

Human Trafficking in Canada

Contents

Defining Human Trafficking	1
Understanding Human Trafficking	3
Combatting Human Trafficking	5
Identifying Potentially Trafficked Persons	9
What You Can Do about Human Trafficking in Canada	12
Resources	13
For More Information on Human Trafficking in Canada	13
Glossary for Human Trafficking in Canada	14
About this Wikibook	15
About Human Trafficking in Canada	15

Defining Human Trafficking

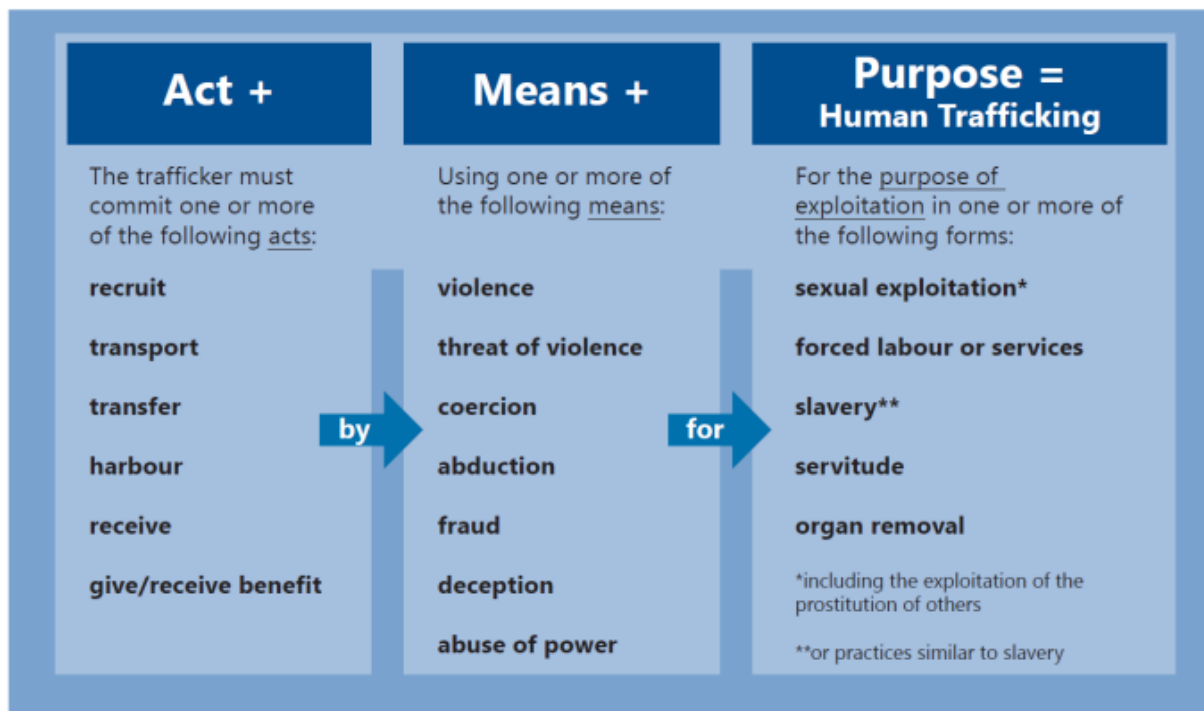
What is human trafficking?

Human trafficking has often been described as a modern-day form of slavery. *BC's Action Plan to Combat Human Trafficking* ^[1] defines trafficking as "the recruiting, harbouring and/or controlling of a person for the purpose of exploitation." The United Nations Office on Drug and Crime's *Global Report on Trafficking in Persons* ^[2] (2009) states that the most common form of human trafficking (79%) is sexual exploitation. The victims of sexual exploitation are predominantly women and girls. The second most common form of human trafficking is forced labour (18%), although this may be misleading because forced labour is less frequently detected and reported than trafficking for sexual exploitation.

Human trafficking is a violation of human rights and a serious crime.

In 2000, to fight human trafficking the United Nations adopted an international treaty, known as the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* ^[3]. Amongst other things, the Protocol defined human trafficking as *Act + Means + Purpose = Human Trafficking*.

Act + Means + Purpose = Human Trafficking



In cases involving children, human trafficking is established if it is shown that the child has been recruited, transported, or harboured for the purpose of exploitation. The exploitation of trafficked persons can take many forms.

Sexual exploitation

Trafficked persons are forced into prostitution, forced to perform sexual acts such as exotic dancing and massage, and forced to participate in the production of pornography.

Forced labour

Forced labour is any work or services which people are forced to do against their will – under the threat of some form of punishment. Forced labour is found in industries such as agriculture and fishing, domestic work, construction, mining, manufacturing, prostitution, and illegal activities often related to the drug industry.

Coerced organ removal

There is a high demand for organs on the black market around the world. Coerced organ removal is often conducted in clandestine clinics, with little or no attention to the person's postoperative care and little payment to the person.

It is important to remember that no one can legally consent to being exploited. For example, someone agrees to move to Canada because they have been promised employment in a legitimate job. Instead, they are coerced through fear and threats of violence, into forced labour. The fact that an individual may have consented to work in Canada cannot be used as a way to justify their working in conditions as described above.

How does human trafficking differ from human smuggling?

The crime of human trafficking does not require the movement of a person across a border. By definition *human smuggling* is a transnational crime. Human smuggling, also known as *migrant smuggling*, means helping someone enter a country illegally in exchange for some form of payment. This can involve dangerous travel conditions or the use of false identity documents under the consent of the smuggled person. People may be smuggled individually or as part of a large group.

In Canada, the Immigration and Refugee Protection Act ^[4] makes human smuggling an offence.

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by People's Law School, 2014.

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References

- [1] <http://www.pssg.gov.bc.ca/octip/docs/action-plan.pdf>
- [2] https://www.unodc.org/documents/Global_Report_on_TIP.pdf
- [3] <http://www.osce.org/odihr/19223>
- [4] <http://canlii.ca/t/7vwq>

Understanding Human Trafficking

Human trafficking in Canada

There is growing evidence of the widespread occurrence of human trafficking in Canada. The RCMP reports that Canadian women and girls are exploited in sex trafficking across the country. Persons from aboriginal communities as well as minors in the child welfare system are especially vulnerable. Local gangs, transnational criminal organizations, and individuals are involved in sex trafficking in Canadian cities and towns.

Foreign workers, who may enter Canada legally or illegally, are subjected to forced labour in agriculture, construction, processing plants, the hospitality sector or as domestic servants. The exact number of people trafficked in Canada is difficult to determine because trafficked persons are often reluctant to come forward. Some of the reasons a trafficked person may be reluctant to ask for help include:

- **Fear:** Traffickers use threats of violence, actual violence and sexual assault to instill fear. Often, internationally trafficked persons fear deportation if they go to the authorities. Traffickers also threaten violence to family members if the debt is not repaid.
- **Debt bondage:** Many people who have been trafficked owe money to their traffickers for transportation, visa fees, food or drugs. They are told they cannot go free until the debt is paid. The amount is often arbitrarily increased so that the debt bondage continues.
- **Dependency and isolation:** The trafficked person likely has no family or social network. Surroundings and culture maybe unfamiliar and they don't know where or who to turn to for help. The trafficker may forbid conversation and keep moving the trafficked person from place to place so they cannot get to know anyone. The trafficker may take away identity documents and provide drugs or alcohol to complete the dependency. Children are particularly vulnerable to extreme isolation.
- **Trauma bonding:** *Trauma bonding* occurs when a person develops positive feelings towards their trafficker, usually caused by being isolated and being controlled by the trafficker.
- **Shame and guilt:** A person who has been trafficked may feel too ashamed by their experiences to ask for help. It can be particularly acute for males because it not commonly recognized that they also can be trafficked.

Who is trafficked?

Anyone can be trafficked. Traffickers prey upon people who are vulnerable. There are many factors that contribute to world wide vulnerability, including:

- **Political instability:** War, civil unrest, and natural disasters can lead to forced migration whereby people end up homeless, without work, without family nearby and living in constant fear.
- **Poverty:** Traffickers offer poor and marginalized people false promises of a better life. These people may take greater risks in their attempts to provide for themselves and their families.



- **Racism and the legacy of colonialism:** Racism and colonialism contribute to the marginalization of people, particularly indigenous populations. Colonialism is the practice by which a nation controls a foreign territory for the

purpose of exploiting its resources and people. The legacy of colonialism continues to impact entire communities as people struggle to exercise their basic civil and human rights.

- **Ethnicity:** Aboriginal women and girls are uniquely vulnerable to human trafficking because they are more likely to be impacted by other factors associated with residential school abuse, gender inequality, poverty, domestic violence or the child welfare system.
- **Gender inequality:** In many cultures, women are seen as being of less value than men. Women are paid less for equal work, have fewer rights, less health care, less education, less property and may be expected to be submissive to men.
- **Addictions:** Traffickers sometimes supply drugs to break down resistance, cause dependency and coerce people into forced labour or sex. As a trafficked person becomes addicted, the trafficker uses that vulnerability to maintain control.
- **Mental health:** People with mental health issues may struggle with limited capacity to consent, assess risk or detect ill intentions. Traffickers are skilled at detecting these vulnerabilities and manipulating them to their advantage.
- **Gang coercion:** Females can be exploited by entering a gang as a girlfriend of a gang member and then being sold for sexual acts. Often youth born into gang-involved families are expected to contribute to the family business in any way the gang deems fit.
- **Online vulnerability:** Traffickers increasingly use social networking and video chat sites to lure, advertise and exploit people. Traffickers then use explicit or compromising photos to further their control — threatening to publish these images online where family members will see them. Online social networking sites are now prime recruiting locations, replacing easier to monitor locations such as shopping malls, schools, bus stations and parties. Children and youth are particularly vulnerable to being lured this way.

Why does human trafficking happen?

Anti-trafficking advocates argue that human trafficking exists because there is a demand for cheap goods, cheap labour, and the provision of sexual services. "Push factors" include poverty, gender inequality, lack of opportunity and education, political unrest, and unemployment. "Pull factors" include globalization of the economy, the demand for cheap goods and services, and new communications technologies.

Trafficking in human beings is not new. Slavery, servitude, forced labour and other similar practices have existed for thousands of years. In the last two decades however, changing conditions around the world have led to a global increase in human trafficking, mainly of women and girls.

Who are the traffickers?

Perpetrators of trafficking can take many forms. They may operate independently, with a small network, or be part of a large transnational organized crime network moving people over long distances.

They may be a professional or an amateur. A trafficker may be a stranger, a friend, a family member, a labour contractor, a diplomat, a career criminal, or a business executive.

In some countries, employment and talent agencies claim to provide training and help for people looking for legitimate work in another country. In actual fact, they are recruited for the purpose of exploitation. Government and law enforcement officials are sometimes involved in trafficking.

How does human trafficking violate human rights?

Human trafficking is a gross violation of human rights, such as the right to life, liberty, and security of the person, and the right to freedom from slavery and degrading treatment. Traffickers treat trafficked persons like commodities, infringing on their basic rights to make their own decisions, to move freely, and to work where and for whom they choose.

A human rights approach views the trafficked person as someone in need of protection and services rather than as a criminal. Such an approach is crucial to restoring the dignity and well-being of the trafficked person.

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Combatting Human Trafficking

International law: The United Nations Trafficking in Persons Protocol

In 2000, the United Nations adopted the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* ^[1]. The Protocol establishes the most widely accepted international framework to fight human trafficking, especially of women and children.

Canada ratified the *Trafficking in Persons Protocol* in 2002 and is committed to developing laws and programs to implement it. The Protocol requires countries that have ratified it to focus on three main areas, referred to as the three P's:

- **Protection:** Protecting and assisting those who have been trafficked.
- **Prevention:** Preventing and combating human trafficking.
- **Prosecution:** Prosecuting the traffickers.

In addition, Canada's *National Action Plan to Combat Human Trafficking* ^[2] recognizes a fourth P, partnerships.

- **Partnerships:** Partnership is the promotion of cooperation among countries in order to effectively meet the goals of protection, prevention and prosecution.

Canadian law

Human trafficking is a serious criminal offence in Canada. Both the *Criminal Code of Canada* ^[3] and the *Immigration and Refugee Protection Act* ^[4] criminalize all aspects of human trafficking.

Criminal Code

The four human trafficking offences in the *Criminal Code* are:

- **Trafficking of a person** (section 279.01) makes it a crime to participate in certain acts towards another person for the purpose of exploiting them. The sentence ranges from life imprisonment for cases involving kidnapping, aggravated assault, sexual assault or death to a maximum of 14 years for other cases.
- **Trafficking of a person under the age of eighteen years** (section 279.011) adds a mandatory minimum sentence of six years imprisonment where the offence involves aggravated assault, sexual assault or death of the trafficked child

and a mandatory minimum sentence of five years in other cases.

- **Material benefit** (section 279.02) makes it a crime to receive a financial or other material benefit knowing the benefit was a result of human trafficking. There is a maximum sentence of 10 years imprisonment.
- **Withholding or destroying travel or identification documents** (section 279.03), for example someone's passport or visa, for the purpose of committing human trafficking, is an offence. There is a maximum sentence of five years in prison.

A person cannot legally consent to being exploited under the Criminal Code.

Immigration and Refugee Protection Act

This law criminalizes the bringing of people into Canada through specified means. It is an offence to use deception, coercion, abduction, fraud, force, or threats of force to transport someone across the border. It is also an offence to hide or transport people who have been recruited in this way, once they arrive in Canada. Penalties for these offences are up to \$1 million in fines or life in prison or both.

The Act makes it an offence to use identity documents, such as a visa or passport, for the purpose of human trafficking or smuggling. The maximum sentence for this offence is 14 years in prison.

For the complete text of these *Criminal Code* and *Immigration and Refugee Protection Act* sections, visit laws.justice.gc.ca ^[5].

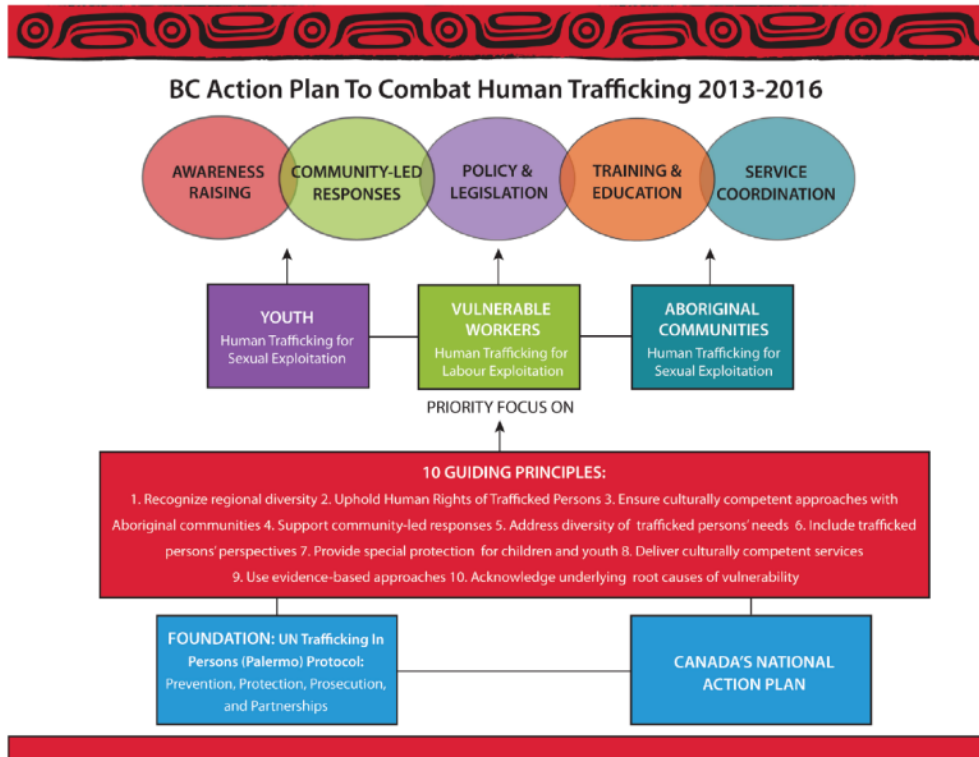
Federal efforts

In 2012, Canada created the *National Action Plan to Combat Human Trafficking* ^[2]. This plan committed \$25 million over four years to strengthen Canada's efforts to prevent, detect and prosecute human trafficking as well as assist trafficked persons. A Human Trafficking Task Force led by Public Safety Canada has been established.

For more information visit www.publicsafety.gc.ca ^[6].

British Columbia's efforts

BC's Office to Combat Trafficking in Persons (OCTIP) is responsible for the overall coordination of the provincial strategy to address human trafficking. Fighting human trafficking requires a multidisciplinary response involving participation from all levels of government. The OCTIP works with both federal and provincial governments, law enforcement, academic organizations and community agencies.



OCTIP's mandate is to:

- support communities in building local capacity to address human trafficking — from prevention to service provision,
- raise awareness and provide training and education,
- identify gaps and barriers in services, policies and legislation that impede trafficked persons' internationally-protected human rights, and
- contribute to national and international efforts to combat human trafficking.

British Columbia has a *BC Action Plan to Combat Human Trafficking* ^[7] which lays out three key priorities and five priority action areas for responding to human trafficking issues across the province for the years 2013-2016.

Law enforcement

Canada's national police force, the Royal Canadian Mounted Police (RCMP), has established a Human Trafficking National Coordination Centre. The RCMP, municipal police forces, Canada Border Services Agency, non-government community organizations, and immigration lawyers in BC continue to work together to develop strategies to stop human trafficking.

- **Prevention:** Increase public awareness to help identify possible victims and traffickers, improve education for law enforcement, proactively investigate criminal organizations, and develop international agreements.
- **Protection:** Ensure the safety of trafficked persons through investigation, risk assessment and referral to appropriate community services.
- **Prosecution:** Gather evidence so traffickers can be prosecuted.
- **Partnership:** Work in partnership with others, both domestically and internationally.

There are many challenges for law enforcement, for example:

- The international nature of trafficking — countries have different laws and the authorities in source countries may be involved in crime.
- The hidden nature of trafficking and its connection to organized crime.
- Trafficked people are frequently moved to different locations.
- Trafficked people fear the police and immigration authorities and are afraid to testify against traffickers.
- Trafficked people may not see themselves as victims of crime.

Community and faith-based organizations

Community-based agencies are enhancing their knowledge to extend support services to emerging trafficked persons. Faith-based organizations are also contributing efforts to eliminate human trafficking by raising awareness of the issues within their congregation and community.

The *Trafficking in Persons Protocol* emphasizes respect for the human rights of trafficked people and urges countries to cooperate with non-governmental organizations to provide for the basic needs of trafficked persons.

A comprehensive list of services is available through OCTIP's training site at www.pssg.gov.bc.ca/octiptraining ^[8].

Key services a trafficked person may require include:

- housing,
- medical and psychological care,
- counselling and information in a language understood by the trafficked person,
- material help such as clothing and food,
- employment and education opportunities,
- legal assistance, and
- help to connect to police and government agencies.

Temporary Resident Permit (TRP)

The *Trafficking in Persons Protocol* also requires countries to consider adopting laws that allow trafficked persons to remain in the receiving country, temporarily or permanently. A Temporary Resident Permit (TRP) is available from Citizenship and Immigration Canada (CIC). The process starts with an interview with an immigration officer. At this point, the trafficked person does not have to prove that they have been trafficked, only that there is a possibility. The trafficked person is not required to help in any criminal investigation or to testify against their trafficker.

If the immigration officer believes a person may have been trafficked, they can issue a TRP. This gives the person legal status in Canada for up to 180 days. The permit can be re-issued at the end of the 180-day period by the CIC officer based on the trafficked person's situation. The trafficked person will have access to health care and counselling and they may also apply for a work permit.


For more information on the TRP, see *Human Trafficking: Canada is Not Immune*, Module 4 ^[9].

Keep in mind the following principles when applying a human rights approach to providing services:

- Ensure privacy so that you do not put a trafficked person in danger.
- Help them regain control over their lives.
- Be supportive and patient, always treating the trafficked person with dignity and respect.
- Make sure referrals are to culturally appropriate services.
- Help the trafficked person work with police if they choose to do so.

A complete list of guiding principles is available at www.pssg.gov.bc.ca/octiptraining ^[10].

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- [3] <http://canlii.ca/t/7vf2>
- [4] <http://canlii.ca/t/7vwq>
- [5] <http://laws.justice.gc.ca/eng>
- [6] <http://www.publicsafety.gc.ca/cnt/cntrng-crm/hmn-trffckng/index-eng.aspx>
- [7] <http://www.pssg.gov.bc.ca/octip/docs/action-plan.pdf>
- [8] <http://www.pssg.gov.bc.ca/octiptraining/index.html>
- [9] <http://www.pssg.gov.bc.ca/octiptraining/>
- [10] <http://www.pssg.gov.bc.ca/octiptraining>

Identifying Potentially Trafficked Persons

If you are a service provider, remember that it is not your role to determine for certain that a person has been trafficked. Your responsibility is to offer support, protection, escape, recovery or a referral to other agencies.

A comprehensive list of services is available at www.pssg.gov.bc.ca/octiptraining ^[1].

Whether you are a member of the public or a service provider, consider the following signs to look for.

Signs of abuse and control

The person:

- Believes they must work against their will.
- Is unable to leave their current situation.
- Shows signs that their movements are being controlled.
- Is subject to violence or threats of violence against themselves or loved ones.
- Suffers injuries that appear to be the result of an assault.
- Suffers injuries or impairments typical of certain jobs or control measures such as cigarette burns or branding tattoos.
- Is distrustful of the authorities.
- Is afraid of revealing their immigration status.
- Does not have their passport or other travel or identity documents.
- Has false identity or travel documents.
- Is found somewhere likely to be used for exploiting people, for example a drug lab.
- Is unfamiliar with the local language.
- Does not know their home or work address.
- Allows others to speak for them when addressed directly.
- Is forced to work under unhealthy or unsafe conditions.
- Is disciplined through punishment.
- Receives little or no pay.

- Works excessively long hours over long periods.
- Has no access to medical care.
- Has limited contact with their families or with people outside their immediate environment.
- Believes they are bonded by debt.
- Is in a situation of dependence.
- Comes from a place known to be a source of human trafficking.

Signs that a child may be trafficked

The child:

- Does not have or cannot reach a parent or guardian.
- Looks intimidated and does not behave like a typical child their age.
- Has no friends of their own age outside of work or time to play.
- Lives with someone not related to them and not a guardian.
- Does not go to school.
- Eats apart from other members of the "family" or eats only left overs.
- Does work that is not suitable for children.
- Travels unaccompanied or in groups with people who are not relatives.

The following might also indicate that children have been trafficked:

- The presence of child-sized clothing typically worn for doing manual or sex work.
- Toys, beds and children's clothing in inappropriate places such as brothels and factories.
- An adult claims that they have "found" an unaccompanied child.

Signs that a person is living in domestic servitude

The person:

- Lives with a family and has no private space.
- Sleeps in a shared or inappropriate space.
- Does not eat with the rest of the family or gets only left overs.
- Is unable to leave the home at all, or may only leave in the company of a member of the household.
- Is expected to be available to work up to 24 hours a day, with few or no days off.
- Has been physically or sexually assaulted by her employer or members of the household or is subject to abuse or threats.

Signs that a person is being sexually exploited

The person:

- Moves from one brothel to the next or works in various locations.
- Is escorted whenever they go.
- Has tattoos or other marks indicating "ownership" by their exploiters.
- Works long hours with few if any days off.
- Sleeps where they work.
- Lives or travels in a group, sometimes with other women who do not speak the same language.
- Has clothes typically worn for sex work.

- Knows only how to say sex-related words in the local language or in the language of the client group.
- Has no cash of their own and cannot show any identity documents.
- Suffers from drug or alcohol addiction, or from malnutrition.
- Has scars or injuries, or other signs of abuse or torture.

Signs that a person is being exploited for labour

The person:

- Lives in groups in the same place where they work and leaves those premises infrequently, if at all (and only with their employer).
- Lives in degraded, unsuitable places, such as an old barn or storage shed.
- Works in unhealthy or unsafe conditions and for excessively long hours.
- Does not have the right clothing or protective gear for the job.
- Receives little or no pay and has no labour contract or contract is overly restrictive.
- Depends on their employer for work, transportation and accommodation.
- Is subject to security measures preventing them from leaving the work premises.
- Is disciplined through fines.
- Is subjected to insults, abuse, threats or violence.

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References

- [1] <http://www.pssg.gov.bc.ca/octiptraining/index.html>

What You Can Do about Human Trafficking in Canada

Educate yourself and others

- Read and share this publication.
- Use the resource and information list in this publication.
- Take the online training course Human Trafficking: Canada Is Not Immune ^[1], developed by the Office to Combat Trafficking in Persons. The training course is available free of charge, in English and French. It is designed to meet the needs of front line service providers across Canada.

Raise awareness

- Contact a politician and ask what they are doing about this issue.
- Volunteer your time or expertise with an organization combatting human trafficking.

Use your buying power

- Do not pay for sex or go to places where commercial sex acts take place. Discourage your friends from participating.
- Do not buy products whose makers are notorious for using forced labour. Buy only fair trade products.

Report it

- Contact the police if you think someone is being trafficked.
- If you are concerned that someone is in immediate danger, call 911.

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References

[1] <http://www.pssg.gov.bc.ca/octiptraining/index.html>

Resources

For More Information on Human Trafficking in Canada

Canadian Council for Refugees	Information on trafficking in women and girls and federal advocacy for increased human rights protection.	www.ccrweb.ca ^[1]
BC's Office to Combat Trafficking in Persons(OCTIP)	OCTIP is mandated to develop and coordinate BC's response to human trafficking. Online training available in English and French.	www.pssg.gov.bc.ca/octip ^[2] . www.pssg.gov.bc.ca/octiptraining ^[3]
United Nations (UN)Resources	United Nations Office on Drugs and Crime's <i>Global Report on Trafficking in Persons</i> exposes modern form of slavery.	www.unodc.org/documents/Global_Report_on_TIP.pdf ^[4]
RCMP	Human Trafficking National Coordination Centre, and "I'm Not for Sale" toolkits and youth campaign resources.	www.rcmp-grc.gc.ca/ht-tp ^[5] www.rcmp-grc.gc.ca/ht-tp/publications ^[6]

A comprehensive list of national and provincial resources is available through the online training site Human Trafficking: Canada Is Not Immune ^[7].

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- [5] <http://www.rcmp-grc.gc.ca/ht-tp/index-eng.htm>
- [6] <http://www.rcmp-grc.gc.ca/ht-tp/publications/index-eng.htm>
- [7] <http://www.pssg.gov.bc.ca/octiptraining>

Glossary for Human Trafficking in Canada

exploitation

Causing a person to provide labour or services by doing something that could be reasonably expected to cause them to fear for their safety or the safety of someone they know if they did not perform the labour or services. It also includes using force, threats of force, deception, or coercion to remove a body organ or tissue from someone.

forced labour

Any work or services which people are forced to do against their will — under the threat of some form of punishment.

human smuggling

A transnational crime that generally involves the consent of the person smuggled. Smuggled persons are generally free to do what they want once they arrive at their country of destination.

migrant smuggling

Helping someone enter a country illegally in exchange for some form of payment.

trauma bonding

Development of positive feelings toward the trafficker.


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About this Wikibook

About Human Trafficking in Canada

This wikibook from People's Law School is for anyone who wants to learn more about human trafficking. You will find general information about human trafficking, how the law responds to human trafficking, what governments are doing, and what you can do.

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The People's Law School

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