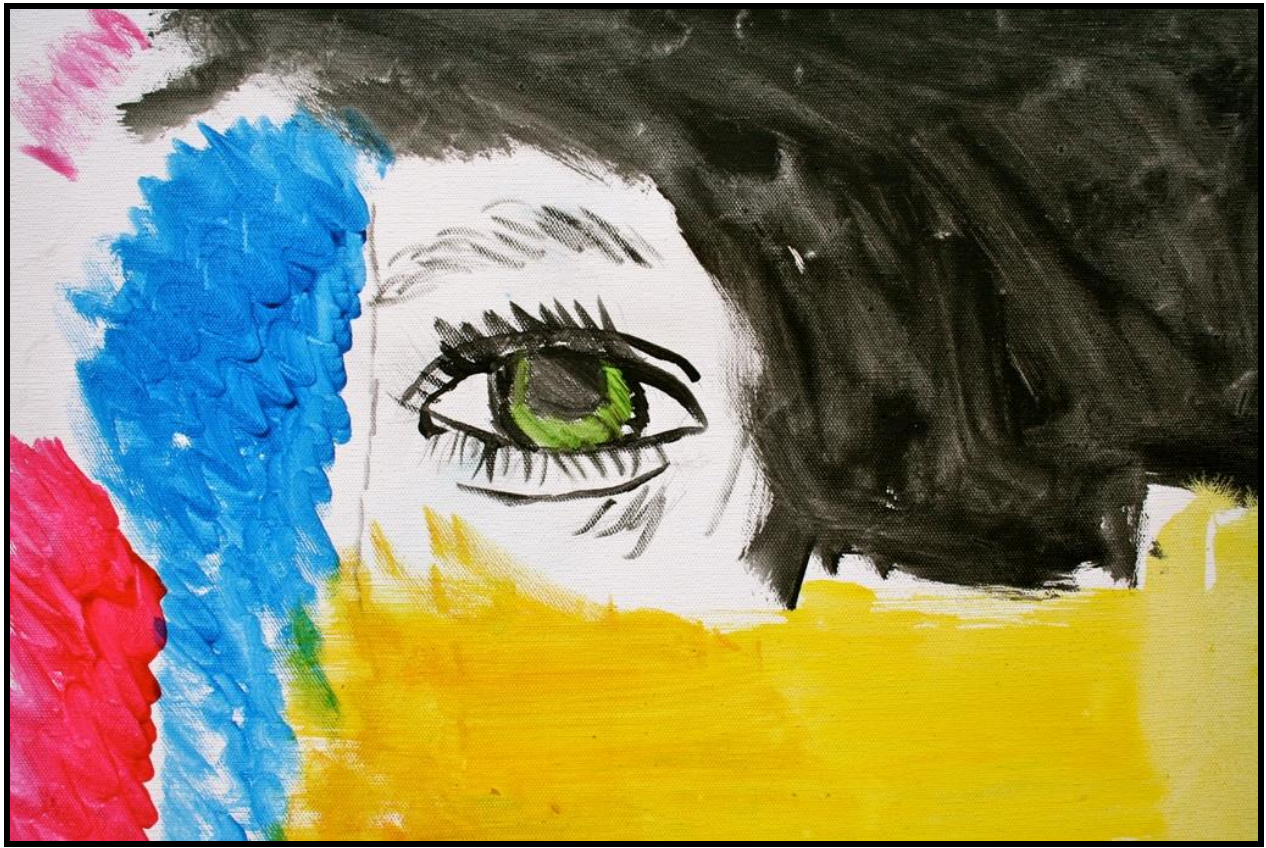


# Connecting the Dots

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## A Proposal for a National Action Plan to Combat Human Trafficking



**Joy Smith, B.Ed., M.Ed.**  
**Member of Parliament**  
**Kildonan – St. Paul**

### **Joy Smith, Member of Parliament**

Joy Smith was raised on a farm in southern Manitoba. She and her husband, Bart, are life-long residents of Manitoba. They have six grown children.

Joy was first elected to the House of Commons in 2004 and represents the riding of Kildonan – St. Paul in Manitoba. Prior to entering Parliament, she represented the constituency of Fort Garry in the Manitoba provincial legislature.

Joy Smith is recognized as one of Canada's leading anti-human trafficking activists. Since being elected, Joy has led the discussion of human trafficking at a national level which has resulted important changes in the Immigration and Refugee Protection Act.

One of her major achievements was the unanimous passing by the House of Commons in 2007 of her Private Members Motion M-153 on Human Trafficking which called on Parliament to condemn the trafficking of women and children across international borders for the purposes of sexual exploitation and to immediately adopt a comprehensive strategy to combat the trafficking of persons worldwide.

Over the past few years, MP Joy Smith has worked with federal Ministers on key legislation to further combat human trafficking and protect its victims and she has also introduced a number of Private Members Bills and Motions.

Last year, Joy Smith introduced Bill C-268, An Act to amend the *Criminal Code* (minimum sentence for offences involving trafficking of persons under the age of eighteen years). This bill received Royal Assent on June 29, 2010 and amended Section 279.01 of Canada's *Criminal Code* to include a five year minimum penalty for the trafficking of a minor and a six year minimum penalty for aggravated cases.

To learn more about human trafficking and the work that MP Joy Smith is doing, visit [www.joysmith.ca](http://www.joysmith.ca) or contact her at:

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**---Cover artwork painted by a 17 year old autistic Canadian after hearing about human trafficking---**

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## Forward

For the past ten years, I have been working at both the provincial and federal levels to promote anti-trafficking policies and initiatives. As many have discovered, combating trafficking in persons is complicated and challenging.

The complex and clandestine nature of trafficking in persons and the rapidly increasing occurrence of this crime demands a comprehensive, multi-faceted approach that draws together the existing frameworks, stakeholders, and agencies. I am convinced a Canadian National Action Plan to Combat Human Trafficking would address the challenges raised by implementing an integrated, targeted response to human trafficking. Such an approach would include benchmarks and measurable targets to ensure that continued progress is made.



This proposal provides a road map to *connect the dots* by examining the state of human trafficking in Canada and makes key recommendations that – at a very minimum – should be included in a National Action Plan to Combat Human Trafficking. The recommendations stem from consultations I have had with Canadian law enforcement, academics, NGOs, and human trafficking survivors over the past few years. A complete National Action Plan should be spearheaded by the federal government through consultation with the provincial and territorial governments, law enforcement, non-governmental organizations and of course, victims themselves.

I believe it is time for Canada to take a significant step forward in combating human trafficking both at home and abroad. Parliamentarians are becoming increasingly aware of the sale of humans taking place across our nation and globe. There is no longer any excuse to remain complacent with status quo. As William Wilberforce reminded his Parliamentary colleagues over 200 years ago, "*Having heard all of this you may choose to look the other way...but you may never again say that you did not know.*"

We know. We must now take action.

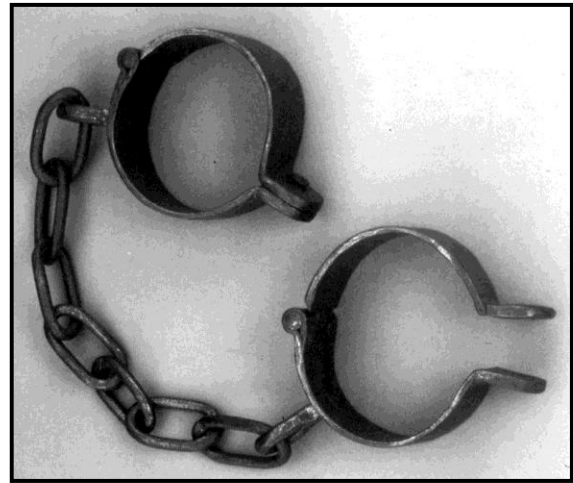
A handwritten signature in black ink that reads "Joy Smith". The signature is fluid and cursive, with a large, stylized initial "S".

**Joy Smith, MP**  
Kildonan – St. Paul

## Defining Human Trafficking

Before an analysis of human trafficking and a plan to combat it can proceed, it is important to begin with a clear definition of human trafficking, or trafficking in persons. The Oxford English Dictionary defines a slave as,

*One who is the property of, and entirely subject to, another person, whether by capture, purchase, or birth; a servant completely divested of freedom and personal rights.*<sup>1</sup>



This definition may bring to mind historical images of the Trans-Atlantic slave trade; of Africans being shipped across the ocean in shackles and forced into back-breaking physical labour for the benefit of their captors. The 18th century abolitionist movement was supposed to have relegated the horrors of slavery to the history books, but of course that is not today's reality.

The United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, employs the following definition:

'Trafficking in persons' shall mean 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 shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>2</sup>

While there are many varying definitions of human trafficking, for the purposes of this proposal the definition above from the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially*

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<sup>1</sup> Oxford English Dictionary, Online Edition  
[http://dictionary.oed.com/cgi/entry/50227167?query\\_type=word&queryword=Slave&first=1&max\\_to\\_show=10&sort\\_type=alpha&result\\_place=1&search\\_id=kGf5-kjv18K-6227&hilite=50227167](http://dictionary.oed.com/cgi/entry/50227167?query_type=word&queryword=Slave&first=1&max_to_show=10&sort_type=alpha&result_place=1&search_id=kGf5-kjv18K-6227&hilite=50227167).

<sup>2</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; Supplementing the United Nations Convention Against Transnational Organized Crime, United Nations, 2004.

*Women and Children* has been chosen. This is due to its wide acceptance by the international community and its use in drafting Canada's current human trafficking offences found in Section 279 of the *Criminal Code*. In addition, it was chosen as the primary definition of human trafficking included in the Report of the Standing Committee on the Status of Women entitled *Turning Outrage into Action to Address Trafficking for the Purpose of Sexual Exploitation in Canada*.<sup>3</sup>

The widespread acceptance of the definition above is a result of three essential components that it incorporates: the act of trafficking, the means by which trafficking is carried out, and the exploitative purpose of trafficking. Accompanying this definition is the understanding that the consent of a trafficking victim to exploitation is considered irrelevant when it is shown that deception, coercion, force or other means of control have been used. Finally, it should be noted that it is also internationally accepted that a child cannot give consent to exploitation under any circumstances. The irrelevance of consent is important to prevent its use as a criminal defence for traffickers.<sup>4</sup>

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<sup>3</sup> "Turning Outrage into Action to Address Trafficking for the Purpose of Sexual Exploitation in Canada" Report of the Standing Committee on the Status of Women, February 2007, 39<sup>th</sup> Parliament, 1<sup>st</sup> Session, Canada.

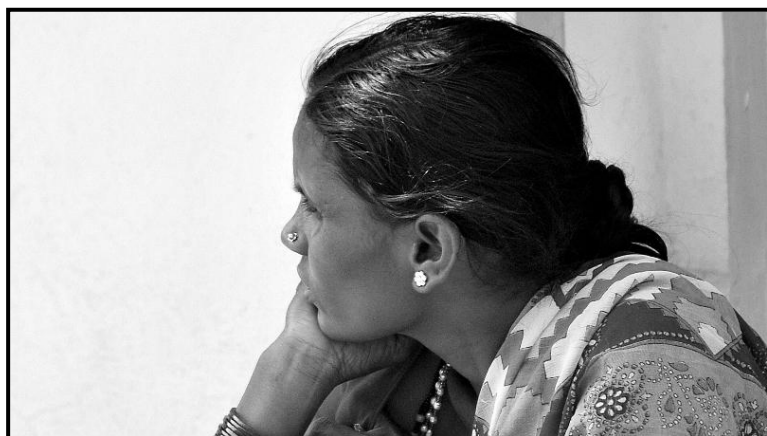
<sup>4</sup> "Combating Trafficking in Persons, A Handbook for Parliamentarians" United Nations Office on Drugs and Crime, 2009.

## Global Overview on Human Trafficking

Human trafficking affects virtually every country in the world. This form of modern day slavery is a global threat to human rights and dignity that invades rich and poor countries alike. Trafficking occurs within and across regional, national, and international boundaries, and spreads wherever there is potential to profit from the exploitation of others.

The exact breadth and scope of the number of global human trafficking victims has yet to be conclusively determined. Many countries do not keep statistics on trafficking cases, and those who do use differing methods of reporting and categorization.<sup>5</sup> While an exact number is not available, the United Nations Office on Drugs and Crime (UNODC) estimates that at any one time there are at least 2.5 million people being victimized by human trafficking globally. Due to the illicit and underground nature of trafficking, the true number of victims could be much higher. Every year, human trafficking generates billions of dollars for criminal organizations, making it the fastest growing form of transnational crime.<sup>6</sup>

Human trafficking is a blanket term that can encompass many types of exploitation, including but not limited to: sexual exploitation, forced labour, organ removal, child begging, and forced marriage. The UNODC reports that sexual exploitation is by far the most common form of trafficking, at 79% of reported cases. Forced labour ranks second, at 18%, with the remaining 3% accounting for all other



forms of trafficking. In an UNODC study of trafficking in 61 countries, it was found that women make up 66% of trafficking victims, followed by girls at 13%, men at 12% and boys at 9%. These numbers underline the need for women and girls to be protected from human trafficking, especially in the form of sexual exploitation.<sup>7</sup>

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<sup>5</sup> "Global Report on Trafficking in Persons," United Nations Office on Drugs and Crime, February 2009, p. 11, 12.

<sup>6</sup> United Nations Office on Drugs and Crime, <http://www.unodc.org/unodc/en/human-trafficking/faqs.html>, accessed Aug. 17, 2010.

<sup>7</sup> Ibid 5, p.11.

Countries with trafficking activity are typically categorized as countries of origin, transit, or destination. These categories are loose and overlapping; one country can have any, or sometimes all, stages of trafficking occurring within its borders. The UNODC has identified numerous geographic trends occurring in global trafficking flows. First, the UNODC reports that most trafficking victims in their study were moved across international borders. Domestic trafficking was also reported in 32 countries, and may be underreported due to lesser visibility of victims. Although there is evidence of intercontinental trafficking, such as East Asian victims of traffic appearing in 20 different countries, cross-border trafficking tends to occur between countries in the same region.<sup>8</sup>

The perpetrators of human trafficking are often of the same nationality as their victims, which points to local criminal groups recruiting and selling women to networks in destination countries. Data gathered by the UNODC on the gender of traffickers has shown that a large number of women are involved in the trafficking of persons, making them more active in the modern day slave trade than in many other types of crime.<sup>9</sup> As countries begin to address this problem with new legislation, the number of trafficking convictions has been increasing. However, the number of convictions is not keeping pace with the growth of the trafficking phenomenon.

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<sup>8</sup> Ibid, p. 11.

<sup>9</sup> Ibid, p. 6, 10.

## Canadian Overview on Human Trafficking



Human trafficking, a form of modern day slavery, is occurring in Canada and is growing at an alarming rate. While its modern form may differ in practice from forms of historic slavery, human trafficking is no less abhorrent or damaging to its victims.

In 2006, the U.S. Department of State's annual *Trafficking In Persons Report* estimated that 800 people were being trafficked into Canada each year and that 1500-2200 people being trafficked through Canada to the United States.<sup>10</sup> Similar to many countries, Canada is regarded as a source, transit and destination for victims of trafficking. Primarily, international victims of trafficking are trafficked to Canada for the purposes of commercial sexual exploitation. However, there

are cases of trafficking for forced labour, often occurring through the Temporary Worker Program or the Live-in Care Giver Program. More recently, there have been reported cases of children being trafficked into Canada from Honduras to run drugs in the Vancouver area.

Domestic victims of human trafficking have largely gone unnoticed until recently. However, they represent a significant number of human trafficking victims in Canada. In fact, it was reported at a Senate Committee on Social Affairs, Science and Technology in May 2010 that in the 32 cases of human trafficking currently before courts, all the victims under the age of eighteen were Canadian.<sup>11</sup> Further, First Nations youth have also found to be particularly vulnerable segment of the Canadian population.

An accurate picture of domestic human trafficking in Canada that reflects this trend can be found in the recent Strategic Intelligence Brief by the Criminal Intelligence Service of Canada (CISC), *Organized Crime and Domestic Trafficking in Persons in Canada*. The Briefing noted a couple of key findings:

- a number of organized crime syndicates and family based networks recruit girls and traffick them inter and intra-provincially;

<sup>10</sup> U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, "Trafficking in Persons Report." (Washington D.C., USA) June 2006, p. 86.

<sup>11</sup> Senate Committee on Social Affairs, Science and Technology, "Transcript of Proceedings – May 26, 2010." Issue #7, (Ottawa, ON), May 2010.

- middle-class females between the ages 12-25 are recruited by male peers;
- victims are controlled through direct (rape, assaults) and indirect (threatening family members) forms of coercion; and
- the daily earnings off of a victim can range from \$300 to \$1500.<sup>12</sup>

Over the past two years, Canada has also witnessed its first convictions of trafficking in minors. Imani Nakpangi, the first Canadian convicted of human trafficking involving a minor, received a three year sentence for the trafficking of a 15 year old girl but was credited 13 months for pre-trial custody. He made over \$350,000 sexually exploiting her over two years before she was able to escape. Essentially, he will spend less time in jail for this offence than he did exploiting her. In 2008, Montreal resident Michael Lennox Mark received a two-year sentence, but with double credit for the year served before his trial the man who horrifically victimized a 17-year-old girl over two years spent only a week in jail after his conviction.

To address these grossly inadequate sentences, Bill C-268 (*An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)*) was brought forward. This legislation has been widely accepted across political lines as well as by a diverse spectrum of NGOs, law enforcement agencies, victims' representatives and First Nations leaders. On June 29, 2010, Bill C-268 received Royal Assent and was added to the *Criminal Code*.

Released in June 2010, *Hidden Abuse – Hidden Crime*, an extensive study on domestic trafficking of children and youth in Canada commissioned by the RCMP revealed that a number of groups of Canadian youth including runaway children, unwanted children, youth



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<sup>12</sup> Criminal Intelligence Service of Canada, Strategic Intelligence Brief, "Organized Crime and Domestic Trafficking in Persons in Canada." (Ottawa, ON) August 2008.

living independently, and youth soliciting clients through the Internet were most susceptible to human trafficking and exploitation.<sup>13</sup> Among these groups, it found that First Nations youth who had left reserves and peer support and moved to urban areas were especially vulnerable to sex trafficking. In addition, the report's general findings on recruitment, control methods, and transportation paralleled similar findings in the aforementioned Strategic Intelligence Brief by CISC.

Finally, the RCMP also released a national threat assessment of human trafficking in September 2010 entitled *Human Trafficking in Canada*. The comprehensive study, Project SECLUSION, was the result of interviews and case files from across Canada. In addition to echoing the findings discussed above, the report also found that Asian nationals found working in the sex trade often entered Canada through legal means, usually on visitor or study permits.<sup>14</sup>

The recent findings on human trafficking in Canada provide a compelling case for a federally-initiated, multifaceted approach – one that can be accomplished through a Canadian National Action Plan to Combat Human Trafficking.

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<sup>13</sup> Marlene Dalley, Canadian Police Centre for Missing and Exploited Children, RCMP, "HIDDEN ABUSE – HIDDEN CRIME." (Orleans, ON) June 2010, p.6.

<sup>14</sup> RCMP Criminal Intelligence & Human Trafficking National Coordination Centre, 'Human Trafficking in Canada.' (Ottawa, ON) September 2010, p.3.

## Canada's Response to Human Trafficking

It is important to acknowledge the concrete steps Canada has already taken to address human trafficking. On the global stage, Canada has signed and ratified a number of international agreements related to human trafficking including:

- the United Nations *Convention Against Transnational Organized Crime (TOC)*;
- the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*;
- the UN *Protocol Against the Smuggling of Migrants by Land, Sea, and Air*; and
- the UN *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*.

At the national level, Canada has also taken the following steps to address human trafficking from a Canadian context:

- In 2001, Canada introduced the Immigration and Refugee Protection Act (IRPA) which addressed human trafficking and provided serious penalties for this offence with fines of up to \$1 million or up to life imprisonment.
- At the end of 2005, these measures were further strengthened through introduction of human trafficking offences into the *Criminal Code* [s. 279.01 – 279.04].
- In May 2006, the first National Human Trafficking Coordination Centre was staffed with RCMP officers and a civilian analyst. The RCMP is also aggressively developing initiatives to address victim protection. In addition, a highly informative video incorporating investigators, academics and NGO leaders who had worked on human trafficking cases was developed to train RCMP and others to recognize victims and their predators.
- Also in May 2006, the Canadian government announced Temporary Residence Permits (TRPs) would be available to international victims of human trafficking. The permits provided up to 120



days and provided access to healthcare and social assistance. Victims would not be required to participate in legal proceedings or testify to receive a TRP.

- Between September 2006 and February 2007, the Parliamentary Standing Committee on the Status of Women undertook an extensive study on human trafficking and produced a report in February 2007. This comprehensive report had 33 recommendations for Canada that focused on the 3P's: the prevention of trafficking, the protection of its victims, and prosecution of traffickers.
- On February 22, 2007 the House of Commons unanimously adopted Motion M-153, which called for the trafficking of women and children to be condemned and recommended that a comprehensive strategy to combat the trafficking of persons be adopted. Since this motion received support from all parties, it created a powerful statement to the world that Canada would not tolerate human trafficking.
- In March 2007, the federal Finance Minister announced \$6 million annually for law enforcement to assist in protecting children from online sexual exploitation and human trafficking.
- In May 2007, the federal government announced amendments to the Immigration and Refugee Protection Act to end a loophole where vulnerable foreign workers were being brought to Canada for the purposes of sexual exploitation.
- In June 2007, new measures of protection for victims of human trafficking from abroad were announced by the Canadian government.
  - The first measure extended the Temporary Resident Permit (TRP) from 120 days to 180 days. This was an important recommendation proposed by the Standing Committee of the Status of Women Report.
  - The second new measure allowed international victims of human trafficking to apply for resident and work permits and waived the usual fees.
- In 2008, the federal government's *Tackling Violent Crime Act*, Bill C-2, received Royal Assent, raising the age of protection from 14 years of age to 16 years of age. This change was strongly welcomed as a step towards addressing child trafficking.



- In January of 2009, the federal government announced a partnership with Crime Stoppers to launch a national hotline for human trafficking.
- In September 2009, the Canadian government supported the passage of Bill C-268 – minimum sentences for child traffickers.
- In September 2010, the Canadian government joined the RCMP to launch the Crime Stoppers “Blue Blindfold” campaign to bring awareness about human trafficking to Canadian citizens and provide opportunities for Canadians to help combat human trafficking.

However, as noted previously, there remains an urgent need for a collaborative, federally-led approach to combat human trafficking that would connect the dots among federal/provincial/territorial agencies and NGOs.

## Rationale for a Canadian National Action Plan

Canada ratified the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* in May 2002. As required by this Protocol, the Government of Canada follows the 4-P approach to combat the trafficking of humans: Prosecution, Protection, Prevention, and Partnerships.<sup>15</sup> However, Canada has taken this internationally accepted approach without a comprehensive national strategy or national action plan to combat human trafficking. This has resulted in piecemeal efforts to combat trafficking in persons across Canada where a collaborative approach between federal, provincial and territorial governments and stakeholders is required.

Over the past decade, a significant number of countries have taken action against trafficking in persons by drafting and implementing national action plans, including the majority of the G8 countries [Appendix A]. The Government of Canada was posed to develop its own national strategy to combat the trafficking



of humans. In 2004, the Interdepartmental Working Group on Trafficking in Persons (IWGTIP), composed of representatives of seventeen federal departments and agencies, was tasked with the

“development, promotion, and implementation of a comprehensive anti-trafficking strategy.”<sup>16</sup> In 2007,

Senate Committee on Human Rights recommended that Canada develop a national strategy to address the issue of child sexual exploitation.<sup>17</sup> Further, on

February 22, 2007, a motion recommending the

Canadian government adopt a comprehensive

strategy to combat the trafficking of persons was unanimously passed by the House of Commons, signifying strong political support from all regions of Canada. However, as of September 2010, Canada has yet to announce or implement a national action plan to combat trafficking in persons and the development of a human trafficking national strategy is no longer part of the mandate of IWGTIP.

<sup>15</sup> Justice Canada Website: < <http://www.justice.gc.ca/eng/fs-sv/tp/canada.html> > (Accessed July 15, 2010)

<sup>16</sup> Justice Canada Website: < [www.justice-canada.com/eng/fs-sv/tp/iwgtip-gtityp.html](http://www.justice-canada.com/eng/fs-sv/tp/iwgtip-gtityp.html) > (Accessed July 2, 2009)

<sup>17</sup> Senate Committee on Human Rights, “Children: the Silenced Citizens, Effective Implementation of Canada’s International Obligations with Respect to the Rights of Children.” (Ottawa, ON), May 2007.

The need for a collaborative approach has been noted by the international community. In 2008, the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings for the *Organization for Security and Co-operation in Europe* (OSCE) published a report entitled ‘Efforts to Combat Trafficking in Human Beings in the OSCE Area: Co-ordination and Reporting Mechanisms.’ The report provided a review of human trafficking efforts in the areas of national co-ordination mechanisms, national action plans, and national rapporteurs among OSCE countries, of which Canada is a participating member. Particularly, the report recognized that a National Action Plan:

*is intended to do exactly what its name suggests: to plan a country’s actions against THB[trafficking in human beings] in a systematic, organized and co-ordinated way. It is the blueprint for how, when and by whom strategic and operational activities are to be accomplished. It should link a country’s framework of concrete actions – its programmes and other measures – to its strategic vision and priorities. It should address the capacity and resource issues that are needed to supporting the attainment of tangible anti-trafficking results. An NAP thus aims to turn many potential and actual pieces of a country’s anti-trafficking puzzle into a coherent portrait of the participating State’s plan for its anti-trafficking work.<sup>18</sup>*

Among the report’s findings, thirty-three countries responded that they had a national action plan or equivalent policy response. While Canada is listed as a country with a National Action Plan, Canada’s actual submission to the OSCE referred to its policies being guided by the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* and coordinated by the Interdepartmental Working Group on Trafficking in Persons (IWGTIP).<sup>19</sup> However, IWGTIP is not guided by an existing National Action Plan, nor is it required to regularly report to Parliament, leaving Canada without a concrete, measurable mechanism to combat human trafficking.

Most recently, the U.S. Department of State’s 2010 *Trafficking in Persons (TIP) Report* urged Canada to:

- intensify efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders;
- increase use of proactive law enforcement techniques to investigate trafficking cases, including allegations of labour trafficking;

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<sup>18</sup> Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings “Efforts to Combat Trafficking in Human Beings in the OSCE Area: Co-ordination and Reporting Mechanisms” (Vienna, Austria), 2010, pp 43.

<sup>19</sup> Ibid, Annex D

- increase efforts to investigate and prosecute Canadians suspected of committing sex crimes on children abroad;
- ensure that foreign trafficking victims are identified instead of deported;
- strengthen coordination among national and provincial governments on law enforcement and victim services;
- and improve data collection.<sup>20</sup>

Notably, the U.S. Department of State's 2009 *Trafficking in Persons Report* found that "law enforcement efforts reportedly suffer from a lack of coordination between the national government, and provincial and local authorities, which prosecuted most human trafficking cases."<sup>21</sup> In addition, the 2009 TIP Report noted that concerns of inconsistent availability of services to the victims of human trafficking due to varied models of service provided by provinces and territories. Furthermore, it was recognized that many non-governmental organizations (NGOs) provided services to victims without any government assistance.

It has become clear that a coherent and effective response to human trafficking in Canada requires a Canadian National Action Plan. This plan can and should be built using existing mechanisms and services available through federal and provincial/territorial governments as well as those established within communities across Canada. The plan must also incorporate the expertise of the many organizations and agencies across Canada who are currently combating human trafficking through protection, prevention and partnership activities.

Finally, a National Action Plan, led by the federal government, would enhance Canada's leadership on combating human trafficking and provide an invaluable example to many other nations.



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<sup>20</sup> U.S. Department of State, Office to Monitor and Combat Trafficking in Persons "Trafficking in Persons Report 2010" (Washington D.C., USA), June 2010, pp. 105.

<sup>21</sup> U.S. Department of State, Office to Monitor and Combat Trafficking in Persons "Trafficking in Persons Report 2009" (Washington D.C., USA), June 2009, pp. 99.

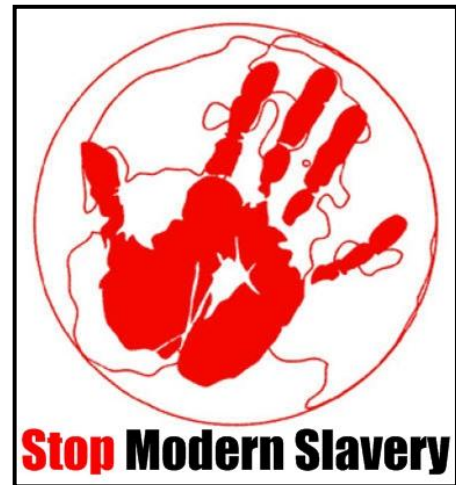
# **Recommendations for a Canadian National Action Plan to Combat Human Trafficking**

## ***Prevention***

Preventative steps to combat human trafficking are fundamental to curbing the increasing occurrence of human slavery. It is important to recognize that the demand for sexual services and free labour composes the large majority of human trafficking cases, and of these two, the demand for sexual services is by far the most predominant. As such, prevention strategies must focus on curbing the demand in these areas.

The global nature of this modern day slavery requires a concerted international effort to prevent trafficking in persons.

In addition to creating a demand within Canada, travelling Canadians also contribute to a global demand. A Canadian response to this demand would implement measures to target both the local and international demand that generates trafficking in persons.



### **Recommendation I – Review and amend immigration regulations and policy to provide effective counter human trafficking point of entry services.**

#### *Rationale*

Over the past few years, Canada developed and implemented essential human trafficking education for Canada Border Services Agency officers. However, men, women and children continue to be trafficked into Canada for the purposes of sexual exploitation, forced labour and drug trafficking. Changes to the immigration and point-of-entry system are required to close the loopholes that remain.

#### *Action Items*

- Ensure CBSA officers are regularly briefed on new human trafficking detection methods and best practices.
- Review current legislation and regulations surrounding the Temporary Foreign Worker Program, Live-In Caregiver Program to develop effective detection and prevention protocols within the programs.

- Review Canada’s visa exempt policies, especially policies surrounding study and student work permits.
- Task Citizenship & Immigration Canada to research the occurrence of forced marriages and spousal sponsorship and to make recommendations on policy to prevent forced marriage situations.
- Increase the number of languages that the federal human trafficking pamphlet is available in (currently available in 14 languages). Ensure pamphlet is available at all Canadian embassies and consulates as well as at Canadian points of entry.
- Ensure that female immigrants aged 15 to 21 arriving in Canada alone be met by a CBSA officer within a week of their entry in the country and on a monthly basis during the following six months to ensure their safety and legitimate working conditions.

**Recommendation II – Develop and implement a tailored strategy within the National Action Plan to address trafficking of First Nations women and children.**

*Rationale*

The trafficking of First Nations women and children has been a grave concern to many First Nations communities. First Nations women and children are at a much greater risk of being trafficked than the general Canadian population. Additionally, the root causes of exploitation and vulnerability in First Nations often differ from other communities across Canada. In this respect, an effort to counter human trafficking and exploitation in these communities requires a tailored response in cooperation with First Nations.

*Action Items*

- Consult with First Nations leaders, First Nations women’s organizations, provinces and territories, stakeholders and communities for an effective response.
- Support the development of regional working groups based on the model provided by the Assembly of Manitoba Chief’s *Prevent Human Trafficking Working Group*.
- Commit to funding ongoing human trafficking awareness programs in First Nations communities.

**Recommendation III – Use diplomatic protocols to promote regional and international partnerships and policies to combat human trafficking and child sexual exploitation.**

*Rationale*

Canada's reputation as a nation committed to democracy, human rights and the rule of law is well established. As such, Canada should make every effort to use diplomatic relations to encourage and assist other countries to develop policies that tackle the root causes of human trafficking and sexual exploitation.

*Action Items*

- Provide increased assistance to developing countries through judicial, legislative, and law enforcement training.
- Continue to support funding for regional awareness and developmental programs.
- Increase funding to development programs that address the low education and poverty of women and children in developing countries.
- Increase funding through CIDA for overseas birth registration programs.

**Recommendation IV – Develop policies and regulations to combat forced labour and child labour abroad.**

*Rationale*

Forced labour is the use of coercion or threats to extract a service or work from an individual. It is estimated that there are 12.3 million people currently victims of some form of forced labour and over 200 million child labourers between the ages of 5 to 17. Each year Canada imports billions of dollars of products from countries around the world, some of which has been produced using forced labour or child labour. Canada must discourage the use of forced labour and child labour through domestic and foreign policy.

*Action Items*

- Draft policy to prohibit the acquisition of products created by forced labour or child labour by federal departments, agencies and contractors.

- Prohibit the importation of products created or harvested through the use of forced labour or child labour by amending Customs D Memoranda (Tariff item No. 9897.00.00).
- Introduce penalties for Canadian companies which knowingly import or use products made by forced labour or child labour.
- Partner with Canadian business communities to develop policy and compliance mechanisms for slavery-free supply chain.
- Direct Canadian foreign aid to programs and projects which specifically address economic conditions in developing countries that contribute to forced labour and child labour conditions.

**Recommendation V – Limit and monitor the international travel of convicted Canadian child sex offenders.**

*Rationale*

Over the past two years, convicted Canadian child sex offenders have been caught abroad preying on children. In 1997, Canada has amended its *Criminal Code* to allow for the prosecution of its citizens for sexual crimes against children committed outside of Canada. While this may deter *situational* offenders, it does little to deter *preferential* child sex tourists and pedophiles, who specifically travel to countries where there is little risk of being caught.

Canada has a responsibility to ensure its citizens are not traveling abroad to sexually exploit children. Child sex tourism has devastating, long-term impact on victims, with many suffering severe physical and psychological abuse. Currently, convicted Canadian child sex offenders have virtually no limits on their travel abroad, and are only required to report an absence from Canada if it extends past fourteen days.

*Action Items*

- Implement proactive methods of monitoring the travel of convicted child sex offenders.
- Designate a lead law enforcement agency to investigate and monitor Canadian child sex tourists abroad.

- Require offenders on Canada’s National Sex Offender Registry to report absences from Canada prior to leaving the country, including details of destination.
- Make use of Interpol’s Green Notice system to advise other countries of traveling Canadian child sex offenders who are likely to recommit a sexual offence against a child.
- Consider revoking the passports of convicted Canadian child sex offenders who pose a high risk of reoffending abroad.

**Recommendation VI – Creation and implementation of an extensive public awareness campaign.**

*Rationale*

A national public awareness campaign on human trafficking would serve two purposes. First and foremost it would educate the general public of human trafficking, especially aspects that might be particular to Canada. Much of the Canadian public is unaware both of the extent of human trafficking throughout their communities as well as the simple steps they can take to help prevent it. In this respect, a public awareness campaign would certainly include a focus on reducing the demand for sexual exploitation.

The second purpose of a national awareness campaign would be to educate the public on the steps the federal government has taken. While few Canadians are aware of human trafficking, even less are aware of Canada’s response. This is unfortunate as Canada has taken a number of important steps to combat human trafficking since it appeared on the international stage.

*Action Points*

- Prepare and deliver a national education campaign in coordination with NGO’s and other stakeholders.
- Provide funding to NGOs for awareness campaigns in targeted and vulnerable populations.
- Produce educational & awareness materials that are targeted to frontline service providers such as health providers, fire fighters, and social service providers.

## ***Protection***

The most critical aspect of a National Action Plan to combat human trafficking is the protection and rehabilitation offered to victims. A victim of trafficking can originate from both within Canada or from abroad. Human traffickers do not distinguish between race, ethnicity, income, gender or class. Regardless of the origin of the victim, the impact on the victim is devastating and calls for a comprehensive response that focuses on the



physical, emotional, and psychological needs of the victims in addition to their practical needs. As a signatory of the UN Protocol to *Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children*, Canada is urged to provide protective measures for victims such as appropriate housing, medical, psychological, material assistance, and employment/educational opportunities.

### **Recommendation VII – Provide adequate funding for NGOs to deliver care, counselling, shelter and assistance to victims.**

#### *Rationale*

One of the fundamental benefits of a National Action Plan to combat human trafficking is both the opportunity to connect the dots between the many organizations providing care for victims across Canada to ensure national coverage and the ability to make use of existing infrastructure and programs. Providing accessible care for victims of trafficking need not be an expensive investment. Thus, it is important to recognize the value of forming partnerships with existing NGOs.

Effective assistance can be achieved through the targeted funding of organizations like Canada Fights Human Trafficking, the Salvation Army, and other religious and secular NGOs who already provide invaluable services to victims yet currently rely on private sources of income.

#### *Action Items*

- Provide funding to existing victim services organizations that have a proven and measurable track record of assisting victims of human trafficking.
- Provide federal leadership to establish safe houses for trafficked victims in each province and territory, especially in major urban centres.
- Develop a federal assistance program for rescued youth.

#### **Recommendation VIII – Develop and implement federal policy to assist international victims of human trafficking to return to their country of origin.**

#### *Rationale*

While many international victims may choose to stay in Canada once their Temporary Residence Permit expires and they receive a residence permit, others may wish to return home to their families. The International Organization for Migration (IOM) partners with destination countries to assist in the return of a victim of human trafficking by providing a safety assessment, support during travel, reception upon arrival, and referral to local social services. IOM also assists with reintegration to prevent survivors from being re-victimized by assisting with temporary shelter upon return, health care, training and education, and small grants for income generating activities.

#### *Action Items*

- Establish federal policy to fund and partner with the IOM to assist international victims of human trafficking return to their country of origin.

#### **Recommendation IX – Develop a National Referral Mechanism to provide rapid connection to points of service.**

#### *Rationale*

Since the majority of health services are under the jurisdiction of the provinces and territories, a national response must be undertaken through consultation and cooperation with the provinces

and territories. Further, while much of the existing victim care is currently being provided by NGOs and religious groups, access to this care is not consistent across Canada. A National Referral Mechanism would ensure rapid care for victims, regardless of where they are located. It would connect the existing dots to ensure full national access to victim assistance.

#### *Action Items*

- Develop a national database of organizations that provide assistance to victims of trafficking.
- Equip the current national human trafficking hotline to direct calls for victim assistance to local human trafficking organizations.
- Promote dialogue and partnerships between NGOs and governments to share best practices and ensure constant communication between points of service.

### **Recommendation X – Create an independent National Rapporteur for Human Trafficking.**

#### *Rationale*

An important part of improving Canada's assistance and protection of victims is having an independent entity that can collect information on human trafficking in Canada, assess the outcome of Canada's response and represent the interests of human trafficking victims and stakeholders. A National Rapporteur would serve as a liaison between stakeholders (law enforcement, NGOs, community advocates and victims of trafficking) and the federal government. The National Rapporteur would also make policy recommendations to the federal government and submit an annual report on the state of human trafficking to the Canadian Parliament.

#### *Action Items*

- Appoint an independent National Rapporteur for Human Trafficking.
- Provide necessary funding and resources to the National Rapporteur to fulfil his or her mandate.

## ***Prosecution***

As noted in U.S. Department of State's 2009 Trafficking in Persons Report, Canada needs to improve its efforts in the prosecution and sentencing of human traffickers. The National Action Plan to Combat Human Trafficking must contain elements that would result in increased charges being laid as well as vigorous prosecution and sentencing of human traffickers, especially



those who traffic children. This would reflect Canada's international obligation under Article 3(3) of the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* which states: "Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature."

Further, a National Action Plan to Combat Human Trafficking would propose legislation to ensure all forms and aspect of human trafficking is covered by Canadian law.

### **Recommendation XI – Review and amend Canada's solicitation legislation.**

#### *Rationale*

Canada's current *Criminal Code* legislation does not prohibit prostitution but prohibits the solicitation component. This has resulted in both the buyer and the seller of sex being held criminally responsible and the law being unequally applied. Many frontline organizations have found that sex trade workers are often underage victims of forced exploitation or human trafficking, whereas the buyers, or *Johns*, provide an overwhelming demand for the sex trade with little fear of consequences.

After years of attempting to combat human trafficking in Sweden, the Swedish government decided in 1999 to criminalize the act of purchasing sexual services to target the demand and not the act of selling sexual services. As such, prostitution is considered violence against the sex

trade worker. The results have been impressive, with the rate of known human trafficking cases dropping significantly in comparison to neighbouring European countries.

Further, frontline stakeholders, religious groups and anti-human trafficking organizations in Canada are strongly supportive of revising Canadian solicitation laws to target the demand and provide relief for the victims.

#### *Action Items*

- Task the federal Justice Department to research and recommend policy changes that would reflect greater emphasis on criminalizing the demand and procurement of sexual services.
- Task the Federal-Provincial-Territorial Working Group on Prostitution with reviewing the Swedish model and its implications for Canada.

### **Recommendation XII – Commit to additional resources for the training and education of judges, prosecutors and law enforcement on human trafficking legislation.**

#### *Rationale*

Section 279.01 of Canada's *Criminal Code* is a relatively new offence having been enacted just over four years ago. As a result, law enforcement, prosecutors, and judges are often unknowledgeable about the impact and extent of human trafficking and hesitant to make full use of the legislation. This has led to limited charges being laid since the legislation received Royal Assent in 2005. Even more alarming are the low sentences given to those who are actually convicted.

#### *Action Items*

- Increase resources to the RCMP's National Human Trafficking Coordination Centre for their law enforcement seminars on human trafficking.
- Initiate the training and education of prosecutors and judges on Canadian human trafficking legislation through the federal Department of Justice.

**Recommendation XIII – Review and implement legislation as necessary to ensure that all forms of human trafficking are denounced under Canadian law.**

*Rationale*

As a crime that continues to emerge and change, it is important that Canadian law confront the challenges and causes of human trafficking through legislation and federal regulations.

*Action Items*

- With the Royal Assent of Bill C-268, add s. 279.011 to the sexual offences against children under Canada’s extraterritorial laws in Section 7 (4.1) of the *Criminal Code*.
- Conduct a review of human trafficking and child exploitation legislation every 4 years.
- Examine human trafficking related criminal legislation in regards to increased criminal use of technology and amend as necessary.

## ***Partnerships***

Fighting human trafficking requires cooperation and agreements between multiple levels of government, law enforcement and NGOs. As human trafficking is a criminal activity that crosses regions and provinces, a National Action Plan to Combat Human Trafficking would contain support and funding to foster partnerships between Canadian agencies, law enforcement and NGOs. Models of human trafficking taskforces can currently be observed in a few Canadian locations as well as throughout the US.



The American human trafficking taskforces are usually funded by the federal government and bring together district attorneys, multiple levels of law enforcement, NGOs and victim service providers. Each agency has a designated point person in the taskforce in regular communication with their interagency contacts with an emphasis on a victim centred approach. The taskforces must also commit a percentage of their federal funding to community awareness programs.

### **Recommendation XIV – Facilitate the creation of regional human trafficking taskforces.**

#### *Rationale*

Strong partnerships and clear communication between inter-agencies, law enforcement, NGOs and victim service providers has been found to contribute to successful prosecutions, meaningful protection of victims, and effective prevention awareness campaigns. Taskforce partners can build strong relationships with one another, share best practices, and combine resources.

#### *Action Items*

- Provide federal leadership, funding and resources to establish human trafficking taskforces in high risk trafficking regions in Canada.

## Appendix A - Countries with National Action Plans to Combat Human Trafficking

<u>Country</u>	<u>Year</u> *
Australia	2004
Denmark	2007
Finland	2005
Norway	2006
Japan	2004
Thailand	date n/a
China	2008
Cambodia	date n/a
UAE	2007
Kenya	2007
European Union	2005
Myanmar	2006
United Kingdom	2007
Greece	2006
Kosovo	2004
Malaysia	2009
Ireland	2009
Austria	2007
Azerbaijan	2004
Turkey	2002
Albania	2008
France	2008
South Africa	2009
United States	2001
Serbia	2009

\* (announced and/or implemented)

## **Appendix B – Additional Resources**

*Invisible Chains: Canada's Underground World of Human Trafficking.* Benjamin Perrin, Penguin Group Canada, (Toronto, ON) October 2010.

*Human Trafficking in Canada – Project SECLUSION.* RCMP Criminal Intelligence & Human Trafficking National Coordination Centre, (Ottawa, ON) September 2010.

*Hidden Abuse – Hidden Crime.* RCMP Canadian Police Centre for Missing and Exploited Children, (Ottawa, ON) June 2010.

*2010 Trafficking in Persons Report.* Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, (Washington, DC) June 2010.

*Memoirs of a Sex Slave Survivor.* Timea E. Nagy, Communication Dynamics Publishing, (Toronto, ON) April 2010.

*Comprehensive Legal Approaches to Combating Trafficking in Persons: an International and Comparative Perspective.* The Protection Project, John Hopkins University, (Washington DC) 2009.

*Combating Human Trafficking in Persons (A Handbook for Parliamentarians).* United Nations Office on Drugs and Crime, 2009.

*Efforts to Combat Trafficking in Human Beings in the OSCE Area: Co-ordination and Reporting Mechanisms.* Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, OSCE, (Vienna, Austria) 2008.

*Organized Crime and Domestic Trafficking in Persons in Canada.* Criminal Intelligence Service of Canada, Strategic Intelligence Brief (Ottawa, ON) August 2008.

*Faster, Higher, Stronger: Preventing Human Trafficking at the 2010 Olympics.* The Future Group (Calgary, AB) November 2007.

*UK Action Plan on Tackling Human Trafficking.* UK Home Office, (London, GB) March 2007.

*Turning Outrage Into Action To Address Trafficking For The Purpose of Sexual Exploitation In Canada.* Tabled by the Standing Committee on Status of Women in the House of Commons, (Ottawa, ON) February 2007.

*Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response.* International Centre for Migration Policy Development, (Vienna) 2006.