not attend school (Grimes et al., 2013). There are also few services for children with intellectual disabilities in Lao PDR (Thoresen et al., 2017, p. 211).

Across the region, there are gaps in the provision of education and information about sexuality, sexual health, and sexual and reproductive rights among persons with disabilities, particularly women (Carew et al., 2022; Tsuda et al., 2017; Vaughan et al., 2015; Women Enabled International & Disability Rights International, 2019). Lao PDR has taken significant steps to expand access to comprehensive sexuality education in primary and secondary schools (UNESCO, 2023), but there is limited information on whether this is provided to persons with disabilities. Lack of information means that persons with disabilities may not recognise unhealthy relationships, false promises, inappropriate sexual contact or exploitative situations. Limited awareness of digital safety among persons with disabilities can also mean they are vulnerable to online exploitation.

Finally, a lack of information about trafficking that is targeted at persons with disabilities and limited information in accessible and understandable formats means that persons with disabilities may not recognise risky or exploitative situations or know where to go for help.

Employment and livelihood opportunities

Lack of employment and livelihood opportunities are a significant driver of trafficking and are linked to both poverty and education. In Lao PDR, employment opportunities outside the agricultural sector are limited and wages are lower than other countries in the region. Stakeholders consulted for this report emphasised that a lack of decent employment opportunities within Lao PDR was a significant factor driving people to seek work in neighbouring countries, most commonly Thailand, often as irregular migrants. This can mean that people are at risk of working situations where they are exploited or mistreated (see also Huijsmans, 2016, 18).

Persons with disabilities in Lao PDR face particular challenges in employment. Low levels of education often limit the options available to them. Workplaces are generally not physically accessible and there is limited access to assistive devices which could enable participation in employment (Lao Disabled People's Association, 2022). Poor infrastructure, especially in rural areas, makes access to employment and livelihoods opportunities challenging (Phanthalangsy, 2023). Persons with disabilities also experience significant discrimination, including because of negative perceptions about their capabilities as well as employers' reluctance to accommodate their needs (Lao Disabled People's Association, 2022). Stakeholders consulted for this report and national workshop participants highlighted that lack of access to employment is a key contributor to the vulnerability of persons with disabilities in Lao PDR and that lack of employment opportunities – together with social stigma and discrimination – drives persons with disabilities to seek work outside of Lao PDR.

These challenges means that persons with disabilities in Lao PDR are much less likely than those without disability to be employed (46.5 per cent compared to 68.4 per cent) (Ministry of Planning and Investment, Lao Statistics Bureau, 2020). This is particularly the case for adults with communication impairment, memory difficulties or intellectual disabilities (Ministry of Planning and Investment, Lao Statistics Bureau 2020; Thoresen et al. 2017, 211).

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. Women with disabilities in Lao PDR face greater vulnerabilities around education and employment than men, which may make them susceptible to exploitation and trafficking. According to the 2015 census, the literacy rate of women with disabilities is less than half that of men with disabilities (Ministry of Planning and Investment, Lao Statistics Bureau, 2020). Women with disabilities are also significantly less likely to be employed than men with disabilities (Ministry of Planning and Investment, Lao

Statistics Bureau, 2020). These figures highlight systemic gender inequalities which mean that women with disabilities in Lao PDR face intersecting disadvantage and potentially greater risks of exploitation and trafficking.

Our research also suggests that vulnerability to trafficking may be influenced by 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). In Lao PDR, this is likely exacerbated by the significant stigma associated with intellectual, developmental, learning and psychosocial (mental health) disabilities and the limited services available for diagnosing and supporting these individuals (Thoresen et al., 2017, p. 211). 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).



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, Lao PDR has committed to ensuring that persons with disabilities are protected from trafficking and exploitation and are able to access recovery services and justice.
- Vietnam 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.
- Lao PDR's 2016 Law on Anti-Trafficking in Persons recognises the potential for trafficking to lead to disabilities (Article 14) and imposes harsher penalties for cases of trafficking which result in a person acquiring a disability (Article 89).
- Lao PDR's 2018 Law on Persons with Disabilities outlines the rights and entitlements of persons with disabilities, though not it does not mention trafficking specifically.
- Lao PDR's 2014 Law on Prevention and Combating of Violence against Women and Children provides additional protection for victims of trafficking, including those with disabilities, and avenues for strengthening prosecution of trafficking offenders and other types of crimes.

Lao PDR has ratified a number of the core international human rights instruments relevant to trafficking, the rights of adults and children with disabilities, and labour rights (see Table 1 and Table 2).

Table 1: Ratification of international human rights instruments by Lao PDR

United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979)	Signature: 1980 Ratification: 1981
United Nations Convention on the Rights of the Child (1989)	Accession: 1991
United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	Accession: 2006
United Nations Convention against Transnational Organized Crime (2000)	Accession: 2003
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)	Accession: 2003
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	Accession: 2003
United Nations Convention on the Rights of Persons with Disabilities (2006)	Signature: 2008 Ratification: 2009

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

C029 – Forced Labour Convention, 1930 (No. 29)	23 Jan 1964
C100 – Equal Remuneration Convention, 1951 (No. 100)	13 Jun 2008
C111 – Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	13 Jun 2008
C138 – Minimum Age Convention, 1973 (No. 138)	13 Jun 2005
C182 – Worst Forms of Child Labour Convention, 1999 (No. 182)	Minimum age specified: 14 years
C187 – Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)	13 Jun 2005

Lao PDR is also a party to a number of regional agreements on human rights (see Box 6: ‘ASEAN human rights instruments ...’). 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)

Lao PDR's 2018 Law on Persons with Disabilities (Law No. 146) replaces a 2014 decree (Decree No. 137 on the Rights of Persons with Disabilities). The new law updates the definition of disability and outlines more detailed rights for persons with disabilities in areas such as education, health, employment, access to public information and infrastructure, though not it does not mention trafficking specifically. The new law brings Lao PDR's legal framework for disability in line with the human-rights model of the United Nations Convention on the Rights of Persons with Disabilities. However, Organisations of Persons with Disabilities and other stakeholders in Lao PDR have pointed to several areas of the law which require strengthening, including the need to recognise psychosocial disabilities in the definition of disability and to make more explicit reference to rights in relation to communication and language, access to justice and legal aid services, among others (Lao Disabled People's Association, 2022; United Nations Lao PDR, 2022).⁶

Lao PDR 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 (Lao Disabled People's Association, 2022; United Nations Lao PDR, 2022).

Lao PDR's 2016 Law on Anti Trafficking in Persons (Law No.019/PM) does not explicitly recognise persons with disabilities as a distinct group vulnerable to

⁶ Lao PDR has also developed a National Strategy and Action Plan for Persons with Disabilities (2020-2030) which outlines eight priorities, including public awareness, data and statistics, healthcare, accessibility, employment, and social protection.



trafficking, as it does with children and other vulnerable groups (Article 4, points 8 and 9). Nevertheless, the law acknowledges the significant impact of trafficking on physical and mental health, including the potential for trafficking to lead to disabilities (Article 14). The law imposes higher penalties for trafficking involving children and trafficking which results in serious physical injury, and physical or psychosocial (mental health) disability. Penalties are higher still for cases in which the victim acquires a lifetime disability or is infected with HIV/AIDS (Article 89). The forthcoming revision of the law presents an opportunity to strengthen mainstreaming of disability. At the national consultation workshop, a representative from an organisation of persons with disabilities reported that discussions about the revisions have included input from representatives from the Ministry of Labour and Social Welfare about the importance of including provisions for disability inclusion. This builds on growing collaboration between the Anti-Trafficking Committee and the National Committee on Disability, which is connected to the Ministry of Labour and Social Welfare.⁷

Implementation of the anti-trafficking law is supported by a range of decrees and guidelines. These include guidelines on victim identification, and on victim protection, assistance, and referral (Johnson et al., 2020; Rapid Asia, 2022). Participants in the national workshop also mentioned the existence of manuals on investigation of trafficking in persons cases, victim-sensitive court guidelines, and guidelines on reasonable accommodation. The guidelines on reasonable accommodation stipulate that all victims of trafficking be managed using a victim centred approach and using

⁷ While coordination between actors working on trafficking and disability at the government level has increased, there has been less coordination between civil society actors in these sectors. Donor pressure has contributed to more NGOs collaborating with organisations for persons with disabilities (OPDs) and integrating disability inclusion in many project areas, however, according to an OPD representative consulted for this report, this level of coordination has not occurred in relation to trafficking.

the principles of do no harm and non-punishment. National workshop participants confirmed that while victims with disabilities are not specifically mentioned, they are accommodated through the reference to all victims of trafficking. The victim-sensitive court guidelines, however, specifically acknowledge that trafficking victims may acquire disabilities and that they may experience discrimination accessing justice. The victim-sensitive court guidelines also outline a number of principles to improve accessibility and highlight the importance of court officials being provided with suitable training. Lao PDR's National Plan of Action on Anti-Trafficking in Persons (2021–2025) does not refer specifically to disability but includes strategies to raise awareness of trafficking and strengthen protection and assistance for women, children, and vulnerable groups.

In addition to the laws on disability and trafficking, Lao PDR also has a number of other laws which provide protection for all workers, including children, and as well as laws aimed at preventing and combating domestic violence (see Table 3). For example, the 2004 Law on Development and Protection of Women criminalises trafficking and complicity in trafficking and the 2014 Law on Prevention and Combating of Violence Against Women and Children recognises forced marriage, forced prostitution and forced labour as acts of violence against women and outlines extensive rights to assistance.

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)	<p>Law on Hygiene, Disease Prevention and Health Promotion (Law No. 01) (2001)</p> <p>Law on Health Care (Law No. 09) (2005)</p> <p>Labour Law (Law No. 43) (2013)</p> <p>Social Security Law (Law No. 34) (2013)</p> <p>Trade Unions Law (Amended) (Law No. 71) (2017)</p>
Laws protecting women and children	<p>Law on the Development and Protection of Women (Law No. 08) (2004) (currently being revised)</p> <p>Law on the Protection of the Rights and Interests of Children (Law No. 05) (2007)</p> <p>Law on Prevention and Combating of Violence Against Women and Children (Law No. 56/NA) (2014).</p> <p>Adoption of Children Decree (Decree No. 194) (2014)</p>

BARRIERS TO ACCESSING SERVICES



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, which means our findings primarily reflect the perspectives and experiences of those in government and non-government organisations.

Identification

Key points

- Many victims of trafficking with disabilities are likely not being identified in Lao PDR, in part because of the difficulties in identifying exploitation carried out by family members and because many victims do not report their experiences, including because of social stigma or because family members are involved in their trafficking.
- Existing screening forms in Lao PDR do not capture information about disability and frontline staff responsible for screening and identification have limited understanding of different disabilities.
- There is a significant shortage of sign language interpreters. Communication with deaf and hard of hearing victims is also made more difficult because many people do not use a standard sign language.
- In some cases, the victim's mental health may make it challenging to interview them for identification purposes.

Identification of victims of trafficking relies on proactive approaches (such as screening at airports or 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 Lao PDR confirmed that there are multiple challenges to identifying victims of trafficking with disabilities. Indeed, representatives from the Anti-Trafficking Department who attended the workshop said that they had not received any official reports of persons with disabilities trafficked or exploited within Lao PDR or among those returned from other countries. One factor contributing to the lack of data about disability may be the fact that processes and forms used in identification are not set up to enable identification of persons with disabilities. Workshop participants noted that the current forms used to register victims of trafficking do not include questions about disability. The 2016 Victim Identification Guidelines issued by the Ministry of Public Security make only minimal reference to disability, noting that children with disabilities require a parent, teacher, expert, lawyer or guardian to accompany them when providing information. Anti-Trafficking Department officials also explained that documentary evidence, such as a disability card, is normally required for someone to be officially recognised as having a disability.⁸ Identification of disability can also be undertaken by police officers or health professionals. However, without either a disability card or formal identification of disability, officials involved in identification of victims of trafficking do not record this information. Consistent with findings from other ASEAN countries, a representative from an organisation of persons with disabilities also indicated that frontline officials involved in identification often do not have the skills to identify disabilities, particularly non-apparent disabilities such as intellectual, developmental, learning or psychosocial (mental health) disabilities.⁹ Workshop participants also said that in some cases, the victim's mental health may make it challenging to interview them for identification purposes, including because victims could not remember events clearly or accurately.

8 Although the Law on Persons with Disabilities guarantees a disability ID card for persons with all types and degrees of disability, many people do not yet have a card, with the government prioritising cards for victims of unexploded ordnance (Lao Disabled People's Association, 2022). Victims of trafficking may also not have their identity documents with them when they are rescued.

9 A representative from a Lao Organisation of Persons with Disabilities agreed with the recommendation from the study undertaken in Indonesia, the Philippines and Thailand that using the Washington Group Short Set of Questions on victim identification forms could help improve data collection on disability and that these were straightforward to use.

Box 7: Victims' mental health can make it difficult to identify them: Rathana's story

Rathana was trafficked into sex work in Thailand. When she was rescued and returned to Lao PDR, she had a mental health condition, although it was unclear whether she had a mental health condition before she was trafficked or acquired it as a result of her experiences. She had become a drug user. Rathana's condition meant that the NGO supporting her was unable to conduct a thorough interview with her to find out what had happened and refer her to authorities for formal identification.



Workshop participants and stakeholders consulted for this report also raised challenges around the lack of staff with training and experience in interviewing persons with disabilities, particularly those with communication impairments and psychosocial disabilities, and a shortage of sign language interpreters. Indeed, it has recently been estimated that there are only 10 sign language interpreters in Lao PDR. This challenge is exacerbated by the fact that Lao Sign Language is not yet officially recognised as the standardised sign language and not all deaf and hard of hearing people know or can use it (Burkhanov, 2024; Somvorachit, Promsouvanh, and Ounavong, 2021). These challenges make it difficult for officials to gather information and evidence from these victims.

Another practical challenge to reporting identified in our research in Indonesia, the Philippines and Thailand is the fact that hotlines are not always accessible for persons with different types of disabilities (Jackson et al., 2024). The inaccessibility of national hotlines for protection of women and children and for legal aid assistance has been noted by organisations of persons with disabilities in Lao PDR (Lao Disabled People's Association, 2022), although the Lao Women's Union's hotline has recently been made more accessible for persons with hearing and speech difficulties (United Nations Lao PDR, 2022). Workshop participants also noted several other barriers relating to physical accessibility and accessibility of processes to engage with persons with disabilities, including inadequate facilities, such as specialised interview rooms, and a lack of ramps and other means to make buildings accessible.

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 for Laotian victims within

Lao PDR or in countries such as Thailand (Rapid Asia, 2022, p. 31; UNICEF & Ministry of Labour and Social Welfare, 2009; United Nations Office on Drugs and Crime, 2017, pp. 208–209). Participants in the Lao PDR workshop suggested that a lack of understanding of trafficking and exploitation means that many victims – both those with existing disabilities and those who acquire disabilities as a result of trafficking – may not understand that they are victims of a crime and so do not report their experiences to authorities. Limited understanding of rights and of the risks of trafficking and exploitation is in part due to the overall lower education levels amongst persons with disabilities, but also because there have been no targeted information and outreach programs directed at persons with disabilities. Workshop participants also suggested that fear of retaliation or harm to themselves or their families, or feelings of shame and fear of social stigma also contribute to victims and their families being unwilling to report or to disclose information. This is particularly the case if family members are involved in the trafficking or exploitation (see also Jackson et al. 2024; Rapid Asia, 2022).

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

- Counter-trafficking stakeholders have a limited understanding of the intersection between trafficking and disability, and therefore do not recognise the need to allocate sufficient resources for accessibility and reasonable accommodation.
- Support services often operate with limited funding and staff. This makes it particularly challenging for victims of trafficking, especially those with disabilities, to access the support they need over the medium to long term.
- Physical accessibility of shelters and other facilities is a key obstacle in providing services for victims of trafficking with disabilities.
- Frontline staff often lack the skills to communicate with and support persons with disabilities.
- There are considerable challenges in access to psychiatric treatment and mental health support in Lao PDR.

- Most recovery services are shelter-based, and access to services outside the capital is limited.
- Stigma associated with trafficking – particularly sex trafficking – and disability – was a significant barrier to successful reintegration and that shame can lead family members to reject victims of trafficking.

The 2016 Law on Anti-Trafficking in Persons outlines a range of services that are available for people who have been identified as victims of trafficking in Lao PDR. This includes temporary shelter, medical (including psychological) treatment, legal and administrative assistance, education, vocational training, financial assistance, and reintegration services (Johnson et al. 2020; Rapid Asia, 2022). Further details about these services are outlined in national victim protection and referral guidelines approved in 2020. The Memorandum of Understanding between Lao PDR and Thailand also states that identified victims of trafficking will be provided with shelter, medical and psychological care, justice and legal protection, and assistance to return to Lao PDR (Johnson et al, 2020).

Services for victims of trafficking are provided through the Ministry of Labour and Social Welfare's two shelters (article 63, TIP law 2016) as well as two shelters for women and children run by the Lao Women's Union (article 64, TIP law 2016) (US Department of State, 2024) (see Box 8: Services provided by the Lao Women's Union). The Ministry of Health conducts medical checkups and tests and provides medical treatment and psychological counselling and therapies to victims of trafficking (Rapid Asia, 2022; Johnson et al., 2020). 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.

NGOs in Lao PDR (as well as in Thailand and other destination countries) also provide services to Laotian victims of trafficking. Within Lao PDR, NGOs collaborate with government agencies and the Lao Women's Union in providing services (Lee, 2022). A representative from an NGO consulted for this report indicated that their organisation provided psychological support, therapeutic services, family support, income-generating activities, medical care, legal support and social reintegration support. Another explained that while the organisation did not yet have a standalone policy for engaging persons with disabilities, the organisation's trauma-informed policy for providing support to victims ensured that tailored assistance was provided to victims using a victim-centred approach.

However, despite laws and policies that aim to protect and support all victims of trafficking, in practice, most support services are not yet inclusive of individuals with disabilities. Those consulted for this report suggested that this was because counter-trafficking stakeholders had a limited understanding of the intersection between trafficking and disability, and therefore did not recognise the need to allocate sufficient resources for accessibility and reasonable accommodation. Stakeholders drew particular attention to the fact that funding and human resource constraints were a considerable challenge to providing services to victims of trafficking in Lao PDR. Human resource capacity is made more difficult by a high turnover of officials working in counter-trafficking, with staff with relevant skills moving on to other roles regularly (Lee, 2022; Rapid Asia, 2022). The Lao PDR government provides in-kind support to NGOs (including access to land, buildings, and facilities), but does not provide financial support to NGOs to support shelter, recovery and reintegration services (Rapid Asia, 2022). These challenges sometimes mean that victims may have to wait before being able to access services (Surtees, 2013). Some victims also prefer not to stay in formal shelters, including because of the need to find work to support themselves and their families.

Box 8: Services provided by the Lao Women's Union

The Lao Women's Union provides a range of services to Laotian and foreign victims of trafficking and other vulnerable people, including victims of gender-based violence and persons with disabilities. These include:

- **Safe shelter, food and basic needs.** This includes basic medical treatment. Victims are referred to hospitals and other services for more comprehensive mental health treatment.
- **Legal assistance, including representation in court.** This includes following up on cases, participating in interviews with law enforcement, assisting victims in preparing necessary documents for court, including requests for compensation, explaining legal procedures to them and being involved in the trial process. For difficult cases or those that are progressing slowly, the Lao Women's Union coordinates case management meetings with relevant stakeholders to expedite the process.
- **Vocational training and education assistance.** This includes coordinating with the education sector to ensure that children have access to schooling. If they choose not to pursue formal education, Lao Women's Union offers vocational training opportunities, such as

food production training and life skills development. These programs aim to equip individuals with skills to find employment or start their own businesses and are part of the Lao Women's Union's reintegration program. For long-term vocational training, Lao Women's Union collaborates with the Ministry of Labour and Social Welfare and other relevant agencies, such as the Lao Trade Federation, which operates a vocational training center.

- Other economic support: Lao Women's Union coordinates with development partners to secure seed funding for victims of trafficking. They also work with the private sector to create employment opportunities for these individuals.
- Repatriation and reintegration: Lao Women's Union assists with repatriating victims to their home villages. If victims choose not to return to their families, Lao Women's Union collaborate with other agencies to ensure their safe and effective reintegration into society.



While many victims benefit from the services provided by shelters, shelters are generally not accessible. Workshop participants from both government and non-government organisations noted that physical accessibility was a key obstacle in providing services for victims of trafficking with disabilities. An official from the Anti-Trafficking Department explained that currently there are no facilities specifically designed around the needs of persons with disabilities, and that they need to coordinate with other associations and civil society organisations to provide appropriate care and support. A representative from the Lao Women's Union indicated that they faced a similar challenge in terms of facilities.

Workshop participants from both government and non-government organisations also indicated that frontline staff lack the skills to communicate with and support persons with disabilities. For example, an official from the Anti-Trafficking Department said that they did not have enough staff with skills in sign language or braille



resources. They indicated that if a larger number of persons with disabilities were reported as trafficking victims, they would likely be able to access funding to find people with these skills. A representative from the Lao Women's Union indicated that they also lacked staff with the ability to use sign language, but one strategy they used was to engage staff from Organisations of Persons with Disabilities to provide assistance. Another key skill set required was the ability to engage with victims experiencing trauma and mental distress (see Box 9: Souvida's story).

Box 9: Frontline staff need specific skills in understanding how disability and trauma impacts victims: Souvida's story

Souvida works for an organisation that supports victims of trafficking in persons. One victim she worked with was a woman with a disability who had been sexually assaulted. Souvida told the research team that it was very difficult to get information from her during the interview, because the victim did not trust her or her team. Souvida said this often happened when she interviewed victims of trafficking, particularly those who are traumatised. She and her team now try to involve psychologists to assist during interviews.



There are considerable challenges in access to psychiatric treatment and mental health support in Lao PDR. This presents a significant barrier to recovery. Lao PDR has only two qualified psychiatrists and a very small number of staff trained in providing mental health services and psychosocial support. There are psychiatric units in two hospitals and two government-run clinics, all of which are in Vientiane. Services outside the capital are very limited, although mental health teams have recently been established in 12 district hospitals. Very few people who need mental health services access them. This is in part due to the limited availability of services, as well as issues of cost and distance. Other reasons include the stigma associated with mental health and the fact that many people do not recognise symptoms or understand that help is available. Even when people do access services, recent research suggests that their needs are not fully met (Charlson et al., 2019; see also Courtenay & Choulamany, 2011; WHO & Ministry of Health, Lao PDR, 2012). The Lao PDR government and both international and local organisations are very aware of these challenges, and are taking steps to strengthen mental health services, including through training for health workers and counsellors, and establishing peer support programs and mental health hotlines (Choulamany, 2018; Visapra, 2024; WHO, 2021).

Most recovery services are shelter-based, and access to services outside the capital is limited. This presents a significant challenge to ongoing recovery and reintegration. More broadly, persons with disabilities in Lao PDR face considerable barriers to accessing health services, particularly in rural and remote areas (Nguyen et al., 2020). Many people are unaware of the kinds of health services, assistive devices or therapies that can support them or need to travel long distances to access these. Specialised services are also limited, particularly for people with sensory and intellectual disabilities and medications and therapy for these types of disabilities are not covered by the national health insurance scheme. Health care workers often lack skills and experience in understanding and meeting the needs of persons with different disabilities (Lao Disabled People's Association, 2022). A representative from the Lao Women's Union consulted for this report also said that stigma associated with trafficking – particularly sex trafficking – and of disability – was a significant barrier to successful reintegration and that shame can lead family members to reject victims of trafficking.

Access to justice

Key points

- Many victims of trafficking with disabilities are reluctant to participate in legal proceedings, including due to social stigma and fear of retaliation from traffickers, particularly in cases where family members were the perpetrators, as well as concerns about the cost of legal action and a lack of formal justice services outside urban areas.
- There are no clear guidelines to support criminal justice personnel in calculating compensation, including compensation for damages related to trafficking-induced disabilities.
- Legal aid assistance is available for victims upon request; however, many trafficking victims are unaware of their entitlements under anti-trafficking laws. Additionally, information about their rights is not available in formats suitable for persons with different disabilities.
- Justice agencies and civil society organizations providing paralegal support often lack awareness and understanding of the intersection of trafficking and disability, including the broader definition of disability outlined by the CRPD.
- Police stations and courts have not yet been made accessible to individuals with disabilities.



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 (Harkins & Åhlberg, 2017; Office for Victims of Crime and Bureau of Justice Assistance, 2015; Sumner, 2023). Lao PDR's Law on Anti-trafficking in Persons outlines the rights of victims to legal information and advice and administrative assistance. These rights are also included under Lao PDR's Memoranda of Understanding with destination countries such as Thailand (Rapid Asia, 2022; Johnson et al., 2020).¹⁰

The Law on Anti-Trafficking also outlines the right to legal assistance, which includes free legal services offered through official channels. This service is led by the Lao Women's Union, which provides legal representation in court to protect the rights and best interests of victims. The Lao Bar Association and the Ministry of Justice have established legal aid offices and clinics under the Decree on Legal Aid, which is supervised by the Ministry of Justice. Currently, the Lao Bar Association operates 22 legal aid clinics across 10 of the 18 provinces, while the Ministry of Justice officially manages 155 legal aid offices nationwide (Johnson et al., 2020; Office to Monitor and Combat Trafficking in Persons, U.S Department of State, 2024; Wassel, 2019). Lao PDR's Decree on Legal Aid specifically mentions persons with disabilities as among the target groups for free legal aid services (Lao Disabled Persons Association, 2022; United Nations Lao PDR, 2022).

¹⁰ Lao PDR's Criminal Procedure Code entitles poor and vulnerable people to free legal representation (Johnson et al, 2020). Lao PDR has also issued a Decree on Legal Aid, Article 32 of which guarantees persons with all types and degrees of disability access to free legal advice and counselling ('Submission Report', 2022).

The Law on Anti-Trafficking in Persons also outlines victims' rights to justice, including their right to testify against their traffickers, to participate in court hearings, to appeal court decisions, and seek compensation. However, a significant obstacle to justice is victims' reluctance to participate in legal proceedings. Stakeholders consulted for this report and participants in the Lao PDR national workshop confirmed that fear of retaliation from traffickers is a significant obstacle, particularly in cases where family members were the perpetrators, as well as fears they would be ostracised by their communities if their experience became known. Stakeholders consulted and participants in the national workshop also observed that lack of awareness of trafficking – and of their legal rights – means that persons with disabilities who have been trafficked are less likely to seek legal help. A lack of formal justice services outside of urban areas – together with concerns about the cost of engaging in legal proceedings – contributed to victims' reluctance to engage with the formal justice system (see also Lao Disabled Persons Association, 2022; United Nations Lao PDR, 2022). Instead, stakeholders and workshop participants suggested that victims of trafficking with disabilities preferred to seek justice through customary and informal justice.¹¹

In addition, although the Law on Anti-Trafficking in Persons establishes victims' rights to seek compensation, workshop participants reported that there are no clear guidelines to support criminal justice personnel in calculating compensation, including compensation for damages related to trafficking-induced disabilities.

Lao PDR's Disability Law guarantees the rights of persons with disabilities to reasonable accommodations in the justice process. In practice, however, persons with disabilities who engage with the justice system more broadly – still face a range of challenges. Stakeholders consulted for this report said that no police stations or courts provide reasonable accommodations for individuals with disabilities, whether they are victims or offenders. Workshop participants also reported that legal service providers lacked confidence and skills in communicating with persons with disabilities and there were limited resources to address these issues. This makes it difficult to collect evidence to use in court cases.

In addition, the wording of current laws and policies does not specifically mention persons with disabilities when referring to human rights and equality before the law which means there is a risk that the specific needs and rights of individuals with disabilities are overlooked.

11 Customary law within ethnic groups in Lao PDR provides process and remedies for resolving a range of disputes and other legal needs, including for family, civil and 'criminal' law (see Ministry of Justice & Law Research and International Cooperation Institute, 2011; Stobbe, 2016).

Some laws also limit the legal rights of persons with sensory, intellectual and psychosocial (mental health) disabilities. Law No.37 on Criminal Proceedings, for example, prohibits “deaf, blind and mute persons, persons who have lost their intellect and persons who have lost their mind” from attending court proceedings as witnesses (Article 70) and requires the participation of a caregiver, teacher, parent, guardian, or other legal representative when taking testimony from these individuals (Article 117). The Civil Code also requires persons with intellectual and psychosocial (mental health) disabilities to be represented by a guardian in order to proceed with a legal claim (Article 75) (United Nations Lao PDR, 2022).

STRENGTHENING THE RESPONSE



Stakeholders at the national consultation workshop made the following suggestions for strengthening the response to trafficking in persons and disability.

Prevention of trafficking in persons

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

- Enhancing opportunities for education and employment for persons with disabilities to reduce their vulnerability to trafficking.
- Communicating more effectively with persons with disabilities, their families and their communities about trafficking, the procedures and the services available.
- Strengthening collaboration on prevention and protection between the National Committee on Anti-Human Trafficking in Persons and the National Committee on Disability.
- Establishing committees that bring together organisations of persons with disabilities, organisations that work with persons with disabilities and organisations working on trafficking. This could include, for example, including persons with disabilities in the National Steering Committee on Human Trafficking or creating a “Disability Justice Alliance Institute” to provide dedicated support for victims of trafficking with disabilities.

Identification, support services and recovery

To improve identification, support services and recovery of trafficked victims with disabilities, efforts could usefully focus on:

- Revising and updating existing guidelines and laws within government and non-government organisations to include provisions on how to handle cases involving victims or offenders with disabilities.
- Provide services with long-term funding so they are better equipped to provide support to victims with ongoing needs.
- Ensuring essential facilities provided during identification are accessible to persons with disabilities, including interview rooms, restrooms, pathways, and visitor areas.
- Training frontline staff at different levels to recognise different types of disability and how to provide support to persons with disabilities.
- Building staff capacity in facilitating communication with persons with disabilities, such as sign language interpreters, social workers and counsellors.
- Strengthening links between service providers and stakeholders in sectors such as education, health care and social services to contribute to a more integrated support system that addresses the multifaceted needs of victims.

- Employing professionals/building staff capacity, such as psychologists and trauma-informed care specialists who are trained to address the psychological needs of trafficking victims with disabilities in hospitals and medical facilities.
- Effectively communicating and promoting information about protection services and support to persons with disabilities to raise awareness and encourage them to use available services.
- Establishing dedicated teams to support persons with disabilities involved in trafficking in persons or other exploitation issues that offer fast-track services, acknowledging that persons with disabilities face more limitations than other groups.
- Supporting collaboration between government, civil society, and international organisations to provide facilities and equipment to serve persons with disabilities.
- Providing additional support to the families of victims of trafficking with disabilities to alleviate some of the financial pressure they face and to create a more supportive environment for recovery and reintegration.
- Including the Washington Group questions in data collection forms.

Access to justice

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

- Ensuring essential facilities used during prosecution and court processes are accessible for persons with disabilities. This includes features such as interview rooms and courtrooms designed to be accessible for individuals with disabilities.
- Involving persons with disabilities or organisations for persons with disabilities as peer support to help victims feel more comfortable and build trust in the process.
- Providing guidance on how officials should support and accommodate individuals during prosecution or court hearings, such as providing sign language interpreters and legal representation.
- Enabling collaboration between government agencies, non-government organisations, and OPDs to create an inclusive response mechanism for supporting persons with disabilities within the justice system. This may require an in-depth analysis of the current justice processes and support systems, or potentially the creation of a new framework.
- Training officials involved in the justice system on how to effectively support persons with disabilities throughout the justice process.
- Establishing a special legal/ad hoc committee that includes government agencies and OPDs/CSOs to collaboratively support persons with disabilities involved in trafficking in persons or other issues. This committee would facilitate the entire

justice process, from the initial identification of victims to the resolution of their cases. Such an approach could streamline referral processes, provide holistic support, and help avoid the re-traumatisation of victims.

- Ensuring prosecutors, police, and other officials involved in trafficking cases prioritise disability sensitivity and avoid re-traumatising victims. Assigning team members experienced in working with persons with disabilities, while also being mindful of gender sensitivity. For instance, if the victim is a female with a disability who was trafficked for sex work, it is essential to have female prosecutors involved to ensure that the victim feels safe and comfortable during the legal process.

National strategy, policy and legislative framework

To strengthen national laws, policies and strategies, efforts could usefully focus on:

- Ensuring the language of all relevant laws (trafficking and disability) is in line with the CRPD.
- Revising and strengthening existing laws and policies to address the unique vulnerabilities persons with disabilities face in the context of trafficking and exploitation and provide better protection.
- Involving organisations for persons with disabilities in any changes to laws.
- Developing strategic work plans, emphasising the importance of setting clear indicators to measure progress on disability inclusion. For example, tracking the number of legislative improvements (embedding disability inclusion) and counting the number of facilities provided for persons with disabilities could serve as key measures.

Other suggestions

- Sourcing funding for governments to increase support for persons with disabilities from development partners such as ASEAN.
- Supporting ASEAN member states to exchange information, lessons learnt and best practices from each other.

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ACKNOWLEDGEMENT OF COUNTRY

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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