



Human Trafficking in Canada

A Submission to the House of Commons Committee
on Justice and Human Rights by The Salvation Army

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The Salvation Army welcomes the opportunity to provide a submission to the House of Commons Committee on Justice and Human Rights study on human trafficking. In this submission, we endeavour to provide insights based on our experiences as to the realities of human trafficking in Canada.

Background on The Salvation Army and its Anti-Human Trafficking Work

The Salvation Army has an international mandate to work on behalf of trafficked and enslaved persons as part of its mission for social justice. The Salvation Army works in 128 countries around the world and our representations in many of these countries include programs which respond to people trafficking and slavery.

The Salvation Army is the largest non-governmental service provider in Canada. Vulnerable persons access our emergency shelters, thrift stores, corrections programs, second stage housing, transitional programming, domestic violence shelters, emergency disaster relief, and seniors housing programming. We have seen through our varying programs both victims and perpetrators of this crime, and sought to specifically address this issue and contribute to solutions through developing specialized services.

In Canada, The Salvation Army has established and operates one of the country's only safe house for people who have experienced human trafficking, slavery or slavery-like conditions. Residential support is provided to self-identifying young women along with wrap around programs to assist them on their healing journey. Nonresidential support through programs such as outreach and case management services is also provided to men, women, trans-identifying, non-binary individuals, and young people.¹

Impact of Human Trafficking on Individuals and Need for Holistic Recovery Services

We have learned that exiting exploitation isn't about crossing a finish line to freedom. International research has shown it can take between eight and ten attempts for a victim to truly leave a life of exploitation and never return. Often the most difficult part is when recovery begins and the abuse has stopped. Survivors come to terms with all they have lost (family, friends, stability, finances, wellness, sobriety, pets, children, etc.) and all they have to seek to regain. The effects of trauma hit hard and fast, and without proper support, it can be unbearable. For many, they start recovery with little to no financial or social assistance, and support and recovery organizations such as The Salvation Army work tirelessly to coordinate an extensive network of supports and offer all services free of cost.

¹ For more information about some of The Salvation Army's direct anti-trafficking programs please see Appendix 1 to this submission.

In our experience, rehabilitation is a form of prevention, as we repeatedly see victims re-exploited should they not be able to exit the cycles of trafficking. Frequently, survivors will access our programs who have experienced one perpetrator after another from a young age, and without proper first stage intervention, will continue in this cycle, resulting in incarceration, going missing, or murdered.

We submit that any new laws, policies, or programs need to be sensitive to the reality that substance abuse may be a factor for individuals who may be at risk of, experiencing, or recovering from trafficking. In addition, we encourage greater support for first stage programming that is trauma informed and offered in conjunction with substance use recovery.

Best Practices in Recovery Supports and Services

Through offering our direct anti-human trafficking programs for over 250 survivors a year, The Salvation Army witnesses the devastating impacts of all forms of human trafficking. Human trafficking systematically removes personal agency and disintegrates human capacity into objectification. For many, there is a loss in their sense of self due to repeated exposure to injury or harm, or what is known as Type II trauma. Psychologically, survivors struggle to regain an identity, are vulnerable to the development of personality and mood disorders, using substances to cope, and live with the impacts of recovery including flashbacks, nightmares, seizures. Rebuilding trust can take years, and most survivors must first stabilize and replace negative coping such as self-harm, suicidal ideation, drug use, and disordered eating to positive coping, including mindfulness, personal exploration, grounding tools, and personal safety planning.

It takes time for survivors to truly live a life free of exploitation, especially if it's the only life you know. There is a strong draw to return, as the symptoms of trauma can make life unmanageable without an environment of chaos that trafficking thrives in. It takes time to develop a new normal and a new narrative about your life. The majority of survivors we support were exploited children who aged out of governmental care, or whose parents experienced the brutal impacts of colonization. It takes patience, multiple chances, trauma sensitive and culturally appropriate resources, responsible and ethical approaches, and professional supports, as well as a large network of community agencies to provide a network of support. Survivors must be given the driver's seat back in their life, but it is a long and arduous journey to enjoy and manage your freedom again after it's been taken away. For those experiencing this kind of Type II Trauma, it will take years and gradual recovery. Survivors are often encouraged to become advocates and support workers before they have had access to recovery and pursuing a life not related to human trafficking. We suggest that a more appropriate approach is for programs to focus on giving back opportunities, experiences to survivors so that they are able to work towards the development of a life beyond human trafficking.

Need for More First Stage Supports and Programs

Survivors have indicated that recovery begins when they start building back human capacity, and have needs met in a healthy way that their perpetrators exploited them for to begin with (such as shelter,

love, belonging, addiction). Our programs focus on building back core unmet needs so they are met in a healthy way. Human capacity builds when a survivor sleeps through the night without screaming for the first time. When a survivor is accompanied to a special event, and starts to build a hobby such as knitting, fine arts, gardening, or sports. Recovery is about building back a life, and replacing the life of exploitation with a new life that is not just surviving, but thriving and extraordinary. In all our programs, we pursue providing healing from the inside out, with grace for mistakes and repeated changes to re-engage.

Most specified programming currently existing in Canada for survivors of human trafficking are unwilling or unable to support those in the first stage as the challenges are difficult and resources needed are vast. To access many programs, survivors are required to be sober, stable, and on income assistance. For the majority The Salvation Army works with, this is untenable.

First stage programming is the largest gap in Canada, and The Salvation Army operates the only first stage programming for the entire country, with ten beds available. Our waitlist for this program is the longest in the country as we are one of the only programs willing to work with those who have recently exited and may be unstable.

We strongly suggest resources and a focus on developing first stage programming across the country, inclusive of trauma informed practices, substance abuse and detox options, and unstable mental wellness support.

In its work, The Salvation Army has repeatedly witnessed survivors struggle to gain first stage stability. External mental health and addictions treatment programs had barriers including cost, co-ed programming, lack of safety, lack of trauma accommodations, and long waitlists. Survivors were unable to access, or discharged quickly, from such programs.

We strongly recommend continued support and investment in first stage human trafficking recovery programs that focus on gradual exiting and offered free of cost. We encourage programming that supports survivors to recover and pursue new dreams in their hearts without the pressure to become advocates, peer support workers, or public speakers which can cause re-exploitation.

Opioid Crisis and Human Trafficking

Human trafficking and the opioid epidemic represent two significant crises facing our country that are wreaking havoc on our communities and disrupting the lives of individuals and families across the country. The intersection of these crises highlights a population of peoples and especially young people that are doubly jeopardized and significantly traumatized by trafficking and opioids.

The Salvation Army unfortunately witnesses the impact traumatic experiences have on individuals and that they often underpin mental illness and/or substance abuse disorders. Substance use, including opioids, are used by perpetrators of trafficking not only for identifying

victims but maintaining control over them and sustaining abuse, as well as by victims to mask the pain of repeated exploitation.

The impact of the opioid crisis on individuals being exploited by traffickers only highlights the need for more support for those attempting to exit and break the cycle of trafficking.

National HT Hotline

The Salvation Army welcomes the federal government's recent announcement of intentions to develop and run a national human trafficking hotline.

Evidence from jurisdictions with established national, regional or NGO-operated helplines hotlines such as the United States, the United Kingdom, and Southeast Asia, demonstrate positive impacts. Benefits have included improving understanding of trafficking, capturing important data about trafficking trends, and outreach efforts.² For example, U.S. statistics between 2007 and 2015, the national hotline has taken approximately 72,000, calls connected 8,300 survivors to services and support, and reported 3,000 cases of human trafficking to law enforcement. It operates 24/7, and partners with thousands of service providers and community-based organizations across the country to respond to survivors' needs.

Based on input from survivors in Salvation Army programs, we recommend that the hotline provide psychosocial support, not just resourcing and referrals. Those calling current local hotlines are often in crisis for both mental health and addictions concerns, and need assistance in the moment, not just a referral to pass them forward. This would include counseling, a network of supports for online and phone resources for those in Interior and Northern Regions.

The Salvation Army also recommend that the Canadian hotline provide 24/7 access and ensure access to immediate and emergency resources for those who may be experiencing a crisis situation.

Navigating the Criminal Justice and Immigration and Refugee Systems and Opportunities for Improvement

² Information on the U.S. National Human Trafficking Resource Centre is available at: <https://polarisproject.org/resource/2015-hotline-statistics>; Information the U.K.'s helpline is available at www.gov.uk/government/news/enhanced-helpline-to-benefit-survivors-of-modern-slavery

Barriers to Justice in the Canadian Criminal Justice System

For the past 9 years, in Salvation Army direct service programs, over 80% of survivors of exploitation and human trafficking have been willing to engage with the Criminal Justice System and cooperate with law enforcement. Their experiences have ranged from mildly positive to extremely traumatizing and devastating. Issues have arisen in the following areas:

- Survivors are provided insufficient access to their own legal counsel. Many are unfamiliar with the Criminal Justice System, and rely on law enforcement and Crown Council to discuss with them highly personal matters such as third party record requests from defense Council for their counseling notes, shelter stays, and supportive programming they have accessed, and issues that could affect their custody hearings regarding apprehended children.
- There is an inconsistency in the availability of resources for survivors who come forward, as provinces have different Crime Victim Assistance Programs and Victim Services. Survivors are often financially destitute or bankrupt and required to attend Court with no stipend for meals or safe transportation.
- Survivors often have to relocate from their province of origin or their hometown for safety concerns. The availability of CCTV in courts is sporadic and often survivors are required to return to where they were exploited in order to testify. During this process survivors are often required to reside in hotels and unsafe areas that can derail their recovery, with no budget for their meals and expenses. Most survivors experience serious substance use and mental wellness relapses as a result, along with suicidal ideation. Survivors who testify by CCTV from an external, safe location consistently note a decrease in anxiety and re-traumatization, and an increase in their ability to testify clearly and to maintain a personal sense of safety. Overall, outcomes of human trafficking specific cases have been positive when CCTV is utilized, as well as protective screens available should they want to testify in person.
- Survivors are asked highly invasive, inappropriate, graphic, and personal questions from defense attorneys that require constant objection and argument from Crown Counsel. As a result of their victimization, survivors are often traumatized, offended, and deeply impacted by the invasion of their privacy and overall embarrassment of the details revealed in open court. There is currently no equivalent of rape shield laws for survivors of human trafficking
- As a result of these experiences with the criminal justice system, survivors often choose to pursue civil justice, such as Human Rights Tribunals and Employment Standards Complaints, resulting in dangerous offenders facing minimal financial penalties without criminal consequences, and continuing to commit crimes in community.

We strongly recommend that in all provinces victims of human trafficking for both labour and sexual exploitation are provided access to free personal legal counsel.

Furthermore, we support the establishment of appropriate resources for survivors to participate in Criminal Justice and attend court hearings, as well as legislation developed to provide protection against irrelevant and traumatizing questioning from defense.

We also recommend the development of an established restitution program where survivors are provided proceeds of crime that have been apprehended as a means of re-investing in their recovery and recovering back wages they are owed.

Victims of human trafficking may become involved in the exploitation of others, commonly known as victims who victimize. Perpetrators, recognizing that they can deflect guilt and share criminal responsibility, will coerce/force/train victims to engage in aspects of the crime. This can include aspects such as procuring, enforcing violence, facilitating recruitment to Canada and within Canada, collecting recruitment fees and the proceeds of crime, drug running/muling, running aspects of the business including posting ads and signing leases to criminal assets. Unfortunately, the Canadian criminal justice system does not always recognize these realities and as a result many individuals who have been victimized by trafficking are subjected to further trauma through incarceration and are not able to access much needed support and rehabilitation services. **We strongly encourage the government to develop further training for law enforcement and the criminal justice system to assist in better recognition of victims and the realities they face.**

We also recommend the establishment of diversion paths for those who are charged, including substance abuse treatment, witness protection, and access to a psychologist while incarcerated.

Palermo Protocol

Human trafficking is a transnational crime and a gross violation of human rights. Canada has taken steps to meet its obligations as a party to the *United Nations to Prevent, Suppress and Punish Trafficking in Persons* (The Palermo Protocol) since 2002. Canada meets the minimum guidelines on human trafficking required by the United Nations, however, is still considered to be a source, transit and destination country for human trafficking.

Canada has the opportunity to lead the world in anti-trafficking and anti-slavery efforts, however, barriers remain in place that negatively impact the ability to prevent, prosecute traffickers, and support victims. For example, the lack of consistency around the definitions of human trafficking nationally and internationally creates challenges in relation to enforcement and data collection. **The Salvation Army recommends that Canada use and maintain a clear, comprehensive, concise, and widely adopted definition of human trafficking, based on the Palermo Protocol, in all legislation.**

In particular, we note the disconnect between definitions of trafficking in the *Criminal Code of Canada* and the *Immigration and Refugee Protection Act* (IRPA). While the *Criminal Code* definition aligns with the Palermo Protocol the IRPA lacks a reference to exploitation.

As a result of its adoption of the Palermo Protocol, Canada has also committed to combat the demand that fosters trafficking in persons. Article 9, paragraph 5 of the Protocol states: "State Parties shall adopt or strengthen legislative or other measures, such as educational, social, or cultural measures, including

through bilateral, multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”

The *Protection of Communities and Exploited Persons Act (PCEPA)* assists Canada in meeting its obligation to eliminate the demand for trafficked persons, by addressing the demand for purchase of sexual services. The Salvation Army supports the continued enforcement of PCEPA in so far as it holds purchasers accountable for the exploitative actions and also includes opportunities for education through John Schools, and provides enforcement measures to protect the most vulnerable people in our communities, especially youth.

Temporary Resident Permit (TRP) Guidelines

Canada currently has a system to assist individuals and families who have been impacted by human trafficking through Temporary Resident Permits (TRPs). However, according to information provided by Immigration, Refugees and Citizenship Canada (IRCC), very few TRPs are issued annual. Between 2011 and 2015 between 5 and 22 new TRPs per year were issued. These numbers seem particularly low when compared with the 80,000 Temporary Foreign Workers entering Canada every year and the unfortunate reality that Canada has been identified as a destination country for trafficking.

In its experience working with survivors of human trafficking attempting to navigate the immigration system, The Salvation Army has witnessed significant barriers facing individuals and their families. In particular, we have witnessed the discretionary nature with which guidelines are used and interpreted by immigration officers. This creates inconsistencies across regions in terms of granting interviews with the IRCC, who is identified as trafficked, and whether a TRP is issued.

We note the IRCC’s 2016 evaluation of TRPs acknowledged the need to address operational and policy issues and questions related to managing Victims of Human Trafficking cases. **The Salvation Army strongly encourages the government to follow up on the procedural gaps identified in the federal evaluation in order to ensure clear, transparent, and consistent application of rules and practices across regions.**

The Salvation Army would also like to raise concerns in relation to the sensitive nature of human trafficking cases and the impact certain policies and procedures have on victims. For example, the involvement of law enforcement is of particular concern to some individuals. The TRP operation manual indicates that cooperation with police or a criminal investigation is not required for a TRP to be issued. However, in practice, individuals are often required to work with law enforcement or have an active and open investigation before being considered. Further, the high evidentiary burden required to access TRPs creates additional barriers for individuals facing uncertain and potentially unsafe situations. It also fails to recognize the realities of trafficked persons and those at risk of being trafficked.

The TRP system was designed, in part, to be rehabilitative. It is designed to provide foreign nationals time and opportunity to recover and stabilize following trauma so they are able to assess their next steps. Without this time they are at greater risk of being re-exploited in Canada or in their country of origin. The pre-requisite of law enforcement involvement damages the rehabilitative opportunities and purposes. Our experience suggests that often individuals who have been able to gain a TRP and accessed rehabilitation are more willing and able to participate in the law enforcement process.

The Salvation Army recommends a review of the criteria for identification of trafficked persons in order to better reflect the nuanced realities of trafficked persons and better reflect the definition provided by the Palermo Protocol and further that the process be guided by a human rights and survivor-centered approach.

Narrow Interpretation of Exploitation

The definition of “exploitation” in the *Criminal Code* requires that trafficker persons be afraid for their safety or the safety of someone known to them. However, this definition does not accurately reflect the reality for many trafficked persons who may not feel or demonstrate subjective fear as required by the *Criminal Code*.

Exploitation is not a singular event, rather exists on a spectrum and is repeated over a long period of time. Human trafficking often engages a full range of tactics against victims including exploitation, coercion, and power imbalances. Victims of human trafficking live in an environment of fear. Asking them to single out this feeling from what is survival is for them 24 hours a day results in survivors feeling they need to defend themselves or prove their ability to be strong on the streets, and does not accurately reflect what a reasonable person’s assessment of fear is. For example, the Court has recognized the impact of coercion on individuals. In *R v. Moazami*³, the court relied on the trafficker’s actions as a whole to interpret an “atmosphere of fear” rather than requiring an assessment of the victim’s actual fear. This method of interpretation by the Courts or CIC is not, however, always adopted.

Similarly, victims of trafficking require varied supports as they recover from their experiences. Currently, some of the “remedies” may place victims at risk for further harm. For example, a migrant worker who speaks out against their trafficker may face detention or deportation. Many of the temporary foreign worker entry streams in Canada oblige workers to remain employed by a single employer. Not only does this create barriers for individuals seeking assistance to escape their traffickers, but also limits their abilities to seek justice.

Victims of human trafficking are not considered for refugee status under our current guidelines. Those who have been granted refugee status is due to additional compounding concerns such as LGBTQ2S+ discrimination, or a victim of female genital mutilation. **The Salvation Army strongly recommends that**

³ 2014 BCSC 1727 (CanLII), paras 508-510.

the Immigration and Refugee Board of Canada add human trafficking to their vulnerable persons guidelines, with a clear assessment framework utilizing the UN Palermo Protocol definition of human trafficking. We also suggest a review of the current temporary worker streams to Canada (in particular caregivers and low skilled workers) and provide more avenues for exit and reporting without penalty to their status or employment eligibility.

Victims of human trafficking who are foreign nationals face unique challenges in reporting crimes committed against them, especially those exploited for labour. There is a lack of clarity and training around the *Immigration and Refugee Protection Act* (Sec 118) resulting in federal, provincial, and municipal law enforcement, as well as CBSA, without clear guidelines of who lays this charge. This can mean that no charge is laid, impacting survivor safety and access to justice.

The Salvation Army recommends that all law enforcement agencies are trained, supported, and encouraged to utilize the *Immigration and Refugee Protection Act*, and clear guidelines of jurisdiction between co-located agencies.

Indigenous Persons and The Impact of Work Camps on Human Trafficking

The Salvation Army is privileged to work with Indigenous serving agencies and Indigenous person (Metis, First Nations, and Inuit) across the country in our varying programs. We utilize a non-colonizing praxis to promote equity and cultural preservation. As research supports, Indigenous women and girls are disproportionately represented amongst those targeted and recruited into exploitation. Over 40% of our clients in direct programs identify as Indigenous.

In particular, the establishment of work camps in various industries in Northern and Interior regions in Canada creates inherent vulnerabilities to the neighboring communities and local Indigenous bands. Insufficient planning of social engagement for the camp workers along with social isolation leads to an influx of demand for exploitation, sexual services particularly from youth and children, exploitive labour, violence and a lack of accountability, with work camp occupants overall displaying a disregard for the preservation of the communities and cultures around them.

We strongly recommend there be regulatory enforcement of social development and activities, mandatory cultural competency training, along with accountability and law enforcement presence on and around work camps to lessen the impact on neighboring communities and the demand for exploitation from Indigenous persons. We support the regulatory enforcement to occur in partnership with surrounding indigenous communities to promote equity and participation.

Conclusion

Canada has made efforts to establish a foundation for domestic and international anti-human trafficking response. Whilst Canada has made strong progress over the last decade to establish this foundation, the number of victim identifications and prosecutions remains low. This may be attributed to a generally low incidence of trafficking and slavery in Canada, however, more likely to the fact that despite our national efforts, there are still many barriers to accessing justice and limited awareness of the reality of trafficking activities that exist across the country.

Much more investment is required at all levels of government to identify and assist more victims and hold more perpetrators to account. A truly comprehensive, human rights-based, and holistic response must include local and provincial governments, as well as community organizations, not as latent supporters, but as key stakeholders and implementers of a plan. In order to address the international and national realities of trafficking leadership from all levels of government is required. Identification and addressing of gaps can only take place if all levels of government and communities work together.

Appendix 1 -The Salvation Army Human Trafficking Programming

In 2009, The Salvation Army founded our first specific anti-human trafficking direct service program in Canada, and have expanded to six unique initiatives offered to over 250 survivors per year across Canada from coast to coast. We operate the only programs of our kind and are consulted across North America and internationally to share our best practice models we have developed. In 2017, we were awarded the Department of Justice Excellence in Victim Services Award for our work in this area. In addition, we also run diversion programs for individuals engaged in the criminal justice system. Below is a sample of some of our anti-trafficking programming.

Residential First Stage Program

Without government funding, in 2009 we opened the *Deborah's Gate* residential program in a confidential location in British Columbia, and have supported some of the most high profile cases in Canada. Services are offered in a wraparound recovery environment offered free of cost to survivors from across Canada. We practice psychosocial rehabilitation principles from a trauma sensitive lens for females (and those presenting female) who have been exploited and trafficked. We have supported those trafficked for labour in farms, hotels, homes, drug labs, and salons, and those exploited for sex through pimps, gangs, cults, organized crime, families, as well as forced marriage and child brides. Survivors are permitted to stay as long as they need to, and since inception, over 160 have accessed recovery and healing.

National Outreach Services

After opening our residential program, we experienced an increase of calls from victims of trafficking who either weren't interested in our *Deborah's Gate* program, who were across the country, incarcerated, or didn't meet our residential mandate. They were seeking help to exit, to access law enforcement and safety, apply for VTIP-TRP's, or develop safe re-patriation plans back to their country of origin. To meet this need, we expanded to develop *New Hope Outreach Services*, offering case management and case coordinate for survivors of trafficking and exploitation of any background, age, and gender to exit exploitation, using a gradual harm reduction strategy. Survivors can self-refer, and the services offered are confidential. Leveraging our national partnerships, survivors are transported between cities and provinces to access programs, given direct support to pursue recovery and healing, as well as accompaniment to testify in Provincial and Supreme Courts. This program currently has over 200 survivors on the case load, and is repeatedly waitlisted due to the demand for this support.

Life & Living Skills Program

In 2014 The Salvation Army developed Canada's first specialized life and living skills program for survivors of trafficking called *Living Hope*. This program provides survivors practical support to build back key life and living skills they lack, including sleep hygiene, financial management, fine arts and healthy coping skills, barista employment training, self-defense, tattoo branding removal, a dance

residency to redeem dance for those forced to erotic dance, and social therapy exploration. To date, 921 survivors have accessed this program.

Renew

In 2017, The Salvation Army developed the first Canadian Mental Health & Addictions Program for Trafficked Persons. For four months, survivors engage in innovative modalities for recovery including Dialectic Behavioral Therapy, SMART Addictions Recovery, Rational Emotive Therapy, Art Therapy, and Seeking Safety. Establishing a base of stability in full time residential programming has resulted in survivors exiting exploitation, a decrease in relapses, and survivors growing & developing core skills & practical strategies to pursue a life that is free of abuse. To date, we have had 22 graduates and 34 participants.

Voices Raised

In 2018, The Salvation Army hosted the first summit for survivors of human trafficking to gather safely, access training & education, and engage in creative processing. An additional event was held for survivors who are less stable to engage one on one in Voices Raised as they work towards exiting. This event provided a safe, non-exploitive, empowering private Summit where survivors could grow together, and learn how to protect their voice as they learn to find it again.

John Schools

The John School Program is a community based diversion program for persons who have committed the offense of “communication for the purpose of prostitution”. The John School is a one day, eight hour, group which includes speakers from the community. Some topics include: violence in the sex trade, the law, health risks, and myths and realities of the sex trade. Group discussions allow the participants to reflect on their behaviour, false justifications and problematic areas. There is also an opportunity to meet one-to-one to seek further resources and support should participants wish to do so. This is a fee for service program which helps to support the Cornerstone program.