

Chapter 14

National Action Plan to Combat Human Trafficking, Canada

14.1 Context

Despite Canada's position as a developed country with ample resources, it still faces challenges in preventing violence, exploitation and abuse for some of its most vulnerable populations, including women and girls. One of the most flagrant forms of this abuse is human trafficking. Human trafficking involves the recruitment, transportation, harbouring or exercising of control over the movements of a person for exploitation, typically through sexual exploitation or forced labour (Government of Canada 2012). In the Canadian context, this manifests in a variety of circumstances and impacts a wide range of victims. Although men, women, girls and boys can all be affected, the majority of trafficking cases in Canada are of women and girls. Human trafficking involves both international and domestic dimensions, the latter related to trafficking across provincial boundaries within Canada (RCMP 2013).

Traffickers control their victims in a number of ways, such as taking away identity documents, isolating individuals, or using threats and intimidation, including physical or sexual abuse. These tactics have widespread physical, psychological and emotional consequences, and should be seen as an extreme form of violence against women and girls. Although victims come from a range of different social and economic circumstances, poverty, violence and gender inequality are key contributing factors to their vulnerability to trafficking. Marginalised and disadvantaged populations tend to be more at risk, including women from indigenous populations, young women, girls, migrants and children in protective services.

Box 14.1 Hamilton forced labour case

'We were treated like dogs on a short leash... To this day I don't go out after dark because of all the threats. I have also received threats against my mother in Hungary.'

–Victim Impact Statement (Hamilton forced labour case)

The extent of human trafficking in Canada is difficult to measure. The hidden nature of the crime, the reluctance of victims and witnesses to come forward, and barriers to reporting due to fear, coercion or mistrust of authorities all challenge Canada's ability to assess the full scope of the problem at a national level. However, a recent survey undertaken by the National Task Force on Sex Trafficking of Women and Girls in Canada was able to give a snapshot of the impact of trafficking. Surveying 266

front-line response organisations across Canada, they collectively identified 1,929 trafficked women and 943 trafficked girls (Canadian Women's Foundation 2014). They also identified 4,708 girls and 14,457 women who were sexually exploited, or exchanged sex or sexual acts for drugs, food, shelter, protection or other life necessities (Canadian Women's Foundation 2014). Within this sample, 51 per cent of trafficked girls had been involved in the child welfare system and 51 per cent of trafficked women were indigenous (Canadian Women's Foundation 2014). This underscores the growing awareness of the domestic dimensions of human trafficking. For example, while women, primarily from Asia and Eastern Europe, are trafficked into Canada for purposes of sexual exploitation, a recent study suggested that 90 per cent of Canada's sex trafficking victims come from within Canada (RCMP 2013).

The Canadian government has undertaken a range of initiatives aimed to prevent and respond to the threat of human trafficking. At the policy level, there are institutional mechanisms that work to hold human traffickers accountable. Canada was one of the first signatories to the United Nations (UN) Protocol to Prevent, Suppress and Punish Traffickers in Persons especially Women and Children, 2003. At the national level, legal mechanisms include provisions in the Criminal Code, such as 279.01 (Trafficking in persons), 279.011 (Trafficking of a person under the age of 18 years), 279.02 (Material benefit) and 279.03 (Withholding or destroying documents).

Recognising that human trafficking needs a holistic response and must be addressed before it reaches the level of the court, the government has reinforced its response beyond a legal level. For example, the Royal Canadian Mounted Police (RCMP) conducted Canada's first Human Trafficking Threat Assessment, which reviewed intelligence from 2005 to 2009 in order to determine the extent of this crime. These investigations reaffirmed the linkages between vulnerable and economically challenged populations and trafficking, in addition to bringing up new areas of concern, such as evidence of forced labour for foreign nationals.

14.2 Key institutional actors

Canada's National Action Plan (NAP) to Combat Human Trafficking is led by the Human Trafficking Taskforce, which is overseen by Public Safety Canada, created in 2003 to ensure co-ordination across all federal departments and agencies responsible for national security and the safety of Canadians. Public Safety Canada works alongside key departments and agencies, including the RCMP, Canada Border Services Agency, other governmental ministries and not-for-profit organisations. Status of Women Canada (SWC) does not take a lead role in NAP, but undertakes anti-trafficking activities as part of its 'Ending violence against women' portfolio.

14.3 Theory of change

Responding to this heightened awareness on human trafficking, the Canadian government has strengthened its efforts through NAP to combat the problem. Launched and spearheaded by Public Safety Canada in 2012, the theory of change behind NAP is to consolidate on-going efforts of the federal government to combat human trafficking, in order to introduce new initiatives for prevention, protection and

prosecution. NAP aims to combat human trafficking by strengthening partnerships between federal, provincial and territorial governments, as well as across sectors such as law enforcement, civil society and justice institutions. NAP builds on Canada's current response to both strengthen existing strategies and build new ones to address human trafficking in all its forms.

14.4 Social institutions and discriminatory norms

Human trafficking is embedded in discriminatory social norms and deeply entrenched patterns of gender inequality. To work towards prevention and eradication, strategies must take a holistic approach that addresses these underlying root causes and social institutions. As such, NAP and other efforts of the Canadian government take a multipronged strategy in order to reach their goals.

Formal laws, policies and accountability: Canada has a number of laws, policies and institutional mechanisms that address the problems of human trafficking. In addition to its recognition of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Beijing Declaration and Platform for Action, Canada was also one of the first countries to ratify the UN Protocol to Prevent, Suppress and Punish Traffickers in Persons especially Women and Children. At the national level, tools to hold traffickers accountable are enshrined in the Criminal Code of Canada, with indictable offences for trafficking, material benefit or forcible confinement. Additionally, the Immigration and Refugee Protection Act contains provisions that prohibit bringing a person into Canada by abduction, coercion or fraud.

Access to resources and opportunities: A key part of reducing the harm of human trafficking has been ensuring that adequate resources are in place to fulfil NAP's goals. This includes response mechanisms, as well as increasing resources at the disposal of victims, or those at risk of becoming victimised. As part of NAP, Public Safety Canada has implemented a Victims Fund that allocates financial resources to improve services for victims. SWC works with Public Safety Canada to implement several of these programmes; for example, it is supporting the development of shelter programmes for refugee victims of violence and human trafficking in Edmonton. Additionally, NAP allocates technical and financial resources to trafficking responders, in order to strengthen these efforts; for example, extra training has been provided to law enforcement agencies, in order to better understand human trafficking crimes, and to adequately respond to survivors.

Informal cultural norms and exclusionary practices: As human trafficking is embedded in patterns of gender inequality, a key part of any response is addressing cultural norms that allow for social discrimination and marginalisation to continue. As seen above, factors such as extreme poverty, unemployment, lack of education and inadequate social protection contribute to human trafficking. The Government of Canada has recognised that vulnerable and disadvantaged populations are most at risk, and has targeted its strategies accordingly. For example, Canada has a long history of exclusion and discrimination towards aboriginal populations. As aboriginal women make up a large proportion of trafficking victims, special consideration is

given to these populations through specific outreach and advocacy programmes. Finally, NAP expands on data collection in order to better track and understand trends on human trafficking in Canada.

Women’s and men’s consciousness: A key factor discouraging victims from coming forward is a lack of awareness of their rights. Many victims are afraid they will be detained, or may have limited language skills or deep mistrust of authorities. Foreign victims face specific challenges, as many fear that they will be deported. In order to raise consciousness around issues of human trafficking, a main strategy of NAP has been the implementation of outreach and awareness-raising campaigns.

14.5 Strategies

Implemented by Public Safety Canada, along with a consortium of government, law enforcement and civil society partners, the National Action Plan to Combat Human Trafficking was launched in 2012 in an effort to consolidate efforts to address human trafficking into one comprehensive plan. Following the best practices outlined in the UN Trafficking Protocol, Canada’s NAP focuses on four core areas, or four pillars, to address human trafficking: prevention, protection of victims, prosecution of offenders, and establishing partnerships domestically and internationally. The Human Trafficking Taskforce meets monthly, to support implementation across Canada.

- Under the first pillar, NAP aims to raise awareness and undertake research in order to support a broad based prevention agenda. NAP views the demand for sexual services as a contributing factor to trafficking. It therefore uses prevention strategies as a way to tackle risk factors that lead to exploitation (Government of Canada 2012). For example, NAP has promoted training for front-line service providers, to strengthen the capacity of those who work with populations that may come in contact with trafficking victims. Prevention strategies have also included awareness campaigns, with the support, development and distribution of awareness material both domestically and abroad. For example, the RCMP’s ‘I’m Not for Sale’ campaign was disseminated across Canada, specifically in aboriginal communities, in order to raise awareness on human trafficking (Public Safety Canada 2013). A final strategy within the prevention pillar has been to work with communities to identify at risk individuals.

Box 14.2 *R v Urizar*, Court of Quebec

‘He told her that he had control over her, that she belonged to him and that he could do anything he wanted to her. He became more and more abusive with her, both physically and verbally. He threatened to kill her and told her that, if she reported him to the police, he could easily hire someone to kill her for a couple of rocks of crack. He told her that if she fled, he would end up finding her and that he would stab her.’

–Excerpt [translated] from the decision of the court in *R v Urizar*,
Court of Quebec, Criminal Division

- The second strategy used has been to provide protection and assistance to victims of human trafficking. NAP recognises that every trafficked person will require support measures tailored for their particular needs, and aims to assist their recovery physically, psychologically and socially. For example, as part of NAP, a Victims Fund has been established to increase financial resources to service providers. As part of its 'Ending violence against women and girls' programming, Status of Women Canada has targeted funds toward increasing services for trafficking victims (Public Safety Canada 2013). The government has also worked with immigration officers in order to enable provision of short-term temporary resident permits to foreign nationals who are victims of trafficking.
- The third pillar of NAP focuses on strategies to detect, investigate and prosecute traffickers. In addition to Canada's comprehensive legal framework, NAP has implemented training and education for prosecutors and law enforcement. For example, RCMP's Human Trafficking National Coordination Centre has co-ordinated awareness-raising sessions for over 39,000 officials from law enforcement (Government of Canada 2012). Another strategy implemented under NAP has been to establish an integrated investigative team between the RCMP, Canada Border Services Agency and local police, in order to conduct proactive investigations. These mechanisms have enhanced intelligence collection and co-ordination, in order to increase detection and prosecution of traffickers.
- The final strategy NAP uses to address human trafficking involves partnerships and knowledge. In order to attain a holistic framework, NAP works to strengthen relationships across a range of different stakeholders to ensure a co-ordinated approach. At the national level, the government has enhanced engagement, collaboration and knowledge exchange with civil society, including aboriginal organisations. These partnerships have been used to bolster data collection, in an effort to increase knowledge on the extent of human trafficking in Canada. NAP also works to increase partnerships with different international organisations and foreign governments, in order to respond to the international dynamics of human trafficking. Additional strategies have included diplomatic engagement to promote partnerships for anti-trafficking initiatives, providing support to countries to adopt appropriate legislation and law enforcement programmes, and working through specialised anti-trafficking mechanisms such as the UN Special Rapporteur on Trafficking in Persons, especially Women and Children.

14.6 Outcomes to date

In order to track the progress and results of Canada's anti-trafficking initiatives, NAP undergoes an annual review process. This allows Public Safety Canada and partner agencies to review progress on implementation, as well as identify new areas and opportunities. As part of the 2012–13 review process, an in-depth consultation process was undertaken with key human trafficking stakeholders (Public Safety Canada 2013). To ensure the continuation of strong monitoring mechanisms, NAP will also go through an extensive evaluation period in 2016–17.

Human trafficking is a complex and multifaceted issue, and this is a recent initiative, so concrete evidence on the impact of NAP is still in the nascent phase. However, several highlights have been demonstrated in the 2012–13 review (Public Safety Canada 2013). At the individual level, there have been 35 convictions of human trafficking (since 2005) involving 126 victims. Sentences for those convicted have ranged from one day to nine years' imprisonment, with one company that brought foreign workers from Poland on student visas to work as welders and machinists fined C\$215,000 (Lowe 2012). Currently, there are approximately 80 cases before the courts for human trafficking specific or related offences.

At the community level, outreach and public awareness have heightened knowledge on human trafficking. This has increased the consciousness of individuals, communities and organisations such as law enforcement, on issues related to human trafficking. For example, in 2013 a partnership was developed with the National Association of Friendship Centres to develop an information campaign targeting aboriginal populations (Lowe 2012). NAP has also led to the development of several tools that will be used to assess the scope and nature of trafficking within particular communities, tailored to local contexts. For example, in 2013, SWC, in consultation with public sector and civil society stakeholders, developed a local safety audit with particular emphasis on aboriginal and youth at-risk populations (Lowe 2012).

At the organisational level, the increased attention NAP has brought to human trafficking has led to renewed focus and investigation on emerging areas of concern. For example, after stakeholders raised awareness of the vulnerability of temporary foreign workers, the Human Trafficking Taskforce began investigating trafficking concerns for foreign workers (Lowe 2012). The RCMP, Canada Border Services Agency, immigration and other institutional stakeholders are now providing information to temporary foreign workers on their rights, and are working to strengthen their efforts in combatting trafficking for foreign nationals.

14.7 Lessons learned and the way forward

This comprehensive, integrated and multipronged approach has allowed Canada to identify current and emerging trends, and address barriers and challenges in combatting human trafficking. The strategy provides lessons for other countries. Although it is early in the implementation of NAP, positive results have been seen in prevention activities, increasing services for victim response, detection of traffickers, and working to strengthen partnerships on both the national and international levels. Throughout these efforts, the government has recognised the importance of working with multiple stakeholders, such as service providers, international experts, law enforcement agencies and other government and non-governmental organisations, to all contribute to the successful design, implementation and monitoring of NAP.

Nevertheless, a number of key challenges remain. First, there are critical gaps in knowledge about the scope and nature of human trafficking in Canada. As victims of trafficking are often from marginalised populations and may have deep distrust of authorities, statistics captured through policing records are inadequate to paint a

clear picture.¹ This hinders the ability to properly assess, respond and monitor efforts to address human trafficking.

Second, even though NAP focuses on the prosecution of traffickers, there are many limitations and barriers to prosecutions and court cases. Victims are often reluctant to come forward, due to fear of reprisal, deportation or issues relating to post-traumatic stress. Police investigations often depend on a complaint to proceed yet many women are unable or unwilling to report (Canadian Women's Foundation 2014). Additionally, the Criminal Code's definition of exploitation depends on a victim showing she believed that her safety or the safety of others was threatened, meaning that successful trials often hinge on the victim's testimony. This is often compromised due to post-traumatic stress that can result in mixed testimony, confusion and other emotional results of trauma. Lengthy and intensive court processes are demanding, and at times re-traumatising, for victims. As seen through low convictions, prosecution capacity remains weak and is an area for further engagement.

Despite the comprehensive policy framework in place, there is still scope for NAP to address the wider systemic and structural barriers that underpin cases of human trafficking (i.e. it is not just a criminal or policing issue, but demonstrates the widespread pattern of gender inequality and discrimination against women, girls and vulnerable populations). As the National Task Force stated in its report, 'any reforms must advance the equality of women and men' (especially focussing on marginalised populations such as indigenous, migrant, immigrant or low-income women and girls who are disproportionately affected) (Canadian Women's Foundation 2014). There is a need to strengthen recognition of the importance of a holistic, survivor-centred approach. Although policy and legal mechanisms are a necessary first step, they must also address underlying risk factors that enable the exploitation of women and girls in the first place, or hinder their transition out of trafficking. This means that factors such as economic security, social safety and the empowerment of women and girls are key to any successful human trafficking strategies. In the current framework, there is room to link NAP and human trafficking initiatives to wider gender inequality frameworks, such as on-going violence against women (VAW) programmes in Canada supported by SWC.

Note

- 1 As the Canadian Women's Foundation and National Taskforce on Sex Trafficking of Women and Girls have stated in their 2014 report, much of the current information on the impact of human trafficking is anecdotal.

References

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