



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **MOVING FORWARD IN THE FIGHT AGAINST HUMAN TRAFFICKING IN CANADA**

**Report of the Standing Committee on Justice  
and Human Rights**

**Anthony Housefather, Chair**



**DECEMBER 2018  
42<sup>nd</sup> PARLIAMENT, 1<sup>st</sup> SESSION**

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## **NOTICE TO READER**

### **Reports from committee presented to the House of Commons**

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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# **THE STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS**

has the honour to present its

## **TWENTY-FOURTH REPORT**

Pursuant to its mandate under Standing Order 108(2), the Committee has studied human trafficking in Canada and has agreed to report the following:





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# LIST OF RECOMMENDATIONS

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*As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.*

## **Recommendation 1 – Increasing Awareness**

**That the Government of Canada take appropriate measures to increase public awareness of human trafficking. This should include campaigns directed to the general population and targeted towards specific groups, such as the hospitality industry, taxi, limousine drivers and ride-sharing services, such as Uber and Lyft. It should also be directed towards more vulnerable groups or persons, such as Indigenous and racialized communities, and children. These campaigns should also be reaching out to young people through social media. .... 39**

## **Recommendation 2 – Protecting Victims Abroad**

**That the Government of Canada increase awareness among officials working in Canadian embassies and consulates regarding the assistance and protection of victims of human trafficking by providing them with regular updates and training on the initiatives taken by Canada to combat human trafficking and assist its victims. A copy of this report should also be distributed to them. .... 39**

## **Recommendation 3 – Preventing Victimization of Migrant Workers**

**That the Canada Border Services Agency take immediate steps to ensure that all migrant workers are briefed upon their arrival in Canada in languages that they understand on their rights, including specifically their labour rights, to prevent human trafficking from occurring. .... 39**

## **Recommendation 4 – Appropriate Training of Stakeholders**

**That the Minister of Justice work with the provinces and territories to implement measures to ensure appropriate training for prosecutors and first responders, including police officers, immigration officers, nurses and medical professionals, for the purpose of enhancing the detection of human trafficking incidents and the investigation and prosecution of human traffickers, as well as improving interventions to support victims. .... 39**

**Recommendation 5 – Training for Judges**

**That the Minister of Justice encourage the provinces and territories to support training programs aimed at increasing awareness of human trafficking among judges. .... 40**

**Recommendation 6 – Financial Reports**

**That the Financial Transactions and Reports Analysis Centre of Canada [FINTRAC] develop and implement an effective outreach program designed to assist financial institutions and money services businesses, law enforcement agencies and prosecutors in detecting suspicious financial transactions that could be related to human trafficking, and to use them in investigations and prosecutions. .... 43**

**Recommendation 7 – Protecting Temporary Foreign Workers’ Rights**

**That Employment and Social Development Canada ensure that all migrant workers are reminded on a regular basis, in languages that they understand, on their rights and recourses in Canada. More specifically, they should be reminded that if they report situations of human trafficking, they will not be deported for the duration of the rest of their work permit. They should also be informed that they can find a new employer within the same field, when credible allegations of human trafficking or other exploitative situations are reported. Such procedures should be facilitated by the Department. To ensure proper compensation for workers, where applicable, the Department should also advise them of the existence of provincial bodies, such as labour tribunals, and inform them of the recourses available to them. .... 50**

**Recommendation 8 – Parameters and Definition of Human Trafficking**

**That the Minister of Justice work with the provinces and territories to firmly establish the parameters and the definition of human trafficking to ensure that there is a definition used by all governments within Canada. The work towards developing a common definition of human trafficking should be the subject of a federal-provincial-territorial meeting of ministers responsible for justice and public safety. .... 56**

**Recommendation 9 – Data Gathering and Information Sharing**

That the Minister of Justice work with the provinces and territories to improve data gathering and information sharing among all stakeholders involved in the fight against human trafficking in Canada and work towards creating a national database containing such data and information. .... 57

**Recommendation 10 – National Hotline on Human Trafficking**

That the Government of Canada include in its National Human Trafficking Hotline project announced in Budget 2018:

- a reporting system for victims of human trafficking and for receiving tips from the public about potential human trafficking incidents;
- an online component that could be used by civil society organizations to share information about human trafficking;
- an information-sharing system specifically designed for law enforcement agencies; and
- an ability to report into the hotline by text. .... 59

**Recommendation 11 – Renewal of an Enhanced National Action Plan**

That the Government of Canada work towards the renewal of an enhanced National Action Plan to End Human Trafficking. This enhanced plan should be supported through adequate resource allocation to address the realities and challenges facing community organizations that assist victims as well as law enforcement agencies that are charged to investigate and detect human trafficking. .... 63

**Recommendation 12 – Special Events**

That the Government of Canada consider taking steps to require organizations hosting an event that may attract a significant number of tourists into the country to notify the Canada Border Services Agency and local police prior to hosting such events with the objective of increasing law enforcement agencies' vigilance in terms of monitoring and tracking potential victims and traffickers along the borders and at airports. .... 63

**Recommendation 13 – Collaboration and Coordination**

**That the Minister of Justice, at the earliest opportunity, share the practices recommended in this report with the Minister’s provincial and territorial counterparts during the next meeting of the federal–provincial–territorial ministers responsible for justice and public safety. The aim should be to seek collaboration and coordination across the country in the fight against human trafficking. .... 64**

**Recommendation 14 – Federal Funding**

**That the Government of Canada provide funding on a one-time basis to the provinces and territories to cover some of the costs resulting from the implementation of the recommendations set out in this report. .... 64**

**Recommendation 15 – Publishing the Identity of Convicted Human Trafficking Offenders**

**That the Minister of Justice takes the steps necessary to publish the identity of convicted human traffickers to deter people within Canada and others located abroad from committing or participating in the commission of this horrific crime and abuse of human rights. .... 66**

**Recommendation 16 – Publishing the Names of Establishments Found to have Knowingly Facilitated Human Trafficking**

**That the Minister of Justice work with its provincial and territorial counterparts to establish a mechanism that would allow the publication of the names of establishments within the hospitality industry, such as hotels, that have been found by a competent tribunal to have knowingly facilitated human trafficking..... 66**

**Recommendation 17 – Creating Self-Governance within the Hospitality Industry**

**That the hospitality industry creates self-governance within their membership to regulate human trafficking within the industry. This should include appropriate code of ethics regarding the facilitation of such crime within their establishments. The industry should also be given proper education on human trafficking and be encouraged to collaborate with local police to facilitate the identification of traffickers. .... 66**



# MOVING FORWARD IN THE FIGHT AGAINST HUMAN TRAFFICKING IN CANADA

## INTRODUCTION

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At its June 8, 2017 meeting, the House of Commons Standing Committee on Justice and Human Rights (the Committee) unanimously agreed to a motion that it “conduct a study, at the earliest opportunity, into the issue of human trafficking in Canada, and that it report its findings to the House.”<sup>1</sup>

Between February 15 and May 22, 2018, the Committee held eight meetings in Ottawa to hear evidence from a wide variety of stakeholders.<sup>2</sup> The Committee also travelled to five Canadian cities – Halifax, Montreal, Toronto, Edmonton and Vancouver – from March 18 to 23, to hear evidence from human trafficking survivors and local stakeholders. The objective of these meetings was to expand our knowledge about all forms of human trafficking occurring in Canada, including human trafficking for the purposes of sexual exploitation and forced labour. In total, the Committee heard from more than 50 witnesses and received close to 60 written submissions.

The Committee appreciates the expertise and time provided by all the witnesses who participated in this study and wishes to highlight the valuable contribution of the survivors who had the courage to share their story in order to prevent others from becoming victims of human trafficking, as well as that of all organizations and individuals dedicated to assisting victims of human trafficking.

This report provides an overview of human trafficking in Canada. It includes the state of our knowledge on this complex and multi-faceted issue, the Canadian response to combat this atrocious crime, and the challenges faced by victims, services providers, law enforcement agencies and prosecutors to prevent human trafficking, protect its victims and prosecute the traffickers. The Committee drew upon the evidence it received to

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1 House of Commons, Standing Committee on Justice and Human Rights (JUST), *Minutes*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 8 June 2017.

2 During its meetings, the Committee heard from survivors of human trafficking, front-line service providers, community partners, grassroots organizations, senators, federal institutions, lawyers, academics, and other human trafficking experts. A list of witnesses who appeared before the committee is set out in Appendix A and a list of briefs submitted to the Committee, in Appendix B of this report.



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formulate key findings and recommendations aimed at strengthening Canada's actions towards eradicating human trafficking in Canada.

From the outset, the Committee recognizes that justice is a matter of shared jurisdiction and that human trafficking needs to be tackled by all levels of government. The Committee also recognizes that collaboration between governments and civil society is key to eradicating human trafficking.



## CHAPTER 1: FEDERAL RESPONSE TO HUMAN TRAFFICKING

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Human trafficking is a heinous crime and a human rights violation that is often referred to as a form of “modern slavery”. As several witnesses noted throughout the study, human trafficking can take many forms, including sex trafficking, forced labour, and debt bondage.<sup>3</sup> Unfortunately, despite all of the efforts of governments and civil society to combat this crime, it still ensnares many victims around the world, with Canada being no exception.<sup>4</sup>

As presented below, over the years, different measures to combat human trafficking, including treaties, legislation, and policy initiatives, have been implemented at the international and national levels.

### 1.1 INTERNATIONAL INSTRUMENTS ON HUMAN TRAFFICKING

There are a number of international instruments dealing with human trafficking.<sup>5</sup> However, as several witnesses noted, the primary one is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime<sup>6</sup> (Palermo Protocol). The Protocol was ratified by Canada in May 2002,<sup>7</sup> and its purpose is to prevent trafficking in persons, protect and assist the victims, bring traffickers to justice and promote cooperation among signatory countries. The Palermo Protocol defines human trafficking as follows:

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

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3 In this report, when using the term human trafficking, the Committee mostly refers to sex trafficking and labour trafficking, which are, according to the evidence collected by the Committee, the most common forms of human trafficking in Canada.

4 Data on human trafficking in Canada are presented in the next section of this report.

5 Such as the Convention on the *Elimination of All Forms of Discrimination against Women* and the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*.

6 United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (was signed in New York in November 2000 and came into force in December 2003).

7 United Nations, *Status of Treaties, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*.



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>8</sup>

## 1.2 CANADIAN LAWS AGAINST HUMAN TRAFFICKING

Canada has enacted a number of provisions to combat and prevent human trafficking, as can be found in the *Immigration and Refugee Protection Act*<sup>9</sup> (IRPA) and the *Criminal Code*.<sup>10</sup>

The IRPA came into force in 2002. Section 118 makes it an offence to organize “the coming into Canada of one or more persons by means of abduction, fraud, deception or use or threat of force or coercion.”<sup>11</sup>

Canada’s Parliament amended the *Criminal Code* in 2005 by adding sections 279.01 to 279.04,<sup>12</sup> which deal specifically with human trafficking. These sections set out three main prohibitions:

- the prohibition against any form of human trafficking, in other words, recruiting, transporting, transferring, receiving, holding, concealing or harbouring a person or exercising “control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation” (*Criminal Code*, section 279.01);
- the prohibition against receiving “a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of [the offence of human trafficking]” (*Criminal Code*, section 279.02);

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8 United Nations, [\*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime\*](#), article 3(a).

9 [\*Immigration and Refugee Protection Act\*](#), S.C. 2001, c. 27.

10 [\*Criminal Code\*](#), R.S.C. 1985, c. C-46.

11 [\*Immigration and Refugee Protection Act\*](#), S.C. 2001, c. 27, s. 118.

12 In 2005, the Canadian Parliament passed [\*Bill C-49, An Act to amend the Criminal Code \(trafficking in persons\)\*](#).

- the prohibition against concealing, removing, withholding or destroying, for the purpose of human trafficking, “any travel document that belongs to another person or any document that establishes or purports to establish another person’s identity or immigration status – whether or not the document is of Canadian origin or is authentic” (*Criminal Code*, section 279.03).<sup>13</sup>

Section 279.04 of the *Criminal Code* defines “exploitation,” which is an essential component of the offence of human trafficking and includes the condition of a threat to safety:

a person exploits another person if they cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service.

Mr. Matthew Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice, noted that our Parliament has enacted other criminal law measures over the years that deal with human trafficking:

- In 2010, *An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)*<sup>14</sup> (former Bill C-268) was enacted, adding section 279.011 to the *Criminal Code* and creating “a separate offence of trafficking in children that is punishable by mandatory minimum penalties of imprisonment.”<sup>15</sup>
- In 2012, *An Act to amend the Criminal Code (trafficking in persons)*<sup>16</sup> (former C-310) was enacted, enabling Canada “to assume extraterritorial jurisdiction to prosecute in Canada Canadian citizens or permanent

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13 Laura Barnett, *Trafficking in Persons*, Legal and Social Affairs Division, Library of Parliament, Backgrounder, Publication No. 2011-59-E, revised 15 January 2016; JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Matthew Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice).

14 [Bill C-268, An Act to amend the Criminal Code \(minimum sentence for offences involving trafficking of persons under the age of eighteen years\)](#), 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament.

15 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Matthew Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice).

16 [Bill C-310, An Act to amend the Criminal Code \(trafficking in persons\)](#), 1<sup>st</sup> Session, 41<sup>st</sup> Parliament.



residents who commit human trafficking abroad”<sup>17</sup> and providing “guidance to the courts in helping them to determine whether exploitation has been made out.”<sup>18</sup>

- In 2014, the *Protection of Communities and Exploited Persons Act* (former Bill C-36) was enacted, establishing “new mandatory minimum penalties for human trafficking involving adult victims and for the financial benefit and documents offences involving child victims.”<sup>19</sup>

In addition, Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts,<sup>20</sup> which is currently before Parliament, establishes the coming into force upon Royal Assent of two of the provisions enacted by Parliament in 2015 in the *Act to amend the Criminal Code (exploitation and trafficking in persons)*<sup>21</sup>. These provisions seek to:

- create a presumption with respect to the exploitation of one person by another, thereby easing the burden of proof for prosecutors;
- add the offence of trafficking in persons to the list of offences to which the reverse onus forfeiture of proceeds of crime provisions apply.

Unlike these two provisions, the provision requiring the courts to impose consecutive sentences for trafficking in persons offences and for any offence arising out of the same series of events will not come into force upon Royal Assent, but rather on a date fixed by order of the Governor in Council. According to the *Canadian Charter of Rights and Freedoms (Charter)* Statement on Bill C-75, this provision could be “found to unjustifiably limit section 12 of the *Charter*.” As a result, Bill C-75 states that the provision will enter into force on a date set by order in council so that the government can “continue with its careful study of related mandatory sentencing provisions as part

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17 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Matthew Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice).

18 Ibid.

19 Ibid.

20 [Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament. The bill reiterates the amendments put forward in Bill C-38. See [Bill C-38, An Act to amend An Act to amend the Criminal Code \(exploitation and trafficking in persons\)](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament.

21 Previous [Bill C-452, An Act to amend the Criminal Code \(exploitation and trafficking in persons\)](#), 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament.

of the broader criminal justice system review.”<sup>22</sup> The Conservative Party members of the Committee feel strongly that this provision should come into force upon Royal Assent.

Lastly, as noted by Assistant Commissioner Joanne Crampton, Federal Policing Criminal Operations, Royal Canadian Mounted Police (RCMP), although the *Criminal Code* contains specific provisions on human trafficking, many other *Criminal Code* offences can apply to human trafficking cases, including “kidnapping, forceable confinement, uttering threats, sexual assault, criminal organization offences, and prostitution-related offences.”<sup>23</sup>

### 1.3 NATIONAL ACTION PLAN TO COMBAT HUMAN TRAFFICKING

In 2012, the Government of Canada released its National Action Plan to Combat Human Trafficking (National Action Plan) to “consolidate all of the activities into one comprehensive plan”<sup>24</sup> and to provide “aggressive new initiatives in order to address human trafficking in all its forms.”<sup>25</sup> The National Action Plan specified that Canada must focus its actions on four core areas, usually referred to as the four pillars (4Ps): prevention, protection, prosecution and partnership.

The National Action Plan also created a Human Trafficking Taskforce led by Public Safety Canada.<sup>26</sup> The Taskforce, comprised of key federal departments and agencies, was constituted to oversee the implementation of the National Action Plan. As explained by Trevor Bhupsingh, Director General, Law Enforcement and Border Strategies Directorate, Department of Public Safety and Emergency Preparedness,

[i]n recognition of the multidimensional nature of human trafficking, the federal human trafficking task force brings together officials who cover a wide range of issues, from global affairs to Indigenous issues and law enforcement and procurement, to just mention a few. The human trafficking task force, led by Public Safety Canada, comprises representatives from key federal departments and agencies. It is the dedicated focal point for all federal anti-human-trafficking efforts.<sup>27</sup>

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22 See Department of Justice, *Charter Statement – Bill C-75 : An Act to Amend the Criminal Code, Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*, 29 March 2018.

23 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Joanne Crampton, Assistant Commissioner, Federal Policing Criminal Operations, Royal Canadian Mounted Police).

24 Public Safety Canada, *National Action Plan to Combat Human Trafficking*.

25 Ibid.

26 The Taskforce replaced the Interdepartmental Working Group on Trafficking in Persons.

27 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Trevor Bhupsingh, Director General, Law Enforcement and Border Strategies Directorate, Department of Public Safety and Emergency Preparedness).



In 2016, the National Action Plan expired and was then evaluated. The evaluation<sup>28</sup>, which was released in October 2017, “found that there is a continued need to have a national strategy to combat human trafficking and there are opportunities for the action plan to evolve.”<sup>29</sup> The evaluation report contains several recommendations, including recommendations to facilitate reporting of human trafficking, and improve data collection capacities, collaboration and partnerships.<sup>30</sup>

In September and October 2018, Public Safety Canada held national consultations with key government and non-government actors to inform a new national strategy to combat human trafficking. As indicated in the correspondence addressed to the Committee, participants included victims of both sexual and labour trafficking, civil society, law enforcement, front-line service providers and representatives of sex work organizations.<sup>31</sup>

## 1.4 THE PROTECTION OF FOREIGN NATIONALS WHO ARE VICTIMS OF HUMAN TRAFFICKING

In 2006, Immigration, Refugees and Citizenship Canada (IRCC) announced a new policy allowing immigration officers to issue temporary resident permits (TRPs) for foreign nationals who are victims of human trafficking, while working within the contours of existing legislative framework.<sup>32</sup> As explained by Ms. Natasha Kim, Director General, Immigration Branch, IRCC,

[b]y providing temporary resident permits, victims of human trafficking have the time to consider their options, escape the influence of traffickers, recover from physical or mental trauma, and receive assistance. They can also, potentially, assist authorities in the investigation or prosecution of an alleged offence, but they are not required to do so.<sup>33</sup>

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28 Public Safety Canada, [2016-2017 Horizontal Evaluation of the National Action Plan to Combat Human Trafficking](#) (NAP-HT).

29 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Trevor Bhupsingh, Director General, Law Enforcement and Border Strategies Directorate, Department of Public Safety and Emergency Preparedness).

30 Public Safety Canada, [2016-2017 Horizontal Evaluation of the National Action Plan to Combat Human Trafficking](#) (NAP-HT).

31 Email submitted to the Committee, 22 November 2018. See also Public Safety Canada, [National Consultations Discussion Paper](#), The Way Forward to End Human Trafficking; Public Safety Canada, [Human Trafficking](#).

32 Immigration, Refugees and Citizenship Canada (IRCC), [Temporary Resident Permits \(TRPs\): Considerations specific to victims of human trafficking](#); Laura Barnett, [Trafficking in Persons](#), Legal and Social Affairs Division, Library of Parliament, Background Paper No. 2011-59-E, revised 15 January 2016.

33 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Natasha Kim, Director General, Immigration Branch, Department of Citizenship and Immigration).

The policy includes “criteria to be used in assessing TRP applications from potential victims of human trafficking.”<sup>34</sup> During the course of the study, some witnesses indicated that TRPs are issued inconsistently across the country, in part because of the considerable discretionary power provided to IRCC officers.<sup>35</sup>

TRPs allow victims of human trafficking to “have access to interim federal health care and services for counselling” and to “apply for a work permit at the same time, if they don't already have one”<sup>36</sup> free of charge.

Although the issued TRPs are valid only for a certain period of time, foreign nationals who are victims of human trafficking may apply to remain in Canada.<sup>37</sup>

## 1.5 THE ESTABLISHMENT OF A NATIONAL HOTLINE

In Budget 2018, the federal government committed to the establishment of a National Human Trafficking Hotline (National Hotline). It proposes to provide Public Safety Canada with \$14.51 million over five years, starting in 2018-19, and \$2.89 million per year ongoing.<sup>38</sup> This National Hotline project includes “an online portal and a referral mechanism to social services and law enforcement”<sup>39</sup> to facilitate access for victims to the services they need. Budget 2018 also indicates that the federal government will collaborate with the provinces and territories to implement the National Hotline project.

As indicated in correspondence addressed to the Committee from Public Safety Canada dated July 16, 2018,

Public Safety Canada is preparing a Call for Applications to identify an organization that could implement and run the National Hotline. The Call for Applications will be posted in Public Safety’s website in July 2018.... Proposals will be evaluated against a set of criteria that will be identified in the Call for Applications.<sup>40</sup>

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34 IRCC, [Temporary Resident Permits \(TRPs\): Considerations specific to victims of human trafficking](#).

35 See, for example, JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), FCJ Refugee Centre, April 2018.

36 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Natasha Kim, Director General, Immigration Branch, Department of Citizenship and Immigration).

37 Ibid.

38 Government of Canada, Budget 2018: [Equality and Growth – A Strong Middle Class](#), 27 February 2018, p. 197.

39 Ibid.

40 Email submitted to the Committee, 16 July 2018.



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

In October 2018, Public Safety Canada selected the Canadian Centre to End Human Trafficking to establish and operate the National Hotline, which will be launched in late Spring 2019.



## CHAPTER 2: THE SCOPE OF THE COMMITTEE'S STUDY

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The Committee's study is about human trafficking, not the sex industry.<sup>41</sup> Although all witnesses who participated in this study had the common goal of combating human trafficking and helping its victims, their experiences and understanding of the issue differed from one another. The Committee heard especially divisive and conflicting testimony when witnesses approached the subject of sex work in relation to human trafficking. In its brief, Family Services of Peel noted, for instance, that "the relationship between prostitution and trafficking and the distinction, where it exists, between enforced and voluntary prostitution, are controversial matters."<sup>42</sup> Similarly, Kara Gillies from the Canadian Alliance for Sex Work Law Reform, noted that

it's quite clear that we [different witnesses] take very divergent, even opposing positions on this issue [human trafficking in relation to sex work]. We all have very different lived experiences, and even when we have some shared or similar experiences, we interpret those very differently.<sup>43</sup>

The Committee does not take any position regarding the legalisation or decriminalization of prostitution or the relationship between the sex industry and human trafficking as this is beyond the scope of this study. The Committee believes that there are distinctions to be drawn between human trafficking and sex work involving consenting adults. Even though human trafficking and violence can occur in the sex industry, not all sex workers are being trafficked. It should also be emphasized from the outset that all agree that minors involved in the sex industry are victims of sexual exploitation. Sexual exploitation is a crime in Canada and the Committee believes it should be rigorously enforced.

The following section summarizes the main positions presented to the Committee regarding these specific matters.

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41 During the study, the Committee heard different terminology to refer to the selling of sexual services. For example, some witnesses preferred the terms "sex work", while others preferred the term "prostitution". The Committee acknowledges that there are important differences between such terms. Throughout the report, the Committee chose to respect the terminology used by the witnesses. Therefore, the terms "prostitution", "prostituted", "sex workers", "sex work" and "sex industry" are used throughout the report.

42 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, Family Services of Peel, [Brief](#), May 2018.

43 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 22 May 2018 (Kara Gillies, Canadian Alliance for Sex Work Law Reform).



## 2.1 CONFLATING SEX WORK WITH HUMAN TRAFFICKING

Some witnesses were of the view that sex work should not be considered separately from sex trafficking as they believed that sex work is inherently violent and, therefore, a form of exploitation. Here are a few examples of positions taken by witnesses the Committee met throughout the study:

Buying sex from women and girls is violence against women, period.<sup>44</sup>

The violence and aggression in prostitution is inherent and embedded.<sup>45</sup>

Prostitution, at bottom, is used as a vehicle for violence against women.<sup>46</sup>

It is a mistake to separate sex trafficking and prostitution. Rather, we know that sex trafficking and prostitution work in conjunction to satisfy a system of exploitation that commodifies women as things to be bought and sold on the market. The men who purchase women in prostitution are the same men purchasing women who have been trafficked into the sex trade.<sup>47</sup>

Sex trafficking, prostitution and pornography are inextricably linked, as sexual exploitation occurs on a circular, interconnected continuum.<sup>48</sup>

Human trafficking cannot be combated without also combating prostitution.<sup>49</sup>

LAWC [London Abused Women's Centre] recognizes prostitution as male violence against women; incompatible with women's equality and human rights; and gendered and racist with women and girls as the overwhelming majority of those who are prostituted and trafficked.<sup>50</sup>

In contrast, other witnesses argued that human trafficking should not be conflated with sex work. They explained that the situations of individuals engaged in the sex industry vary greatly and that there is a large spectrum of realities. They called for nuance and careful distinctions between sex work, human trafficking and sexual exploitation in the sex industry. According to these witnesses, the conflation of human trafficking and sex

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44 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 1 March 2018 (Diane Redsky, Executive Director, Ma Mawi Wi Chi Itata Centre Inc.).

45 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Federation of University Women, June 2018.

46 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Christian Legal Fellowship, July 2018.

47 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Vancouver Rape Relief and Women's Shelter, June 2018.

48 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Evangelical Fellowship of Canada, May 2018.

49 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Resist Exploitation, Embrace Dignity, February 2018.

50 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), London Abused Women's Centre, July 2018.

work harms sex workers, particularly the ones that are the most vulnerable. Here are a few examples of what witnesses told the Committee in this respect:

Sex work is sometimes framed as an inherent form of human trafficking or, more generally, as an inherent form of violence against women.... [W]hen sex work is seen as an act of violence or outright human trafficking, it trivializes actual incidents of violence against sex workers, denies sex workers their right to address incidents of violence, violates sex workers' right to autonomy, and invalidates sex workers' right to consent to sex when exchanging sexual services for money. When sex work is perceived as human trafficking, anti-trafficking initiatives become de facto anti-sex work initiatives, and sex workers and the people with whom they work are indiscriminately targeted for surveillance and investigation.<sup>51</sup>

The conflation of all sex workers with trafficking – particularly as applied to migrant, youth and Indigenous sex workers – and the resulting application and aggressive enforcement of sex work and anti-trafficking laws, causes significant harm to sex workers and prevents them from accessing help and support even when they are actually experiencing violence, being exploited or trafficked.<sup>52</sup>

Indigenous women who sell or trade sex are assumed to be trafficked, despite the fact that many do so as a means of generating money or resources in the context of poverty.... Framing all sex workers as victims has pressured some sex workers to identify themselves as victims in order to obtain social services or to avoid being treated as criminals by the police or social service agencies. This approach not only denies sex workers' agency, but also fails to respond to the socioeconomic and political oppression that sex workers experience.<sup>53</sup>

## 2.2 PERCEIVED IMPACT OF LAWS REGARDING SEX WORK

The Committee also heard conflicting evidence on the implications of the *Protection of Communities and Exploited Persons Act*<sup>54</sup> (PCEPA), and the reported impact of the legalization or decriminalization of sex work in various countries.

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51 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Alliance for Sex Work Law Reform, June 2018.

52 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Butterfly – Asian and Migrant Sex Workers Supply Network, June 2018.

53 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), The Canadian HIV/AIDS Legal Network, June 2018.

54 [Protection of Communities and Exploited Persons Act](#), S.C. 2014, c. 25.



On the one hand, some witnesses argued that the sex industry is responsible for the demand for sex trafficking<sup>55</sup>. These witnesses believe that fully enforcing the provisions allowing for the prosecution of the purchasers of sex, as is provided for in the *Criminal Code* as a result of the coming into force of PCEPA, is the best means to reduce the demand for sex trafficking.<sup>56</sup>

On the other hand, some witnesses indicated that prosecuting the purchasers of sex, instead of prosecuting sex traffickers only, forces the sex industry to go underground as clients fear being discovered, making it more dangerous for sex workers, and making human trafficking even more clandestine.<sup>57</sup> These witnesses argued that legalizing or decriminalizing sex work would not increase the prevalence of human trafficking, but rather increase the reporting of sex trafficking cases within the sex industry.<sup>58</sup> According to these witnesses, sex workers and clients are currently reluctant to report to the police

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55 See, for example, JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 10 May 2018 (Janine Benedet, Professor of Law, Peter A. Allard School of Law, University of British Columbia, As an Individual); JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Christian Legal Fellowship, July 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), TheTraffickedHuman.Org, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Evangelical Fellowship of Canada, May 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), London Abused Women's Centre, July 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Cassandra Diamond, July 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Nancy Brown, March 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Tri County Women's Centre, March 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Federation of University Women, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Resist Exploitation, Embrace Dignity, February 2018.

56 See, for example, JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 1 March 2018 (Diane Redsky, Executive Director, Ma Mawi Wi Chi Itata Centre Inc.); JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 10 May 2018 (Nancy Morrison, Former Judge of the Supreme Court of British Columbia, As an Individual); JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Natasha Falle, Co-Founder and Director, Sextrade101); JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Christian Legal Fellowship, July 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), TheTraffickedHuman.Org, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Janine Benedet, February 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Vancouver Rape Relief and Women's Shelter, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Evangelical Fellowship of Canada, May 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), The Catholic Women's League, April 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Resist Exploitation, Embrace Dignity, February 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Cassandra Diamond, July 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), BridgeNorth, July 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Nancy Brown, March 2018.

57 See, for example, JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 19 May 2018 (Cecilia Benoit, Professor and Scientist, University of Victoria); JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Alliance for Sex Work Law Reform, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), The Canadian HIV/AIDS Legal Network, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), PACE Society, July 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Supporting Women's Alternatives Network Society, March 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), PIVOT Legal Society, May 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Butterfly – Asian and Migrant Sex Workers Supply Network, June 2018.

58 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 19 May 2018 (Cecilia Benoit, Professor and Scientist, University of Victoria); JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Frances Mahon (Lawyer, Pivot Legal Society)); JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), The Canadian HIV/AIDS Legal Network, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Alliance for Sex Work Law Reform, June 2018.

situations that they believe to be human trafficking, for fear that it would lead to police officers targeting them afterwards.<sup>59</sup>

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59 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 19 May 2018 (Cecilia Benoit, Professor and Scientist, University of Victoria); JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), PIVOT Legal Society, May 2018.



## CHAPTER 3: THE EXTENT AND NATURE OF HUMAN TRAFFICKING IN CANADA

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Determining the true extent and nature of human trafficking in Canada presents a real challenge due to the clandestine nature of this crime, the fear of many victims or witnesses to report human trafficking to the authorities,<sup>60</sup> the absence of a common and consistent definition among stakeholders of what constitutes human trafficking and the challenges of collecting sufficient evidence to prove human trafficking cases in court. It has also been recognized over time that some authorities experience difficulties in identifying trafficking offences.<sup>61</sup>

Victims' reasons for not reporting to the police are numerous. They may fear their traffickers or fear of that they would be deported. They may find themselves in a "physically, socially, or economically vulnerable position, making them unwilling or unable to report to police."<sup>62</sup> They may have language barriers preventing them from reporting or understanding their rights. They may distrust the police or fear being themselves prosecuted for other offences.<sup>63</sup>

Currently, data on human trafficking in Canada is collected by various governmental and non-governmental organizations (NGOs). In many cases, what constitutes human trafficking differs from one organization to another, which creates differences in statistical report regarding human trafficking.

"Statistics Canada has two main sources of data on human trafficking: the data provided by the police services, and the data provided by the courts."<sup>64</sup> According to these statistics, international and domestic trafficking<sup>65</sup> occurs in Canada, although most incidents reported

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60 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Joanne Crampton, Assistant Commissioner, Federal Policing Criminal Operations, RCMP).

61 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Yvan Clermont, Director, Canadian Centre for Justice Statistics, Statistics Canada).

62 Dyna Ibrahim, [Trafficking in persons in Canada, 2016](#), Juristat Bulletin, Statistics Canada, 27 June 2018.

63 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Joanne Crampton, Assistant Commissioner, Federal Policing Criminal Operations, RCMP); Dyna Ibrahim, [Trafficking in persons in Canada, 2016](#), Juristat, Statistics Canada, 27 June 2018.

64 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Yvan Clermont, Director, Canadian Centre for Justice Statistics, Statistics Canada).

65 International trafficking occurs when victims are transported from one country to another, while domestic trafficking occurs when the entire crime occurs without borders being crossed.



are domestic. Recognizing the limitations of these statistics, Mr. Clermont, Director, Canadian Centre for Justice Statistics, Statistics Canada, noted that

we have reasons to believe that there could be under-reporting when we look only at police reported statistics. However, these police reported statistics represent a very accurate picture of what comes into the criminal justice system, and we need to keep track of that.<sup>66</sup>

### 3.1 POLICE-REPORTED DATA

In Canada, “the number of police-reported incidents of human trafficking is on the rise”: “[r]ates of human trafficking in 2016 are more than 11 times higher than in 2010, and the largest increases occurred between 2013 and 2015.”<sup>67</sup> As indicated by Mr. Clermont, this growth “has been driven by increases in trafficking across international borders, as well as increases in sex trafficking or forced labour.”<sup>68</sup> However, as observed by Mr. Clermont “[w]hat is unclear is whether it is a real increase or a mere indication that police services and authorities are better equipped to detect and report such incidents.”<sup>69</sup>

Between 2009 and 2016, 1,099 incidents of human trafficking were reported by the police across the country, including 340 in 2016 alone where the violation of human trafficking was the most serious offence.<sup>70</sup> It is worth noting that “two-thirds (66%) of human trafficking offences reported by police between 2009 and 2016 were reported in Ontario, over one in ten (14%) incidents were reported in Quebec and just under one in ten (8%) incidents were reported in Alberta.”<sup>71</sup>

Based on Statistics Canada’s analysis of the available police-reported data, victims are most often young women: among the 865 victims between 2009 and 2016, 95% were women, 72% of these women were under the age of 25 and 26% were less than 18 years

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66 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Yvan Clermont, Director, Canadian Centre for Justice Statistics, Statistics Canada).

67 Ibid.

68 Ibid.

69 Ibid.

70 Ibid; “The most serious violation is determined by criteria in the following order of priority: violations against a person take precedence over violations not against a person; the greatest maximum penalty prescribed by law; violations causing death take precedence over other violations with the same maximum penalty; or, if the above rules do not break a tie, the police service uses discretion to determine which is the most serious violation in the incident.” For more information, see Mary Allen, *Police-reported crime statistics in Canada, 2017*, 85-002X, Juristat, Statistics Canada, 23 July 2018.

71 Dyna Ibrahim, *Trafficking in persons in Canada, 2016*, Juristat Bulletin, Statistics Canada, 27 June 2018.



old.<sup>72</sup> Also, “[n]early three in ten (27%) victims of police-reported human trafficking incidents experienced some level of physical injury, most of which were minor (i.e., not requiring professional medical treatment).”<sup>73</sup> Although victims “may suffer other consequences such as emotional or psychological trauma”, the Committee was told that “information on these types of impacts are not available from police-reported data.”<sup>74</sup>

The statistics show that “[m]ales were accused in more than four in five (81%) incidents of human trafficking reported by police between 2009 and 2016” and the vast majority (80%) of the accused were between the ages of 18 and 34 years.<sup>75</sup> That being said, the Committee learned throughout the study that human traffickers can be anyone. The Committee members were horrified to hear that, sometimes, traffickers are family members who are supposed to protect their children. They also learned that traffickers are often “boyfriends”, “friends”, or significant adults in the lives of the victims.

In addition, between 2009 and 2016, 32% of human trafficking related incidents were cross-border offences.<sup>76</sup> Although human trafficking encompasses sex trafficking and labour trafficking, Statistics Canada does not have disaggregated data differentiating the two. However, as indicated by Mr. Clermont, “when we look at the characteristics around these incidents, we understand that they are predominantly sex trafficking.”<sup>77</sup> That being said, the Committee was told by RCMP Assistant Commissioner Joanne Crampton that “more evidence of human trafficking for forced labour has come to light during the past few years, which often involves foreign nationals as victims and perpetrators.”<sup>78</sup>

### 3.2 COURT DATA ON HUMAN TRAFFICKING

According to Statistics Canada’s Integrated Criminal Court Survey,

between 2005-06 and 2015-16 there were 84 completed adult criminal court cases where a human trafficking offence was the most serious offence. Of these completed

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72 Ibid.

73 Ibid.

74 Ibid.

75 Ibid.

76 Ibid.

77 More precisely, “where human trafficking was the most serious offence, almost 6 in 10 of these incidents also involved a prostitution offence.” See JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Yvan Clermont, Director, Canadian Centre for Justice Statistics, Statistics Canada).

78 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Joanne Crampton, Assistant Commissioner, Federal Policing Criminal Operations, RCMP).



adult human trafficking cases, the majority, 60%, resulted in a finding of stayed or withdrawn, while close to one third, or 30%, resulted in a guilty finding. Over the same time period, 222 adult criminal court cases involved a human trafficking offence that was not the most serious criminal offence in the incident. These most often involved cases related to prostitution offences and deprivation of freedom offences. Of the 306 adult criminal court cases that have at least one charge related to human trafficking, two-thirds have more than one charge of human trafficking within the case.<sup>79</sup>

The RCMP Human Trafficking National Coordination Centre also collects data on human trafficking cases in Canada. According to the Centre,

from 2005 to November 2017, the RCMP Human Trafficking National Coordination Centre identified 455 cases where human trafficking specific charges were laid. Of the total, 433 were domestic human trafficking cases and 22 were international. Of these cases, 118 have successfully resulted in human trafficking specific or related convictions. These cases involved 321 victims and 180 individuals who were convicted of multiple offences. Currently there are approximately 296 human trafficking cases before the courts that involve approximately 506 accused and 420 victims.<sup>80</sup>

It is important to note that the methodology used by the RCMP to collect the data differs from the one used by Statistics Canada. As a result, the statistics are not comparable. As explained by the RCMP Assistant Commissioner Joanne Crampton, “the statistics identified by the coordination centre are derived from human trafficking specific cases across Canada that the centre's research has identified and should not be taken as a full representation of the extent or the prevalence of human trafficking.”<sup>81</sup>

Throughout the study, the Committee learned that there are many challenges regarding the prosecution of human trafficking cases. In recent years, measures have been put in place to assist police officers and prosecutors investigate and prosecute human trafficking cases. As indicated by Mr. Matthew Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice, the Department has supported the implementation of the human trafficking provisions in the *Criminal Code*

in various ways, including through the provision of regular training to police and prosecutors, in conjunction with the RCMP and other police forces, victim services, and other experts. We've developed a handbook for police and prosecutors and fact sheets on key criminal justice issues for police and prosecutors, such as sentencing

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79 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Yvan Clermont, Director, Canadian Centre for Justice Statistics, Statistics Canada).

80 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Joanne Crampton, Assistant Commissioner, Federal Policing Criminal Operations, RCMP).

81 Ibid.

submissions, bail proceedings, and things of that nature in a human trafficking context.<sup>82</sup>

However, prosecuting traffickers in Canada remains challenging, as explained by Sergeant Damien Laflamme, Human Trafficking Unit, Ottawa Police Service:

Prosecuting traffickers has proven very difficult. As I mentioned, most survivors have been manipulated and convinced to be distrustful of police. Subsequently, court testimony has been a major hurdle for our investigators. More often than not, traffickers have managed to affect and threaten our survivors in a negative way prior to their testifying in court. Numerous survivors refuse to testify, and recant their statements while awaiting trial, putting lots of the investigations in jeopardy.<sup>83</sup>

These comments were echoed by Ms. Carole Sheppard, Acting Director, Headquarters Counsel Group, Office of the Director of Public Prosecutions, who indicated that prosecution of human trafficking incidents under the IRPA can be difficult, because, among other things, of the reluctance of victims and complainants “to co-operate with the efforts of the authorities to prosecute the people who have trafficked them into the country.”<sup>84</sup>

In her brief, Ms. Michelle Ferguson, a former Federal Prosecutor, underlined that language barriers can also undermine investigations and prosecutions and that translation is very important. She indicated that the meaning of words and understanding the victim are critical during the investigation and the prosecution of these cases.<sup>85</sup> As a consequence, she recommended that resources need to be allocated for interpretation and translation of documents. She indicated that, unfortunately, in the past, investigations have been terminated because of the costs of translation and interpretation.

### 3.3 GROUPS MORE AT RISK OF BEING TRAFFICKED

Throughout the study, several witnesses, including government officials as well as service providers who deal with victims and survivors of human trafficking, indicated that some groups are more at risk of being trafficked than others. Mr. Trevor Bhupsingh, Director General, Law Enforcement and Border Strategies Directorate, Department of Public Safety and Emergency Preparedness, provided “that most of the risk, in terms of

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82 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Matthew Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice).

83 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 March 2018 (Sergeant Damien Laflamme, Human Trafficking Unit, Ottawa Police Service).

84 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Carole Sheppard, Acting Director, Headquarters Counsel Group, Office of the Director of Public Prosecutions).

85 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, Michelle Ferguson, *Brief*, June 2018.



being victimized through human trafficking in Canada, tends to be for those groups that are either socially or economically disadvantaged.”<sup>86</sup> Risk factors include poverty, social isolation, homelessness, precarious housing situation, isolation, child abuse, history of violence, drug addictions, mental health issues as well as a lack of education and employment opportunities.<sup>87</sup> The more vulnerable groups identified in the National Action Plan and by several witnesses during this study are Indigenous women, girls and children, LGBTQ2 individuals, migrants<sup>88</sup> and new immigrants, children in foster care and young runaways.<sup>89</sup>

The Committee was told that Indigenous women and girls are more vulnerable to human trafficking due to colonialism, the legacy of residential schools and the mass removal of Indigenous children from their families by the child protection system in the 1960s and high levels of poverty, racism, marginalization and discrimination.<sup>90</sup> As explained by Ms. Diane Redsky, Executive Director, Ma Mawi Wi Chi Itata Centre Inc.,

[t]he systems continue to perpetuate creating vulnerability for Indigenous women and girls, and we have countless examples just in this year alone, of how systems have failed us and continue to fail us.

The Native Women's Association of Canada did a report, with which I agree, and concluded that we're over-policed and under-protected. There are a number of factors that play into that, and colonization is the biggest culprit that created poverty, that created the racism. And there is a market for Indigenous women and girls. We actually

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- 86 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Trevor Bhupsingh, Director General, Law Enforcement and Border Strategies Directorate, Department of Public Safety and Emergency Preparedness).
- 87 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Not in my City, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Eva's Initiatives for Homeless Youth, August 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Federation University Women, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Native Women's Association of Canada, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Family Service of Peel, May 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), TheTraffickedHuman.Org, June 2018.
- 88 Please note that the vulnerability of temporary workers is further examined in the section of this report entitled Employer-Specific Work Permits.
- 89 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Trevor Bhupsingh, Director General, Law Enforcement and Border Strategies Directorate, Department of Public Safety and Emergency Preparedness); JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), The Salvation Army, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Eva's Initiatives for Homeless Youth, August 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Federation University Women, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Ontario Native Women's Association, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Defend Dignity, April 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Centre for Child Protection, June 2018;
- 90 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Ontario Native Women's Association, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Native Women's Association of Canada, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Aboriginal Legal Services, June 2018.

created and allowed Canada to create disposable women, and those disposable women—who cares what happens to them—are Indigenous women.<sup>91</sup>

As stated above, based on police-reported and court data, victims of human trafficking are mostly young women.<sup>92</sup> Statistics indicating a higher prevalence of human trafficking among other specific groups are generally anecdotal.

Crucial to preventing human trafficking and assisting victims appropriately is a need for improved data. As noted by Ms. Sandra Rupnarain, Director of Client Services, Peel Institute on Violence Prevention, Family Services of Peel, “understanding the roots of vulnerability is invaluable....”<sup>93</sup> This particular issue is further discussed in the section of this report entitled Data Gathering and Information Sharing among stakeholders.

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91 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 1 March 2018 (Diane Redsky, Executive Director, Ma Mawi Wi Chi Itata Centre Inc.).

92 Dyna Ibrahim, *Trafficking in persons in Canada, 2016*, Juristat Bulletin, Statistics Canada, 27 June 2018.

93 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Sandra Rupnarain, Director of Client Services, Peel Institute on Violence Prevention, Family Services of Peel).



## CHAPTER 4: MOVING FORWARD TO COMBAT HUMAN TRAFFICKING: FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

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Human trafficking in Canada remains extremely concerning despite significant efforts among governments, NGOs and civil society to prevent its occurrence, protect the victims and prosecute the traffickers. The Committee's study clearly demonstrates a need to renew and strengthen Canada's efforts to eradicate this atrocious crime and provide proper assistance to the victims. Having considered the evidence, the Committee was able to identify specific areas that require action to combat human trafficking more effectively. These areas of concerns and the Committee's recommendations to address them are presented in the following sections.

### 4.1 INCREASING EDUCATION AND AWARENESS ABOUT HUMAN TRAFFICKING

Throughout the study, the Committee heard that increasing education and awareness about human trafficking is critical to prevent its occurrence and to assist the victims appropriately.<sup>94</sup> For example, Committee members heard during their travel that raising awareness allows more people to be "the eyes and ears" required to prevent human trafficking from occurring, as well as to identify and assist the victims. Along the same lines, Mrs. Joy Smith, former Member of Parliament and founder and president of the Joy Smith Foundation, stressed that "making the public aware of what is happening is extremely important. It's very powerful. Using media to do that is huge."<sup>95</sup>

Raising awareness about human trafficking can be done through numerous activities, such as educational events, media campaigns, training sessions and the distribution of pamphlets, flyers and posters in various locations (e.g. schools and universities, airports, and embassies and consulates).

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94 See, for example, JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Matthew Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice; Joanne Crampton, Assistant Commissioner, Federal Policing Criminal Operations, RCMP); JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, *Brief*, Canadian Centre for Child Protection, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, *Brief*, Michelle Ferguson, June 2018.

95 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 1 March 2018 (Joy Smith, Founder and President, Joy Smith Foundation Inc.).



In recent years, governments, civil society and NGOs have designed many educational resources targeted at the general public or specific groups to assist the public as well as service providers in recognizing signs of human trafficking and ensuring an adequate response (i.e., how to report to police or provide help to the victims). A number of these initiatives were mentioned during the Committee study and are presented below.

#### 4.1.1 Examples of Educational and Awareness-Raising Initiatives

At the beginning of the study, Assistant Commissioner Joanne Crampton reminded the Committee that raising awareness about human trafficking is an important part of the mandate of the RCMP Human Trafficking National Coordination Centre.<sup>96</sup> She also informed the Committee that since the Centre was established in 2005, it has directed several national awareness campaigns and training sessions on human trafficking. More specifically, she noted that the Centre conducted

several mass distributions of the “I’m not for sale” awareness campaign,<sup>97</sup> and provided training and awareness sessions to law enforcement officials, prosecutors, government employees, non-governmental organizations, youth, and Indigenous communities.<sup>98</sup>

Furthermore, she indicated that the Centre can count on “three regional RCMP human trafficking awareness coordinators in the provinces of British Columbia, Quebec, and Nova Scotia.”<sup>99</sup> Their role is to raise awareness about human trafficking and build partnerships among various stakeholders. As part of their mandate, coordinators are “members of networks that aim to address human trafficking through participation on committees, response teams, and coalitions.”<sup>100</sup>

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96 The Human Trafficking National Coordination Centre is a resource for Canadian law enforcement agencies in their efforts to combat and disrupt individuals and criminal organizations involved in human trafficking activities. As part of this effort, the centre develops investigative tools and guidelines, coordinates national awareness campaigns and training, disseminates information and intelligence, develops partnerships domestically and abroad, and coordinates national and international human trafficking law enforcement initiatives. JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Joanne Crampton, Assistant Commissioner, Federal Policing Criminal Operations, RCMP).

97 The “I’m Not for Sale” campaign includes a range of material to educate both law enforcement and the general population about human trafficking, such as posters, videos, toolkits, etc. For more information about available material, consult Human Trafficking National Coordination Centre, [Awareness Material and Resources](#).

98 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Joanne Crampton, Assistant Commissioner, Federal Policing Criminal Operations, RCMP).

99 Ibid.

100 Ibid.



The Committee also learned about several municipal and provincial police awareness-raising initiatives. For example, Sergeant Damien Laflamme from the Ottawa Police Service indicated that while more work needs to be done to educate the public and service providers about human trafficking, the Ottawa Police Service Human Trafficking Unit has been very active in that regard, noting that, in recent years, it has

exponentially increased education and awareness of trafficking through meetings, information sessions, presentations to organizations such as law enforcement training facilities, community organizations, border services, and regional hotel associations.<sup>101</sup>

He also mentioned that the Ottawa Police Service unit recently started working “with post-secondary institutions”, and that it is hoping to do outreach work “in transportation hubs, such as airports and bus and train terminals in the years to come.”<sup>102</sup>

Canadian civil society and NGOs are also very active in raising public awareness and campaigning to prevent human trafficking. Several of the campaigns they created and/or conducted over the years were mentioned during the study.<sup>103</sup>

According to the Canadian Centre for Child Protection, the impact of these awareness-raising campaigns can be significant:

The results of campaigns led by Cybertip.ca such as “Youth are not for sale” show that the power of awareness campaigns cannot be underestimated. The Canadian Centre encourages government agencies to work with NGOs and frontline workers to develop new campaigns aimed at reaching not only various sectors of the public but also victims.<sup>104</sup>

Training initiatives to address domestic and international human trafficking are also widespread across the country. Ms. Sherry Lacey of the Ottawa Coalition to End Human Trafficking, noted, for example, that her organization offers “an established training program for service providers to develop their ability to identify a trafficked person and to know how to respond appropriately.”<sup>105</sup>

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101 He also noted that his unit presented on this issue in two hospitals in Ottawa. JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Sergeant Damien Laflamme, Human Trafficking Unit, Ottawa Police Service).

102 Ibid.

103 For example, witnesses mentioned a number of campaigns including the “#YouCanStopThis?” campaign, the “I’m not for Sale” campaign, the “Buying sex is not a sport” campaign, and the “Vatican’s campaign to end modern slavery”.

104 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, *Brief*, Canadian Centre for Child Protection, June 2018.

105 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 March 2018 (Sherry Lacey, Head, Youth Committee, Social Worker (Youth and Family Therapy), Ottawa Coalition to End Human Trafficking).



Ms. Jodi Mosley of the Ottawa Coalition to End Human Trafficking, also noted that training about human trafficking is now part of the initial training of all police officers in Canada.<sup>106</sup> In fact, the Committee heard that nowadays police officers, as well as prosecutors, are regularly trained on human trafficking. Such training is supported by the Department of Justice of Canada and is done “in conjunction with the RCMP and other police forces, victims services and other experts.”<sup>107</sup> The National Judicial Institute has also provided training to Canadian judges about human trafficking.<sup>108</sup>

Considering the complexities of the human trafficking legislation, Mr. Matthew Taylor from the Department of Justice reiterated that “awareness-raising and education for those on the front lines are critically important.”<sup>109</sup>

According to the evidence, all Canadian Border Services Agency (CBSA) front-line officers receive training on human trafficking. As explained by Ms. Lynn Lawless, Director, Intelligence, Targeting and Criminal Investigations Program Management, CBSA,

[a]ll front-line officers receive a course called “People at Risk”. That course includes human trafficking, abducted children, youth, and people at risk. It's part of the basic training. They're taught about the legislation around human trafficking, the human trafficking phenomenon, the differentiation between human trafficking and human smuggling, and the indicators of human trafficking. That's part of their role, to identify the indicators and detect those kinds of cases in a port-of-entry scenario. They also receive specific training on the procedures to follow, which would include referral to the RCMP when we would have suspicion of a human trafficking situation, referral to IRCC to examine the immigration options, and, if required, referral to local social services for support and counselling as required.<sup>110</sup>

Furthermore, as noted above, to assist in the prosecution of alleged traffickers, the Department of Justice “developed a handbook for police and prosecutors and fact sheets on key criminal justice issues for police and prosecutors, such as sentencing submissions, bail proceedings, and things of that nature in a human trafficking context.”<sup>111</sup>

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106 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 March 2018 (Jodi Mosley, Head, Community Presentation Committee, Ottawa Coalition to End Human Trafficking).

107 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Matthew Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice).

108 Ibid.

109 Ibid.

110 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Lynn Lawless, Director, Intelligence, Targeting and Criminal Investigations Program Management, Canada Border Services Agency).

111 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Matthew Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice).

All these efforts appear to have been fruitful according to Mr. Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice:

What I can say is that based on the case law, we can see that the courts are now understanding the essential requirements for the [human trafficking] offence. They're becoming more comfortable with the kinds of evidence that are required. But by its very nature, human trafficking will always be a difficult offence to investigate because of the power dynamics between the victim and the trafficker. The importance of training and continually reinforcing knowledge among the policing and Crown community is really critical.<sup>112</sup>

#### 4.1.2 The Need to Deepen Public Awareness and Education on Human Trafficking

Despite notable efforts to educate the public and frontline service providers about human trafficking, several witnesses expressed the need for increased investments in education initiatives on human trafficking.<sup>113</sup> Overall, the Committee heard that while progress in this regard is considerable, “we still have a long way to go”:

It is true that the spotlight on human trafficking has increased awareness and resulted in progress. The police now have human trafficking in their formal initial training, and we have a human trafficking team, and steps are being taken to train those employed in the aviation industry. The Canadian Federation of Medical Students, in collaboration with organizations like ours, is working to include human trafficking as part of the medical curricula. This is great news. However, we have a long way to go.

We still have law enforcement who cannot distinguish between cases of human trafficking and those of domestic violence. We have doctors and teachers who don't know how to identify human trafficking, and academic and medical institutions that don't have protocols for properly responding to the cases of human trafficking.<sup>114</sup>

To ensure “a unified national focus” on this issue, the Sexual Exploitation Working Group recommended that the Government of Canada declare a national day of awareness about human trafficking.<sup>115</sup>

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112 Ibid.

113 See, for example, JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Family Service of Peel, May 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), The Evangelical Fellowship of Canada, May 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), BridgeNorth, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Stepping Stone, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), The Salvation Army, June 2018.

114 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 March 2018 (Jodi Mosley, Head, Community Presentation Committee, Ottawa Coalition to End Human Trafficking).

115 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Sexual Exploitation Working Group, May 2018.



In Ottawa and all of the cities visited by the Committee during this study, several witnesses highlighted the need to invest in the training of frontline service providers to assist human trafficking victims appropriately. For instance, Ms. Mélanie Carpentier, Director, Victim Services, La Maison de Mélanie, stated that

we need to ensure that professionals who may be called upon to help victims are given the proper training so that they can recognize victims and intervene appropriately. I am talking about people such as police officers, social workers, teachers, and others who work in schools, in sports, and in community organizations. Third, judges need training so that they are aware of the impact human trafficking has on victims.<sup>116</sup>

In the same vein, BridgeNorth recommended that training for judges and prosecutors on how to deal with victims of human trafficking be mandatory:

Mandatory training for judges and Crowns would make it possible for the victims of human trafficking to receive trials that are more fair and true to their situations allowing the rights and health of the victims to be respected most effectively.<sup>117</sup>

Some witnesses pointed out a lack of training among certain professionals who may interact with various groups at risk, victims and survivors. Ms. Tara Leach, Primary Health Care Nurse Practitioner, noted, for example, the lack of education within the medical and nursing schools:

Health care professionals are not aware of human trafficking, as there is no mandated education on human trafficking. There are no requirements for licensing that this be learned within professional reporting requirements. There is no developed standard education, within medical schools or nursing schools, to even open the awareness that this could be a potential patient. Health care providers are not aware, and they do not have the tools, or even sometimes the permission, to spend the necessary time with patients to navigate their needs.<sup>118</sup>

Along the same lines, BridgeNorth maintained in its brief that “[m]edical professionals interacting with sexual exploitation must be educated in the dialogue, methods of communication, and signs of sexual exploitation to more effectively meet the victim’s needs.”<sup>119</sup>

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116 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 10 May 2018 (Mélanie Carpentier, Director, Victim Services, La Maison de Mélanie).

117 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Sexual Exploitation Working Group, May 2018.

118 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 March 2018 (Tara Leach, Primary Health Care Nurse Practitioner, As an Individual).

119 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Human Trafficking in Canada, BridgeNorth, July 2018.

As will be discussed in the next section of the report entitled *Using Financial Information to Combat Human Trafficking*, a number of witnesses across Canada pointed out the need for police investigators to receive additional training on the use of financial information to identify human trafficking cases and facilitate the prosecutions of these cases.

In addition, several witnesses expressed that awareness-raising and training initiatives need to be expanded to include not only frontline service providers, but also the hospitality industry such as hotel staff and taxi drivers as well as airline staff. Similar recommendations were made by numerous witnesses across Canada.<sup>120</sup>

Some witnesses the Committee met during its travel emphasized the need to educate law enforcement, prosecutors, and members of the judiciary on the history and socio-economic conditions of Indigenous people, to facilitate interventions in Indigenous communities and assist Indigenous victims in a more appropriate manner.<sup>121</sup> It was argued that these actors need to understand the impact of colonialism on the vulnerabilities of Indigenous women and girls to trafficking.

The Committee encourages all initiatives that enhance support for human trafficking victims in general, and particularly for Indigenous victims, and was pleased to learn that the Department of Justice “is supporting the development of a resource handbook for Indigenous women and girls who were victimized through human trafficking for the purposes of sexual exploitation.”<sup>122</sup> Like the witnesses, the Committee also acknowledges that more steps need to be taken to ensure that police officers, prosecutors and the judiciary understand Indigenous culture.

#### 4.1.3 Need to Ensure Evidence-based Training and Awareness

Several witnesses noted the importance of ensuring that human trafficking awareness campaigns, resources and training are based on empirical evidence, rather than myths and misconceptions about human trafficking, sex work and migration. Some witnesses were of the view that “[a]nti-trafficking campaigns contribute to and rely on racial

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120 See, for example, JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Nancy Brown, March 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), YMCA Montreal, June 2018. They emphasize the need for “training for the tourism, hotel, taxi and retail industries so they can be better informed and know how to react appropriately and to whom to turn when faced with possible cases of sexual exploitation.”

121 See, for example, JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 31 May 2018 (Jennisha Wilson, Manager, Alluriarniq Department: Sex Work, Exiting the Sex Trade and Anti-Human Trafficking Projects, Tungasuvvingat Inuit).

122 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Matthew Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice).



profiling and are often used as a pretext for investigating indoor establishments employing racialized women, particularly Asian women with non-Western accents and Indigenous women.”<sup>123</sup>

According to Butterfly,

[t]he public campaigns and trafficking awareness trainings of hotel staff, health care workers, taxi drivers and the general public have increased the moral panic against sex workers by treating them only as criminals or victims. As a result of such trainings, many law enforcement and social service organizations have developed lists of “signs,” “indicators,” “checklists,” and “red flags” to identify trafficking victims in order to facilitate “rescuing the victims” from exploitative and violent situations. The indicators used conflate trafficking with sex work, which assumes all sex workers are trafficked victims. The indicators are heavily focused on identifying people involved in sex work, for example: having knowledge of the sex industry, saving numbers of multiple taxi companies, visiting sexual health clinics, etc. The indicators also conflate trafficking with migration. They assume that people who are not Canadian-born, do not speak English, do not have identification, and/or receive assistance from a third party are trafficked victims. These ideas are based on a racist image of im/migrant and racialized people.

These indicators are problematic because they are based on assumptions, myths, and misconceptions related to trafficking, sex work and migration. They are not based on empirical evidence and experiences of trafficked victims. These faulty indicators increase surveillance of marginalized communities and create barriers for sex workers to be listened to, and to access supports and services.<sup>124</sup>

Likewise, SWAN Vancouver argued that indicators that do not distinguish sex work from sex trafficking are indeed harmful to newcomer, migrant and immigrant women engaged in indoor sex work:

What current human trafficking awareness training does not cover is the unacknowledged role and complex interplay of gender, race, ethnicity, language and culture in creating these red flags; it is not always the red flag itself but who the indicator is applied to. For example, when a number of non-Caucasian, and especially Asian, sex workers who speak accented English work together, this work situation has been perceived as trafficking whereas the same conclusion would not be drawn from a group of Caucasian, Canadian-born sex workers. Not only are these trafficking indicators unhelpful in their present form, they are harmful. We witness the impacts of law

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123 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Pivot Legal Society, May 2018.

124 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Butterfly – Asian and Migrant Sex Workers Support and Policies, June 2018.

enforcement indiscriminately acting upon these situational red flags, including in the very problematic Operation Northern Spotlight.<sup>125</sup>

In particular, the Committee was told that migrant women are at risk of deportation when they engage in sex work. Moreover, these women “do not perceive law enforcement as protectors”.<sup>126</sup> As explained by SWAN Vancouver, this practice “increases fear and distrust of law enforcement meaning im/migrant [immigrant and migrant] sex workers will not turn to police in their actual time of need.”<sup>127</sup>

SWAN has long been a vocal opponent of human trafficking awareness training which is increasing among police, CBSA, healthcare providers, hotel staff, taxi drivers, hairdressers, tattoo artists, airline staff, and others. Included in this training are vague, overbroad, situational ‘red flags’ that can apply to many people in society. Examples include: limited English, working long hours, fear of authorities, no access to medical care, and fear of revealing immigration status. According to these ‘red flags’, all women who SWAN supports could be identified as trafficking victims.<sup>128</sup>

For human trafficking indicators to be useful, they must not be overbroad. Moreover, training must emphasize the differences between sex work and sex trafficking.<sup>129</sup>

#### 4.1.4 Create Awareness Campaigns Tailored to Targeted Audiences

Throughout the study, several witnesses also stressed the need to create campaigns tailored to specific audiences, such as Indigenous people living on reserves and homeless youth and runaways. The information disseminated through these campaigns must be suited to the clientele they are trying to reach. In its brief, the Canadian Centre for Child Protection emphasized that

[o]ngoing awareness, training and education of the public, and of the systems that regularly interact with children and youth, will be essential to ensuring that intervention

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125 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Supporting Women’s Alternatives Network (SWAN Vancouver) Society, March 2018; Operation Northern Spotlight “is a Canadian law enforcement outreach operation that proactively targets vulnerable persons in the sex trade industry in an effort to identify and assist them as they may be at risk of human trafficking.” See RCMP, News, “[Fifth edition of Operation Northern Spotlight concludes successfully](#)”.

126 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Supporting Women’s Alternatives Network (SWAN Vancouver) Society, March 2018.

127 Ibid.

128 Ibid.

129 See, for example, JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Alliance for Sex Work Law Reform, June 2018 and JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Butterfly, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian HIV/AIDS Legal Network, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), April 2018.



and protection can occur as soon as possible. Children and youth also need targeted awareness, training and education, that takes into account the different backgrounds and vulnerabilities of children and youth in Canada.”<sup>130</sup>

YWCA Halifax, among other groups and witnesses across Canada, underscored the need for educating youth about human trafficking at the end of elementary school or the beginning of junior high.<sup>131</sup>

To reach as many young people as possible, several witnesses suggested involving the “major social networking players.” In its brief, YMCA Montreal argued that involving these players would help “to reach everyone so that it is not just up to potential victims to be able to identify the risks.”<sup>132</sup>

Ms. Jennisha Wilson, Manager, Alluriarniq Department, Sex Work, Exiting the Sex Trade and Anti-Human Trafficking Projects, Tungasuvvingat Inuit,<sup>133</sup> emphasized that specific needs of specific groups within the larger Indigenous communities must also be considered:

With regard to awareness and education, Inuk are very different from other Indigenous groups, and it's really important in the work that we do at [Tungasuvvingat Inuit] that we take an approach to human trafficking based on an Inuit perspective.<sup>134</sup>

The Committee also heard that “[e]ngaging youth, marginalized communities, survivors and frontline agencies when creating awareness raising activities is essential.”<sup>135</sup>

Based on its review of the evidence, the Committee concludes that training activities and public awareness campaigns must be evidence-based and carefully designed for the general public as well as specific audiences. Training should also be trauma-informed and ongoing.<sup>136</sup> Furthermore, wherever possible, resources should be available for victims or at-risk groups who do not speak fluent English or French. The Committee also agrees with

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130 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Centre for Child Protection, June 2018.

131 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), YWCA Halifax, June 2018.

132 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), YMCA Montreal, June 2018.

133 Tungasuvvingat Inuit is “a provincially mandated Inuit-specific organization that supports Inuit who live outside of Inuit Nunangat.” JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 31 May 2018 (Jennisha Wilson, Manager, Alluriarniq Department: Sex Work, Exiting the Sex Trade and Anti-Human Trafficking Projects, Tungasuvvingat Inuit).

134 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 31 May 2018 (Jennisha Wilson, Manager, Alluriarniq Department: Sex Work, Exiting the Sex Trade and Anti-Human Trafficking Projects, Tungasuvvingat Inuit).

135 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Women’s Foundation, July 2018.

136 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Centre to End All Sexual Exploitation, July 2018.



the Native Women's Association of Canada that education materials must be translated into a wide range of Indigenous languages to enhance accessibility.<sup>137</sup> The information must also be available in other languages where appropriate and possible. Finally, the use of social media should be encouraged to reach as many people as possible.

In light of these considerations, the Committee recommends:

#### **Recommendation 1 – Increasing Awareness**

**That the Government of Canada take appropriate measures to increase public awareness of human trafficking. This should include campaigns directed to the general population and targeted towards specific groups, such as the hospitality industry, taxi, limousine drivers and ride-sharing services, such as Uber and Lyft. It should also be directed towards more vulnerable groups or persons, such as Indigenous and racialized communities, and children. These campaigns should also be reaching out to young people through social media.**

#### **Recommendation 2 – Protecting Victims Abroad**

**That the Government of Canada increase awareness among officials working in Canadian embassies and consulates regarding the assistance and protection of victims of human trafficking by providing them with regular updates and training on the initiatives taken by Canada to combat human trafficking and assist its victims. A copy of this report should also be distributed to them.**

#### **Recommendation 3 – Preventing Victimization of Migrant Workers**

**That the Canada Border Services Agency take immediate steps to ensure that all migrant workers are briefed upon their arrival in Canada in languages that they understand on their rights, including specifically their labour rights, to prevent human trafficking from occurring.**

#### **Recommendation 4 – Appropriate Training of Stakeholders**

**That the Minister of Justice work with the provinces and territories to implement measures to ensure appropriate training for prosecutors and first responders, including police officers, immigration officers, nurses and medical professionals, for the purpose of enhancing the detection of human trafficking incidents and the investigation and prosecution of human traffickers, as well as improving interventions to support victims.**

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137 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Native Women's Association of Canada, June 2018.



## Recommendation 5 – Training for Judges

**That the Minister of Justice encourage the provinces and territories to support training programs aimed at increasing awareness of human trafficking among judges.**

### 4.2 USING FINANCIAL INFORMATION TO COMBAT HUMAN TRAFFICKING

Peter Warrack, a consultant who has worked in both banking and policing, told the Committee that “traffickers need the financial system for many reasons: to be paid by their customers, their clients; to book their travel, their accommodation; and to run their sordid operations.”<sup>138</sup> According to ManchesterCF, a consulting business that provides online financial crime training programs, “[s]ince so much can be understood about human trafficking arrangements by following the money, the most powerful weapon law enforcement can use against traffickers is financial records.”<sup>139</sup>

These witnesses and various police officials who appeared before the Committee explained that the financial sector can help tremendously in the fight against human trafficking.<sup>140</sup> Information on financial transactions can be used to identify cases of human trafficking and serve as evidence in criminal proceedings.<sup>141</sup>

In its brief, ManchesterCF explained that when human traffickers “attempt to place the financial proceeds obtained from their victims into the financial system they are engaging in money laundering.”<sup>142</sup> The Financial Transactions and Reports Analysis Centre of Canada (FINTRAC)<sup>143</sup> can therefore play a key role in identifying when money from human trafficking activities is being laundered.

Generally speaking, FINTRAC ensures that the businesses subject to the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (PCMLTFA)<sup>144</sup> comply with their

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138 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Peter Warrack, Bitfinex, As an Individual).

139 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), ManchesterCF, April 2018.

140 Ibid.; JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Peter Warrack, Bitfinex, As an Individual).

141 Ibid.; Many witnesses raised this point during Committee hearings across the country.

142 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), ManchesterCF, April 2018.

143 The mandate of the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) is to “facilitate the detection, prevention and deterrence of [money laundering](#) and the [financing of terrorist activities](#), while ensuring the protection of personal information under its control.” See FINTRAC, [About FINTRAC](#).

144 [Proceeds of Crime \(Money Laundering\) and Terrorist Financing Act](#) (S.C. 2000, c. 17).

obligations. These entities must report certain types of financial transactions.<sup>145</sup> For example, the PCMLTFA requires certain entities to

report to FINTRAC when they have reasonable grounds to suspect that a transaction or attempted transaction is related to the commission or attempted commission of a money laundering or terrorist activity financing offence. Unlike with other reporting obligations, there is no monetary threshold for suspicious transaction reports.<sup>146</sup>

FINTRAC analyses the information provided by reporting entities. When specific thresholds are met, the agency discloses

financial intelligence to police and other law enforcement agencies to support their investigations into the money laundering aspects of the crime. These disclosures are used to confirm existing information, expand or refine the scope of their cases, shift their sights to new targets, obtain search warrants or production orders, and identify assets for seizure or forfeiture.<sup>147</sup>

Witnesses spoke to Committee members about Project Protect,<sup>148</sup> an initiative launched in 2016 “to combat human trafficking in the sex trade”<sup>149</sup> and led by FINTRAC. Project Protect brings together various partners in Canada, including

representatives from all the Canadian banks; other financial entities such as money service businesses; law enforcement; payment companies; NGOs; technology companies; professional associations in the banking and hospitality industries; Grant Thornton of Canada.<sup>150</sup>

In its submission to the Committee, FINTRAC stated that, through Project Protect, financial institutions agreed to “making the tracking of money laundering associated with human trafficking for sexual exploitation a priority.”<sup>151</sup> According to FINTRAC, suspicious transaction reports are often the foundation of its

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145 FINTRAC, written response to the Committee.

146 Ibid.

147 Ibid.

148 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Joanne Crampton, Assistant Commissioner, Federal Policing Criminal Operations, Royal Canadian Mounted Police); JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Peter Warrack, Bitfinex, As an Individual).

149 FINTRAC, written response to the Committee.

150 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Peter Warrack, Bitfinex, As an Individual).

151 FINTRAC, written response to the Committee.



financial intelligence disclosures related to Project Protect both for the details they provide and because individual transactions may not meet the thresholds for other report types.<sup>152</sup>

As part of Project Protect, FINTRAC has developed indicators to “assist businesses in identifying financial transactions and patterns of activities related to human trafficking in the sex trade that may give rise to suspicions of money laundering.”<sup>153</sup> Through this initiative, FINTRAC has “worked closely with Canada’s major banks to increase awareness and understanding of money laundering in relation to human trafficking for sexual exploitation”<sup>154</sup> and has “participated in numerous outreach activities with banks, credit unions and money services businesses across the country.”<sup>155</sup>

Peter Warrack told the Committee that prior to the launch of Project Protect, “financial institutions were largely unaware ... of the problem and scale of human trafficking in Canada and, indeed, what to look for.”<sup>156</sup> Thanks to the initiative, financial institutions have greatly increased the number of activity reports submitted to FINTRAC, and FINTRAC has made more disclosures to law enforcement authorities.<sup>157</sup> Committee members learned that FINTRAC issued 19 disclosures concerning human trafficking to its law enforcement partners between January 2015 and December 2015. In contrast, between the launch of Project Protect in January 2016 and June 2018, “FINTRAC issued 304 disclosures relating to 608 subjects.”<sup>158</sup> According to FINTRAC, the “Centre’s financial intelligence has been critical to helping police rescue dozens of young Canadian women from the most horrifying conditions imaginable.”<sup>159</sup>

While Project Protect has been successful, some witnesses noted that more must be done to raise awareness among financial institutions and money services businesses, law enforcement agencies and Crown prosecutors.<sup>160</sup>

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152 Ibid.

153 Ibid.; See also, FINTRAC, *Indicators: The laundering of illicit proceeds from human trafficking for sexual exploitation*, FINTRAC-2016-OA003, 15 December 2016.

154 Ibid.

155 Ibid.

156 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Peter Warrack, Bitfinex, As an Individual).

157 Ibid.

158 FINTRAC, written response to the Committee.

159 Ibid.

160 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Peter Warrack, Bitfinex, As an Individual); JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, *Brief*, ManchesterCF, 19 April 2018.

Unlike other crimes, human trafficking offences are hard to prosecute because the burden of proof lies essentially with the victims. Some witnesses suggested that prosecutors make greater use of financial intelligence to reduce this burden.<sup>161</sup> Mr. Peter Warrack recommended that they “focus to a larger extent with the traffickers, on their proceeds of crime; for instance, charging them with money laundering.”<sup>162</sup>

Mr. Warrack argued that police officers need training on “what to look for in financial transactions” when investigating human trafficking cases and that the banks should be involved in this training.<sup>163</sup> In its brief, ManchesterCF recommended that law enforcement agencies ensure their teams include financial investigators who have been trained in financial crime and know the indicators that can identify human trafficking.<sup>164</sup>

The Committee notes the success of Project Protect and congratulates FINTRAC and its partners on their outstanding collaboration. The Committee also wishes to highlight FINTRAC’s efforts to develop and circulate indicators to help financial institutions identify financial transactions that may be linked to human trafficking.

In light of these considerations, the Committee recommends:

#### **Recommendation 6 – Financial Reports**

**That the Financial Transactions and Reports Analysis Centre of Canada [FINTRAC] develop and implement an effective outreach program designed to assist financial institutions and money services businesses, law enforcement agencies and prosecutors in detecting suspicious financial transactions that could be related to human trafficking, and to use them in investigations and prosecutions.**

### **4.3 EMPLOYER-SPECIFIC WORK PERMITS**

During the study, a number of witnesses made comments and recommendations about greater protection from human trafficking for foreign workers participating in the Temporary Foreign Worker Program (TFWP).

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161 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Peter Warrack, Bitfinex, As an Individual); JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, Michelle Ferguson, [Brief](#), June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), ManchesterCF, April 2018.

162 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Peter Warrack, Bitfinex, As an Individual).

163 Ibid.

164 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), ManchesterCF, 19 April 2018.



### 4.3.1 Temporary Foreign Worker Program

The TFWP “allows Canadian employers to hire foreign nationals to fill temporary labour and skill shortages when qualified Canadian citizens or permanent residents are not available.”<sup>165</sup>

Employment and Social Development Canada (ESDC) administers the TFWP jointly with the IRCC.

To hire foreign workers under the TFWP, employers must obtain a labour market impact assessment (LMIA) from ESDC. As part of the process, “employers agree to be bound by program requirements aimed at protecting migrant workers and the Canadian labour market.”<sup>166</sup> The LMIA “verifies that there is a need for a temporary worker and that no Canadians are available to do the job.”<sup>167</sup> The LMIA process includes the “assessment of the genuine status and past compliance of employers.”<sup>168</sup>

The TFWP issues “employer-specific work permits, which provide authorization to work only for the employer that's noted on the permit.”<sup>169</sup>

To ensure that foreign workers enjoy the same rights and protection as Canadian workers, ESDC has “a system of checks and balances in place to identify and prevent exploitation.”<sup>170</sup> Under the IRPA and the *Immigration and Refugee Protection Regulations*,<sup>171</sup> ESDC has “the authority to conduct administrative inspections to ensure that employers meet certain requirements when they first apply for the program, and continue to meet them while the TFWs [temporary foreign workers] are here in

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165 Government of Canada, IRCC, [Fact Sheet – Temporary Foreign Worker Program](#).

166 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Philippe Massé, Director General, Temporary Foreign Worker Directorate, Skills and Employment Branch, Department of Employment and Social Development).

167 Government of Canada, IRCC, [Temporary workers](#).

168 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Philippe Massé, Director General, Temporary Foreign Worker Directorate, Skills and Employment Branch, Department of Employment and Social Development).

169 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Natasha Kim, Director General, Immigration Branch, Department of Citizenship and Immigration).

170 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Philippe Massé, Director General, Temporary Foreign Worker Directorate, Skills and Employment Branch, Department of Employment and Social Development).

171 [Immigration and Refugee Protection Regulations](#) (SOR/2002-227). See Government of Canada, Employment and Social Development Canada (ESDC), [Temporary Foreign Worker Program compliance](#).

Canada.”<sup>172</sup> Employers can be “inspected on a number of criteria including wages, working conditions, and that the workplace is free of any type of abuse.”<sup>173</sup> In a letter to the Committee, ESDC noted that it

[conducts] inspections ... to determine whether employers are meeting the program’s specific conditions. The regime has been further strengthened with the introduction of administrative monetary penalties in December 2015. If an employer is found non-compliant, this may lead to administrative consequences ranging from warning letters, to financial penalties (ranging from \$500 to \$100,000 per violation, up to a maximum penalty of \$1 million), to bans from the Program of varying lengths, as well as having their names posted on a public-facing website. ESDC may also consider revoking LMIA’s for non-compliant employers.

ESDC carries out two types of employer inspections under the TFW Program: paper-based (no on-site visit), and on-site, which involves an inspector visiting the TFW employer’s worksite. As of February 2018, these on-site visits can take place with or without prior notice to the employer.<sup>174</sup>

The Committee learned that ESDC ensures temporary foreign workers are informed of their rights. For example, a brochure on this subject entitled “Temporary foreign workers: Your rights are protected” is published in the seven languages most commonly used by temporary foreign workers and includes a section on human trafficking.<sup>175</sup>

An ESDC official explained that Service Canada will soon provide TFWs with information concerning their rights when they apply for a social insurance number.<sup>176</sup> The department is also working on a “dedicated web page on TFW rights and protections.”<sup>177</sup>

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172 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Philippe Massé, Director General, Temporary Foreign Worker Directorate, Skills and Employment Branch, Department of Employment and Social Development).

173 Ibid.

174 Correspondence with ESDC dated 10 September 2018.

175 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Philippe Massé, Director General, Temporary Foreign Worker Directorate, Skills and Employment Branch, Department of Employment and Social Development).

176 Ibid.

177 Ibid.



### 4.3.2 Reducing Temporary Foreign Workers' Vulnerability

A number of witnesses explained that people coming to Canada as TFWs are often more vulnerable to trafficking. The Canadian Council for Refugees stated that

[i]n Canada, trafficking for the purpose of labour has mostly affected migrant workers who come in through the TFWP and are tied to a specific employer, which provides them with few effective legal and social protections.<sup>178</sup>

Migrant workers face specific vulnerabilities “that can contribute to an inability or an unwillingness to report or escape labour trafficking situations.”<sup>179</sup> They may fear for their own safety or that of their family. They may also be more vulnerable because of language barriers, isolation, a lack of awareness of their rights and remedies in Canada, the fear of reprisals, the fear or threat of deportation, confiscation of identity documents, etc.<sup>180</sup>

Many witnesses emphasized that the TFWP makes these workers more vulnerable to human trafficking.<sup>181</sup> Many foreign workers seek a better life in Canada and pay high fees to recruiters to qualify for the TFWP.<sup>182</sup> Often, these workers cannot afford these fees, which exacerbates their vulnerability to human trafficking and puts them in a very precarious position. As explained by the Association for the Rights of Household Workers, a potential worker must have a formal employment relationship with an employer in order to obtain a permit under the TFWP:

This sponsorship requirement means that workers end up paying, to a third-party, a fee in order to secure a job offer with a Canadian employer, despite provincial legislation prohibiting recruitment fees.<sup>183</sup>

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- 178 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Council for Refugees, May 2018.
- 179 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Natasha Kim, Director General, Immigration Branch, Department of Citizenship and Immigration).
- 180 Ibid.; JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Philippe Massé, Director General, Temporary Foreign Worker Directorate, Skills and Employment Branch, Department of Employment and Social Development).
- 181 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Council for Refugees, May 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), FCJ Refugee Centre, April 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Embarkation, June 2018.
- 182 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Embarkation, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Association for the Rights of Household Workers, June 2018.
- 183 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Association for the Rights of Household Workers, June 2018.



In its brief, the immigration law firm Embarkation stated that workers pay high fees and then arrive in Canada only to discover that “the jobs they were promised did not exist or were grossly misrepresented to them.”<sup>184</sup> Some are forced to work under extremely difficult and exploitative circumstances, including work without pay, illegal deductions, unsafe working conditions, unsanitary living conditions, inadequate nutrition, sexual harassment or assault, control over their movements and communications by their employer, etc.<sup>185</sup> There are many reasons why temporary foreign workers may find it difficult to complain or quit their jobs, including fear of deportation, debt to their employer and TFWP restrictions on changing employers.<sup>186</sup>

Under the TFWP, a person can work only for the employer indicated on the closed work permit, a situation that, according to some witnesses, seems to offer little protection against human trafficking.<sup>187</sup> As the FCJ Refugee Centre explained,

[t]he close work permits issued to migrant workers within the TFWP create the perfect conditions within which migrant workers are routinely exploited.

Majority of the workers are trapped in exploitive situations without being able to change the employer given the complicated system for issuing new work permits. Leaving the abusive employer is not a desired option because it places immediately the worker in uncertain immigration predicament which most often results in deportation of the worker.<sup>188</sup>

The TFWP is not designed to allow foreign workers to change jobs easily, even if they are being exploited. As the Association for the Rights of Household Workers noted, “[c]hanging employers requires a new work permit, which can take months to secure. In the interim, caregivers are prohibited from working in Canada.”<sup>189</sup> As a result, their future in Canada depends on the continued relationship with their employer, which,

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184 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Embarkation, June 2018.

185 Ibid.; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Association for the Rights of Household Workers, June 2018.

186 Ibid.

187 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Council for Refugees, May 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), FCJ Refugee Centre, April 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Embarkation, June 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Association for the Rights of Household Workers, June 2018.

188 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), FCJ Refugee Centre, April 2018.

189 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Association for the Rights of Household Workers, June 2018.



according to Embarkation, puts “migrant workers in a relationship of extreme dependence”<sup>190</sup> and allows “exploitation and trafficking to occur.”<sup>191</sup>

To prevent temporary foreign workers from becoming the victims of trafficking, many witnesses recommended relaxing the TFWP’s restrictions<sup>192</sup> and issuing open work permits that are sector specific rather than employer specific.<sup>193</sup> As Embarkation explained in its brief,

[g]ranting open or sectoral work permits would greatly reduce the vulnerability of migrant workers by allowing them to move more freely in the labour market. This would allow migrant workers greater freedom to voice concerns about working conditions, leave abusive employment relationships and enforce legal rights. It would also reduce the potential for labour trafficking to occur as workers would not experience the same kind of vulnerability and dependency on their employers as they do while subject to employer-specific work permits. They would be able to leave abusive situations more easily for better working conditions at a different employer, instead of becoming trapped with no option but to stay in order to pay off debts and support themselves and their families.<sup>194</sup>

In a letter to the Committee, the IRCC wrote that the government is not currently considering issuing sector-specific permits rather than employer-specific ones, and that sectoral permits alone would not be sufficient to remedy the vulnerabilities and many challenges facing migrant workers.<sup>195</sup>

Similarly, ESDC stated in a correspondence addressed to the Committee that “moving away from employer-specific work permits, Canada’s labour market test would lose

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190 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Embarkation, June 2018.

191 Ibid.

192 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Chinese and Southeast Asian Legal Clinic, June 2018.

193 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Council for Refugees, May 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), FCJ Refugee Centre, April 2018.

194 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Embarkation, June 2018.

195 The IRCC stated the following in a document submitted to the Committee on 5 September 2018: “While the Government is not currently considering the development of sector-specific work permits, it has reviewed results in other jurisdictions that have tried to use these types of permits. An important risk to consider is that eliminating employer-specific work permits would not necessarily reduce abuse because foreign workers may face other vulnerabilities and challenges in leaving their employer, including: limited skills and financial options; low official language abilities; limited internet access, amongst others. Consequently, the Government has made efforts (outlined below) to improve worker protection and alleviate the impact of these challenges and risk factors.”

much of its relevance in protecting the labour market and ensuring job opportunities are first offered to Canadians and permanent residents.” In addition, they noted that

there is no indication that such work permits would achieve the goal of reducing TFWs’ vulnerability to mistreatment, as factors of vulnerability are multiple, complex, and don’t all relate to immigration status (other factors include, for example, TFWs’ limited knowledge about their rights and recourses while working in Canada, language barriers, low literacy levels and working in remote/isolated locations).<sup>196</sup>

The Committee also acknowledged that to allow for open work permits would often be unfair to those employers who initially paid all the expenses required to obtain the work permit and to fund the employee’s travel to Canada since sector-specific permits would then allow a competing employer to offer a higher wage and steal the employee with no compensation to the initial employer for the expenses they had incurred.

After a careful consideration of this issue, the Committee concluded that changing the TFWP to allow sector-specific permits, rather than employer-specific ones would compromise the program’s rationale. It could result in employers being forced to compete against other employers in a similar field for workers in a way that was not intended by the program.

The Committee believes that increasing the knowledge of temporary foreign workers on their rights and recourses while working in Canada, and making it clear that, if they report human trafficking incidents or exploitative working conditions to authorities, they will not be deported for the duration of the rest of their work permit will offer a better protection against human trafficking. Moreover, the Committee concludes that these victims should be given a chance to find a new employer within the same field. The Committee reiterates the importance of its Recommendation 3 regarding awareness-raising of temporary foreign workers concerning their rights upon their arrival in Canada. Finally, the Committee also believes that exploited workers should be advised of the existence of provincial bodies, such as labour tribunals or boards, which could protect their rights as workers and informed of the available recourses available to them. The Committee suggests this should be included within the documentation they receive upon entering the country and produced in, at least, the seven languages most commonly used by temporary foreign workers.

Therefore, the Committee recommends:

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196 ESDC document submitted to the Committee, 10 September 2018.



## **Recommendation 7 – Protecting Temporary Foreign Workers’ Rights**

**That Employment and Social Development Canada ensure that all migrant workers are reminded on a regular basis, in languages that they understand, on their rights and recourses in Canada. More specifically, they should be reminded that if they report situations of human trafficking, they will not be deported for the duration of the rest of their work permit. They should also be informed that they can find a new employer within the same field, when credible allegations of human trafficking or other exploitative situations are reported. Such procedures should be facilitated by the Department. To ensure proper compensation for workers, where applicable, the Department should also advise them of the existence of provincial bodies, such as labour tribunals, and inform them of the recourses available to them.**

### **4.4 DATA GATHERING AND INFORMATION SHARING AMONG STAKEHOLDERS: TAKING ADVANTAGE OF THE NATIONAL HUMAN TRAFFICKING HOTLINE**

Early on, the Committee was confronted with the lack of comprehensive, reliable and comparable data on human trafficking.<sup>197</sup> Various witnesses devoted to the fight against human trafficking, including civil society organizations and individuals, came forward with conflicting numbers regarding the extent and nature of human trafficking in Canada based on their experiences and their definition of this crime. These numbers rarely matched the ones provided by Statistics Canada. It is clear that we do not have an accurate picture of the true extent and nature of human trafficking in Canada due, among other things, to the clandestine nature of this crime and the movement of many victims across the country. The Committee concluded, in accordance with most witnesses, that there is an urgent need for better data collection on this issue. As noted earlier, some groups appear to be more vulnerable to human trafficking, but very little reliable data exists to illustrate these vulnerabilities. For example, witnesses, such as the Evangelical Fellowship of Canada, argued that

[w]e need to understand who the victims are, as well as the perpetrators. Information should be collected about the age, race, sex, nationality of the victim, as well as whether factors such as poverty, homelessness, mental health, disability, addiction, or government care were in play. How was the victim recruited?<sup>198</sup>

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197 The lack of comprehensive, reliable and comparable data on human trafficking was also acknowledged in the 2010 Statistics Canada report entitled [Towards the Development of an National Data Collection Framework to Measure Trafficking in Persons](#).

198 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Evangelical Fellowship of Canada, May 2018.

Such improvements in data collection were perceived as necessary not only to understand the scale and nature of this problem across the country, but also to more effectively protect people at risk of being trafficked and identify, protect and serve the victims appropriately. As noted, for example, by the Canadian Federation of University of Women,

[t]here is a significant lack of data on victims of trafficking, which makes it difficult to effectively prevent, protect and guarantee justice and redress for the victims. More specifically there is a lack of desegregated data on the distinct Indigenous groups, First Nations, Metis and Inuit, as well as LGBTQ2S+. <sup>199</sup>

This was also a serious concern for the Ontario Native Women's Association and the Native Women's Association of Canada which noted that the lack of reliable data on the scope and prevalence of human trafficking of Indigenous people in Canada poses challenges in designing policy and programs to both prevent and address human trafficking. <sup>200</sup> The Native Women's Association of Canada suggested that

[i]dentifying and assisting Indigenous victims and survivors of human trafficking and exploitation has been greatly hindered by a lack of disaggregated and cross-jurisdictional data. This has created significant difficulties for Indigenous organizations, advocates, and community members in conducting research that is cognisant of the varying experiences among and between First Nations, Inuit, and Metis women impacted by human trafficking, and developing policies and strategies that are responsive to those experiences. This is especially true of data collection on the Metis population. <sup>201</sup>

Similar conclusions regarding the lack of comprehensive and reliable data were reported in the *2016-2017 Horizontal Evaluation of the National Action Plan to Combat Human Trafficking*, which found that

there are limited reliable and accurate data sources to map out the scope and nature of human trafficking in Canada, making it difficult for policy makers to implement effective federal responses to human trafficking. <sup>202</sup>

As noted earlier in this report, some of the factors that make collecting data on human trafficking challenging include the underground nature of this crime, the difficulties in identifying potential victims and collecting sufficient evidence to prove human trafficking cases, the fear of many victims to report their experiences to the authorities,

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199 See, for example, JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Federation University Women, June 2018.

200 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Ontario Native Women's Association, June 2018.

201 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Native Women's Association of Canada, June 2018.

202 Public Safety Canada, [2016-2017 Horizontal Evaluation of the National Action Plan to Combat Human Trafficking](#) (NAP-HT), October 2017.



the absence of a common and consistent definition of human trafficking and the lack of coordination among stakeholders.

The Committee also learned that the limited data currently available on human trafficking in Canada is spread across several government departments and agencies, police services, NGOs and academics. Often, the data is collected using different methodologies and definitions of human trafficking, which makes it impossible to compare the information.

As explained by Mr. Matthew Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice,

there's still a divergence in the way in which organizations, countries, and institutions define human trafficking, and that starts from the definition of "trafficking in persons" in the UN protocol. It's a broad definition. It provides flexibility for different countries to define human trafficking in a way that's consistent with their legal systems. I think that's one of the overarching and ongoing challenges. Then, of course, definitionally, at the local level organizations will collect information relevant to their mandate, relevant to their expertise, which may differ from, for example, the *Criminal Code* definition.<sup>203</sup>

This presents particular challenges to Statistics Canada, as noted in its 2010 report *Towards the Development of an National Data Collection Framework to Measure Trafficking in Persons*:

One of the major difficulties revealed through the consultation process is that existing data on human trafficking are collected by various government departments, NGOs, service agencies and police departments to serve their internal needs. Each agency encounters [trafficking] victims at a different point in the trafficking process using different units of count (incidents, victims, investigations). No one agency has a complete picture. This presents particular challenges for data collection and compilation.<sup>204</sup>

The knowledge gaps regarding human trafficking in Canada are numerous. As noted earlier, data collected by Statistics Canada are not detailed enough to allow it, for example, to distinguish between the different types of exploitation (i.e. sex trafficking, forced labour, etc.).<sup>205</sup>

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203 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Matthew Taylor, Acting Senior Counsel, Criminal Law Policy Section, Policy Sector, Department of Justice).

204 Statistics Canada, *Towards the Development of an National Data Collection Framework to Measure Trafficking in Persons*, 2010.

205 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Yvan Clermont, Director, Canadian Centre for Justice Statistics, Statistics Canada).

Furthermore, as noted previously by the RCMP Assistant Commissioner Joanne Crampton, although the RCMP Human Trafficking National Coordination Centre collects data on human trafficking charges, these statistics “should not be taken as a full representation of the extent or the prevalence of human trafficking.”<sup>206</sup> She informed the Committee that currently “[r]eporting of these cases to the national coordination Centre is not a mandatory requirement for law enforcement agencies in Canada.”<sup>207</sup>

#### 4.4.1 First Step: Agreeing on a Definition of Human Trafficking

According to Statistics Canada 2010 report, “[i]n order to understand the phenomenon of human trafficking, the first step is to have a clear and unambiguous definition.”<sup>208</sup>

Throughout the study, several witnesses expressed the need to address the absence of clarity regarding the definition of human trafficking in Canada.<sup>209</sup> In its brief to the Committee, the Not in My City Initiative argued that the absence of a common definition is a major obstacle to progress on this issue:

Currently there is great confusion and misunderstanding among the public and public sector serving organizations on the reality and impact of this crime. The lack of a consistent/clear definition is the number one priority across this country impeding progress on this issue. Without a clear understanding, there is no awareness of what this looks like in communities, how to prevent and most importantly how to consistently quantify the actual incidence of human trafficking. Without consistent data that comes from everyone working from the same base and understanding, we do not have a clear picture of the severity, urgency and devastation to individuals.<sup>210</sup>

For Ms. Frances Mahon, Lawyer, Pivot Legal Society, the lack of statistics on human trafficking in Canada is “exacerbated by the fact that we do not have a clear definition of

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206 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Joanne Crampton, Assistant Commissioner, Federal Policing Criminal Operations, RCMP).

207 Ibid.

208 Statistics Canada, [Towards the Development of an National Data Collection Framework to Measure Trafficking in Persons](#), 2010.

209 See, for example, JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Defend Dignity, April 2018; The lack of a clear definition on human trafficking was also raised by a number of witnesses during the Committee’s travel across the country.

210 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Not In My City Initiative, Brief, June 2018.



human trafficking.”<sup>211</sup> Often, she said, we “don't know what's being referred to—labour exploitation, sex trafficking, or indeed consensual adult sex work.”<sup>212</sup>

Although all witnesses agreed that we need to settle on a common definition of human trafficking, the evidence collected throughout the study shows disagreement among the witnesses regarding the definition that would be appropriate, and the impact of the human trafficking definition found in the *Criminal Code* compared to the one found in the Palermo Protocol.

Professor Janine Benedet, Peter A. Allard School of Law, University of British Columbia, suggested that the definition in the *Criminal Code* is more restrictive than the one found in the Palermo Protocol. She recommended that instead of using the *Criminal Code* definition, which she perceives as too narrow, Canada should use a definition closer to the definition found in the Palermo Protocol:

I think if we're going to have an accurate picture of what trafficking looks like in this country, we have to agree on the definition. We have to use a definition that's realistic and that's closer to the definition in the Palermo Protocol.<sup>213</sup>

Likewise, some organizations<sup>214</sup> argued that the Canadian legislation should include “the abuse of power of a position of vulnerability” as provided in the Palermo Protocol.

In her testimony, Professor Janine Benedet suggested that the narrowness of the Canadian definition is indeed responsible for the low number of human trafficking prosecutions in Canada:

It's because of how narrow this definition is that we see cases prosecuted instead under the procuring offence and under what used to be the “living on the avails” offence, now called “material benefit”. The fact that police and prosecutors are shifting trafficking cases over to these other offences, because it's so difficult to actually prove the very narrow and strict definition of trafficking, I think fuels the false claim of prostitution industry supporters that trafficking doesn't really exist in Canada.<sup>215</sup>

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211 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Frances Mahon, Lawyer, Pivot Legal Society).

212 Ibid.

213 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 10 May 2018 (Janine Benedet, Professor of Law, Peter A. Allard School of Law, University of British Columbia).

214 See JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Defend Dignity, April 2018; JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Resist Exploitation, Embrace Dignity, Brief, February 2018.

215 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 10 May 2018 (Janine Benedet, Professor of Law, Peter A. Allard School of Law, University of British Columbia).



In contrast, Ms. Frances Mahon from Pivot Legal Society argued before the Committee that in fact the *Criminal Code* definition is broader, in some respects, than the one found in the Palermo Protocol:

Canada's human trafficking law is much broader than the internationally accepted definition of human trafficking, and may, in addition to catching victims of human trafficking, also criminalize sex workers and third parties who are legitimately working in the trade as consenting adults.<sup>216</sup>

She added that the United Nations definition “requires an element of coercion for the recruitment and movement of persons for the purposes of labour exploitation” which is not required under the *Criminal Code* definition.<sup>217</sup>

When asked about which definition would be better for Canada, Professor Emily van der Meulan, Department of Criminology at Ryerson University, argued the following:

Your question is about which definition we pick up, the United Nations' [Palermo Protocol] one or the *Criminal Code's*. I would suggest, in fact, that the issue is less about the written legal definition of human trafficking, as it's set out *Criminal Code*, and more about the way that it's overly broadly applied within the community context, and then who is being harmed as a result.

Police services say they rely on the *Criminal Code* definition, but in practice what they're doing is interpreting that in, I would suggest, much, much too broad a way, and then capturing all sorts of individuals and instances that I wouldn't think actually meet the threshold of human trafficking itself. You can see that more now in the lack of [human trafficking] convictions as well.<sup>218</sup>

Ms. Kara Gillis from the Canadian Alliance for Sex Work Law Reform also responded to some of these comments made about the definitions found in the Canadian legislation and the Palermo Protocol, noting;

[t]he Alliance does not oppose the current *Criminal Code* definition of trafficking and believes that a fear for one's safety or that of others is a reasonable measure of exploitation. It is our assessment that the low conviction rate is a reflection of the broad misapplication of the law to any abusive third party involvement in sex work, including those that simply don't meet the legal or conceptual standard of trafficking, and should not be addressed as such.

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216 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 31 May 2018 (Frances Mahon, Lawyer, Pivot Legal Society).

217 Ibid.

218 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 31 May 2018 (Emily van der Meulen, Associate Professor, Department of Criminology, Ryerson University).



We are opposed to amending the definition of exploitation [in the *Criminal Code*] to include the concept of vulnerability, because we know that the ideological stance that labels all of us as inherently abused will make us targets of harmful anti-trafficking initiatives. To that point, the application of anti-trafficking laws and related measures actually harms the very people that they aim to protect. The heightened policing of sex workers that has become a routine part of anti-trafficking pushes us yet further underground, especially when we know that those around us are at risk of prosecution under anti-sex work laws.<sup>219</sup>

The Committee recognizes these conflicting perspectives and competing philosophical views. However, like many witnesses, the Committee concludes that it is important to have a commonly-used definition throughout Canada to improve our general understanding of human trafficking and obtain an accurate picture of its prevalence.

Therefore, the Committee recommends:

#### **Recommendation 8 – Parameters and Definition of Human Trafficking**

**That the Minister of Justice work with the provinces and territories to firmly establish the parameters and the definition of human trafficking to ensure that there is a definition used by all governments within Canada. The work towards developing a common definition of human trafficking should be the subject of a federal-provincial-territorial meeting of ministers responsible for justice and public safety.**

#### **4.4.2 Moving Towards a National Data Collection Framework**

In her testimony, Ms. Barbara Gosse, Chief Executive Officer of the Canadian Centre to End Human Trafficking, argued that “one of the biggest problems in this country is that we have no national data collection mechanisms.”<sup>220</sup> Similar concerns were expressed by the Canadian Federation of University Women: “the lack of a harmonized approach to data collection, or clear standards to identify victims of trafficking, limits proactive responses to the issue.”<sup>221</sup>

As highlighted by several witnesses, collaboration is key to develop these mechanisms. In its brief, the Evangelical Fellowship of Canada specifically recommended

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219 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 22 May 2018 (Kara Gillies, Canadian Alliance for Sex Work Law Reform).

220 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 10 May 2018 (Barbara Gosse, Chief Executive Officer, Canadian Centre to End Human Trafficking).

221 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Canadian Federation University Women, June 2018.

that the government work with NGO's and frontline organizations, as well as with law enforcement agencies, Statistics Canada and the Canada Border Services Agency to improve and standardize data collection and reporting across the country.<sup>222</sup>

Similarly, Ms. Joy Smith, former Member of Parliament, founder and President of Joy Smith Foundation Inc., noted that improving data collection will require partnerships:

The fact of the matter is that we need to have formal data-gathering of these cases, and we need to have partnerships between police forces and NGOs.

It has to be from non-governmental organizations, from the Aboriginal community, from police forces, from border patrols, from all these different organizations. We need to work together. Our tag line for the foundation is "working together to end human trafficking", and I don't see that togetherness coming out in a real-world way so that the end product is such that you know exactly what's going on.<sup>223</sup>

One of the options presented to the Committee to improve data collection was to create a coordinated data collection system which police, service providers and NGOs would be required to use. This system would include, where possible, information about the victims and the traffickers (i.e. age, race, sex, nationality), as well as information related to human trafficking vulnerability factors such as poverty, homelessness, mental health issues, disability, addiction, etc.

The Committee agrees with witnesses that NGOs and frontline organizations are valuable sources of information and that they must be part of the discussions regarding the best way to obtain an accurate picture of human trafficking in Canada. Like the witnesses, the Committee also recognizes that the absence of a standardized method to collect data on human trafficking for civil society and governments is posing a barrier to the improvement of our understanding of human trafficking. Upon review of the evidence, the Committee suggests that data collection on human trafficking be standardized, national and authoritative.

In light of these considerations, the Committee recommends:

### **Recommendation 9 – Data Gathering and Information Sharing**

**That the Minister of Justice work with the provinces and territories to improve data gathering and information sharing among all stakeholders involved in the fight against**

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222 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Evangelical Fellowship of Canada, May 2018.

223 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 1 March 2018 (Joy Smith, Founder and President, Joy Smith Foundation Inc.).



## **human trafficking in Canada and work towards creating a national database containing such data and information.**

### **4.4.3 Taking Advantage of the National Human Trafficking Hotline**

As previously noted, in October 2018, the Canadian Centre to End Human Trafficking was commissioned by Public Safety Canada to operate the announced National Human Trafficking Hotline. In her testimony in May 2018, Ms. Barbara Gosse, Chief Executive Officer, Canadian Centre to End Human Trafficking, informed the Committee that the Centre was working to implement its own national human trafficking hotline in the Fall to help data collection on this issue. She noted, more specifically, that

[t]he hotline and its resulting data is a critical part of a necessary systems-based approach that would fundamentally disrupt and diminish human trafficking in Canada.

The data generated will allow an understanding of diverse human trafficking typologies operating in Canada and thus will inform awareness and prevention campaigns, training of officials and service providers, corporate partnerships, gap areas, and law enforcement investigations. Sharing this cutting-edge intelligence will assist critical efforts to end human trafficking and assist victims and survivors.<sup>224</sup>

The Committee was informed that the National Hotline will be launched in late Spring 2019.

To improve our understanding of human trafficking cases, the Evangelical Fellowship of Canada also suggested specifically that it be mandatory for police officers across the country to report all human trafficking charges to the RCMP National Coordination Centre.<sup>225</sup> The Committee agrees with these witnesses.

Generally speaking, the Committee encourages Statistics Canada to continue its work to enhance our understanding of human trafficking in Canada. Reliable information is vital to the implementation of effective anti-trafficking measures. The Committee was pleased to hear that Statistics Canada recently added questions about human trafficking to one of its surveys:

The [residential facilities for victims of abuse] survey will be in the field in the spring of 2018 and will collect information from shelters. It will ask shelter managers to report on the number of residents who were seeking shelter for reasons of human trafficking,

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224 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 10 May 2018 (Barbara Gosse, Chief Executive Officer, Canadian Centre to End Human Trafficking).

225 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Evangelical Fellowship of Canada, May 2018.

either labour exploitation or sexual exploitation. Results from this data collection activity will be released in the spring of 2019.<sup>226</sup>

The Committee believes that the Human Trafficking National Hotline will be a useful resource to gather information about human trafficking in Canada. As noted by The Salvation Army, similar hotlines established in other jurisdictions have been beneficial:

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.<sup>227</sup>

Finally, the Committee was pleased to hear that “Public Safety Canada is taking steps to engage federal, provincial, and territorial stakeholders to enhance collaboration at the national level and to improve Canada's data collection.”<sup>228</sup> The Committee encourages Public Safety Canada to pursue its work in that regard.

In light of these considerations, the Committee recommends:

#### **Recommendation 10 – National Hotline on Human Trafficking**

**That the Government of Canada include in its National Human Trafficking Hotline project announced in Budget 2018:**

- **a reporting system for victims of human trafficking and for receiving tips from the public about potential human trafficking incidents;**
- **an online component that could be used by civil society organizations to share information about human trafficking;**
- **an information-sharing system specifically designed for law enforcement agencies; and**
- **an ability to report into the hotline by text.**

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226 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 February 2018 (Yvan Clermont, Director, Canadian Centre for Justice Statistics, Statistics Canada).

227 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, *Brief*, The Salvation Army, June 2018.

228 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Trevor Bhupsingh, Director General, Law Enforcement and Border Strategies Directorate, Department of Public Safety and Emergency Preparedness).



## 4.5 IMPROVING COLLABORATION AMONG ALL STAKEHOLDERS AND COORDINATION

The Committee heard compelling evidence concerning the need for greater collaboration among the various levels of government, law enforcement, civil society, Indigenous communities, and the private sector to move forward toward eradicating human trafficking in Canada. Along the same lines, the *2016-2017 Horizontal Evaluation of the National Action Plan to Combat Human Trafficking* report found that there is room “to strengthen the partnership between the federal government and the provinces and with non-governmental organizations.”<sup>229</sup>

More specifically, some witnesses stressed the need, for example, for law enforcement agencies to work collaboratively with various NGOs<sup>230</sup>, including with sex worker advocacy organizations<sup>231</sup> to ensure that their interventions are appropriate and that the victims receive proper assistance. The Native Women’s Association of Canada recommended “[t]hat all policy and counter-human trafficking initiatives be implemented and reviewed in consultation with Indigenous organizations, individual communities, and leadership.”<sup>232</sup>

Considering that most human trafficking victims will at one point go through the health system, Ms. Tara Leach, Primary Health Care Nurse Practitioner, suggested that health care providers be invited to sit on committees or panels where human trafficking is discussed:

I would like to propose that health care providers be seen at more tables when issues like this are discussed. We need the opportunity to discuss how our current health care system is in fact inaccessible to victims of human trafficking. We need to discuss the stigma and shame that silences victims and prohibits disclosure, because our system is not trauma-informed and it should be. We need to discuss that care is not coordinated and often in keeping with often changing and very dynamic needs of those who have been trafficked.<sup>233</sup>

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229 Public Safety Canada, [2016-2017 Horizontal Evaluation of the National Action Plan to Combat Human Trafficking](#) (NAP-HT), October 2017.

230 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 1 March 2018 (Joy Smith, Founder and President, Joy Smith Foundation Inc.).

231 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 31 May 2018 (Frances Mahon, Lawyer, Pivot Legal Society).

232 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Native Women’s Association of Canada, June 2018.

233 Ms. Leach noted the following: JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 27 March 2018 (Tara Leach, Primary Health Care Nurse Practitioner, As an Individual).

The Committee also heard that collaboration between Canadian law enforcement agencies could be strengthened, particularly since victims of human trafficking are often moved across cities and provinces to avoid detection. According to Mr. Peter Warrack: “[m]ore police forces need to have dedicated units, and they need to work together more collaboratively and proactively with each other, as opposed to in isolation.”<sup>234</sup>

Improved collaboration between civil society stakeholders was also suggested. For example, the Missing Children Network noted that it would be beneficial for survivors of human trafficking and their parents if “a reliable national data-base of community resources readily accessible for child protection agents, law enforcement and other professionals working with youth victims in Quebec and in Canada” was created.<sup>235</sup>

As noted by Ms. Michelle Ferguson, strengthening collaboration between all stakeholders is key to tackling this complex problem:

Collaboration – you need to have people talking to one another. No one agency can tackle this on their own. CBSA needs to work with the RCMP and local police and by-law to tackle the labour and sex trafficking of foreign nationals. This is an international problem. It is also a multi-layered problem. It requires victim support, support for the people involved. It also involves Prosecutors to work together to make use of IRPA and the CC [*Criminal Code*] (Federal and Provincial prosecutors collaborating on the best way to prosecute these cases – which charges should be laid).<sup>236</sup>

Ms. Ferguson also recommended the strengthening of coordination to ensure a consistent response to human trafficking across the country:

Coordination – It should not be that human trafficking is treated differently depending on where you live in Canada – city vs rural, BC vs Toronto vs Edmonton. There needs to be a national coordination of how we approach this problem. There needs to be a commitment from the Federal government and each province and territory to develop a consistent response to human trafficking. From investigation to prosecution. There needs to be oversight – both to ensure consistency but most importantly to reduce duplication and wasted effort.<sup>237</sup>

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234 JUST, [Evidence](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Peter Warrack, Bitfinex, As an Individual).

235 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Missing Children Network, March 2018.

236 JUST, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, [Brief](#), Michelle Ferguson, As an Individual, June 2018.

237 Ibid.



Ms. Sandra Rupnarain, Director of Client Services, Peel Institute on Violence Prevention, Family Services of Peel, suggested that a national system be created to facilitate collaboration and communication among all stakeholders.<sup>238</sup>

The Committee agrees with witnesses that the federal government could facilitate the sharing of information between all the stakeholders. The Committee concludes that this could be done through the National Human Trafficking Hotline which, according to the recommendation made by the Committee (see Recommendation 10), would include “an online component that could be used by civil society organizations to share information about human trafficking”.

While the National Action Plan has not yet been renewed, the Committee was told that Public Safety Canada still “leads federal policy development on human trafficking and chairs federal-provincial-territorial working group meetings to facilitate co-operation, collaboration, and exchange of information and best practices.”<sup>239</sup> Mr. Trevor Bhupsingh, Director General, Law Enforcement and Border Strategies Directorate, Department of Public Safety and Emergency Preparedness, noted that

Public Safety Canada and the human trafficking task force members continue to work with our domestic partners, including provincial and territorial governments and non-governmental organizations, to provide dedicated support and protection for victims, including trauma-informed services, designed to address the particular needs of human trafficking victims.<sup>240</sup>

Public Safety Canada should keep this leadership role and continue to serve as a vehicle to exchange best practices, to discuss human trafficking trends and common approaches to addressing this issue among all stakeholders.

The Committee recognizes that to efficiently address human trafficking in Canada, partnerships are essential between the federal, provincial, territorial and municipal governments, First Nations, Métis and Inuit people as well as civil society. We need to continue working towards improving collaboration. One easy improvement that was suggested in that regard was to require organizations hosting large events to notify the CBSA of these events prior to hosting them with the objective of increasing the Agency’s

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238 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 29 May 2018 (Sandra Rupnarain, Director of Client Services, Peel Institute on Violence Prevention, Family Services of Peel).

239 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 15 February 2018 (Trevor Bhupsingh, Director General, Law Enforcement and Border Strategies Directorate, Department of Public Safety and Emergency Preparedness).

240 Ibid.



vigilance in terms of monitoring and tracking potential victims and traffickers along the borders, including in airports.

The Committee is also in favour of an enhanced National Action Plan and agrees with witnesses, such as Ms. Barbara Gosse, Chief Executive Officer of the Canadian Centre to End Human Trafficking that

Canada needs an integrated and coordinated national action plan to comprehensively address instances of sex and labour trafficking across municipal, provincial, and federal jurisdictions. We understand that the federal Department of Public Safety has recognized the need to define and implement a new national action plan with the goal of addressing and ending human trafficking in Canada, and we applaud that effort.

Due to the complexity and geographic scope of trafficking operations, the disruption and eradication of such activity will occur only through a comprehensive, strategic approach, one that involves coordinated and targeted, multi-jurisdictional and multisectoral efforts.<sup>241</sup>

Like the witnesses, the Committee agrees that the renewed and enhanced National Action Plan must be supported through adequate resource allocation to address the realities and challenges facing community organizations that assist victims and law enforcement agencies that investigate and detect human trafficking.

In light of these considerations, the Committee recommends:

#### **Recommendation 11 – Renewal of an Enhanced National Action Plan**

**That the Government of Canada work towards the renewal of an enhanced National Action Plan to End Human Trafficking. This enhanced plan should be supported through adequate resource allocation to address the realities and challenges facing community organizations that assist victims as well as law enforcement agencies that are charged to investigate and detect human trafficking.**

#### **Recommendation 12 – Special Events**

**That the Government of Canada consider taking steps to require organizations hosting an event that may attract a significant number of tourists into the country to notify the Canada Border Services Agency and local police prior to hosting such events with the**

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241 JUST, *Evidence*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 10 May 2018 (Barbara Gosse, Chief Executive Officer, Canadian Centre to End Human Trafficking).



**objective of increasing law enforcement agencies' vigilance in terms of monitoring and tracking potential victims and traffickers along the borders and at airports.**

**Recommendation 13 – Collaboration and Coordination**

**That the Minister of Justice, at the earliest opportunity, share the practices recommended in this report with the Minister's provincial and territorial counterparts during the next meeting of the federal–provincial–territorial ministers responsible for justice and public safety. The aim should be to seek collaboration and coordination across the country in the fight against human trafficking.**

**Recommendation 14 – Federal Funding**

**That the Government of Canada provide funding on a one-time basis to the provinces and territories to cover some of the costs resulting from the implementation of the recommendations set out in this report.**

## CONCLUSION

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The Committee conducted hearings on human trafficking in Canada to assess the progress we have made as a country, especially on the federal level, to counter this heinous crime, identify gaps and propose solutions to prevent human trafficking, adequately protect its victims, contribute to successful prosecutions and enhance partnerships. Collaboration is the key in addressing the gaps identified during the study with regards to the lack of comprehensive, reliable and comparable data, the need for more public awareness on the issue as well as improved education and training for law enforcement officers, prosecutors and judges.

The Committee acknowledges the work that has been done so far to put an end to human trafficking and to help victims and survivors. However, the Committee firmly believes that the fight against human trafficking requires stronger partnerships between different stakeholders and that additional steps from the federal government are needed to address this issue.

Like many witnesses, the Committee recognizes that human trafficking occurs in the hospitality industry, and that a lot more could be done by the industry to fight this crime. Indeed, the Committee encourages the hospitality industry to create self-governance within their membership to regulate human trafficking within the industry. This should include appropriate code of ethics regarding the facilitation of such crime within their establishments. The industry should also be given proper education on human trafficking and be encouraged to collaborate with local police to facilitate the identification of traffickers.

To conclude, all agree that human trafficking is an atrocious crime and a serious violation of human rights. With this report, the Committee intends to send a clear message that human trafficking is not and will not be tolerated. In addition, the Committee asks the Minister of Justice, in discussion with all relevant partners, to determine how best to ensure the publication of the names of

- all convicted traffickers to deter anyone within Canada or located abroad from committing or participating in the commission of this crime; and
- all establishments within the hospitality industry who knowingly facilitate the commission of this crime.



In light of these observations, the Committee recommends:

**Recommendation 15 – Publishing the Identity of Convicted Human Trafficking Offenders**

**That the Minister of Justice takes the steps necessary to publish the identity of convicted human traffickers to deter people within Canada and others located abroad from committing or participating in the commission of this horrific crime and abuse of human rights.**

**Recommendation 16 – Publishing the Names of Establishments Found to have Knowingly Facilitated Human Trafficking**

**That the Minister of Justice work with its provincial and territorial counterparts to establish a mechanism that would allow the publication of the names of establishments within the hospitality industry, such as hotels, that have been found by a competent tribunal to have knowingly facilitated human trafficking.**

**Recommendation 17 – Creating Self-Governance within the Hospitality Industry**

**That the hospitality industry creates self-governance within their membership to regulate human trafficking within the industry. This should include appropriate code of ethics regarding the facilitation of such crime within their establishments. The industry should also be given proper education on human trafficking and be encouraged to collaborate with local police to facilitate the identification of traffickers.**

## APPENDIX A LIST OF WITNESSES

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The following table lists the witnesses who appeared before the Committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the Committee’s [webpage for this study](#).

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Canada Border Services Agency</b> Lynn Lawless, Director Intelligence, Targeting and Criminal Investigations Program Management	2018/02/15	87
<b>Department of Justice</b> Matthew Taylor, Acting Senior Counsel Criminal Law Policy Section, Policy Sector	2018/02/15	87
<b>Department of Public Safety and Emergency Preparedness</b> Trevor Bhupsingh, Director General Law Enforcement and Border Strategies Directorate Michael Holmes, Director Serious and Organized Crime Strategies Division, Law Enforcement and Border Strategies Directorate	2018/02/15	87
<b>Office of the Director of Public Prosecutions</b> Carole Sheppard, Acting Director Headquarters Counsel Group	2018/02/15	87
<b>Royal Canadian Mounted Police</b> Joanne Crampton, Assistant Commissioner Federal Policing Criminal Operations	2018/02/15	87
<b>Department of Citizenship and Immigration</b> Natasha Kim, Director General Immigration Branch Bruce Scoffield, Director General Immigration Program Guidance Branch	2018/02/27	88

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<p><b>Department of Employment and Social Development</b></p> <p>Philippe Massé, Director General Temporary Foreign Worker Directorate, Skills and Employment Branch</p> <p>Kathleen Walford, Director General Integrity Operations, Integrity Services Branch</p>	2018/02/27	88
<p><b>Statistics Canada</b></p> <p>Kathy AuCoin, Chief Canadian Centre for Justice Statistics</p> <p>Yvan Clermont, Director Canadian Centre for Justice Statistics</p>	2018/02/27	88
<p><b>As individuals</b></p> <p>Donald Bouchard</p> <p>Mikhaela Gray, Graduate Student Faculty of Education, York University</p>	2018/03/01	89
<p><b>Joy Smith Foundation Inc.</b></p> <p>Joy Smith, Founder and President</p>	2018/03/01	89
<p><b>Ma Mawi Wi Chi Itata Centre Inc.</b></p> <p>Diane Redsky, Executive Director</p>	2018/03/01	89
<p><b>As individuals</b></p> <p>Cecilia Benoit, Professor and Scientist University of Victoria</p> <p>Tara Leach, Primary Health Care Nurse Practitioner</p>	2018/03/27	90
<p><b>Ottawa Coalition to End Human Trafficking</b></p> <p>Sherry Lacey, Head, Youth Committee, Social Worker (Youth and Family Therapy)</p> <p>Jodi Mosley, Head, Community Presentation Committee</p>	2018/03/27	90
<p><b>Ottawa Police Service</b></p> <p>Karine Casagrande, Crime Analyst Human Trafficking Unit</p> <p>Damien Laflamme, Sergeant Human Trafficking Unit</p>	2018/03/27	90

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>As individuals</b>	2018/05/10	97
Janine Benedet, Professor of Law Peter A. Allard School of Law, University of British Columbia		
Nancy Morrison, Former Judge of the Supreme Court of British Columbia		
<b>Canadian Centre to End Human Trafficking</b>	2018/05/10	97
Barbara Gosse, Chief Executive Officer		
<b>La Maison de Mélanie</b>	2018/05/10	97
Mélanie Carpentier, Director Victim Services		
<b>Canadian Alliance for Sex Work Law Reform</b>	2018/05/22	98
Kara Gillies		
Lanna Perrin Maggie's Indigenous Sex Work Drum Group		
<b>Canadian Council of Criminal Defence Lawyers</b>	2018/05/22	98
Lori Anne Thomas		
<b>Persons Against Non-State Torture</b>	2018/05/22	98
Linda MacDonald, Co-Founder Jeanne Sarson, Co-Founder		
<b>Sextrade101</b>	2018/05/22	98
Natasha Falle, Co-Founder and Director Bridget Perrier, Co-Founder and First Nations Educator		
Rhéal Éloi Fortin, M.P., Rivière-du-Nord	2018/05/29	99
Hon. Mobina S.B. Jaffer, Senator	2018/05/29	99
Hon. Marilou McPhedran, Senator	2018/05/29	99
<b>As an individual</b>	2018/05/29	99
Peter Warrack Bitfinex		
<b>Family Services of Peel</b>	2018/05/29	99
Charles MacLean, Executive Director Peel Institute on Violence Prevention		
Sandra Rupnarain, Director of Client Services Peel Institute on Violence Prevention		

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Pivot Legal Society</b> Frances Mahon, Lawyer	2018/05/29	99
<b>As individuals</b> Ann De Shalit, Ph.D. Candidate Policy Studies, Ryerson University Julie Kaye, Assistant Professor of Sociology University of Saskatchewan Emily van der Meulen, Associate Professor Department of Criminology, Ryerson University	2018/05/31	100
<b>Peers Victoria Resources Society</b> Sadie Forbes, Member, Board of Directors Rachel Phillips, Executive Director	2018/05/31	100
<b>Thrive</b> Ellie Jones, Director of Programming Melendy Muise, Support Specialist Coalition Against the Sexual Exploitation of Youth	2018/05/31	100
<b>Tungasuvvingat Inuit</b> Kathy Morgan, President of the Board of Directors and Registered Nurse Jennisha Wilson, Manager Alluriarniq Department: Sex Work, Exiting the Sex Trade and Anti-Human Trafficking Programs	2018/05/31	100



## APPENDIX B LIST OF BRIEFS

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The following is an alphabetical list of organizations and individuals who submitted briefs to the Committee related to this report. For more information, please consult the Committee's [webpage for this study](#).

**Aboriginal Legal Services**

**Association for the Rights of Household Workers**

**Benedet, Janine**

**BridgeNorth**

**Brown, Nancy**

**Busby, Karen**

**Butterfly (Asian and Migrant Sex Workers Support Network)**

**Canadian Alliance for Sex Work Law Reform**

**Canadian Centre for Child Protection**

**Canadian Centre to End Human Trafficking**

**Canadian Council for Refugees**

**Canadian Federation of University Women**

**Canadian HIV/AIDS Legal Network**

**Canadian Women's Foundation**

**Catholic Women's League of Canada, Vancouver Diocesan Council**

**Centre to End All Sexual Exploitation**

**Chang, Helen Hee Soon**

**Chinese and Southeast Asian Legal Clinic**

**Christian Legal Fellowship**

**Covenant House Vancouver**

**Cunliffe, Emma**

**Defend Dignity, The Christian and Missionary Alliance**

**Diamond, Casandra**

**DisAbled Women's Network Canada**  
**Embarkation Law Corporation**  
**Evangelical Fellowship of Canada**  
**Eva's Initiatives for Homeless Youth**  
**Family Services of Peel**  
**FCJ Refugee Centre**  
**Ferguson, Michelle**  
**Gartner, Rosemary**  
**Holleman, Jennifer**  
**HomeBridge Youth Society**  
**Immigration Legal Committee**  
**Karvellas, Nancy**  
**Khan, Ummni**  
**La Maison de Mélanie**  
**London Abused Women's Centre**  
**MacDonald, Gayle**  
**Macklin, Audrey**  
**ManchesterCF**  
**Missing Children's Network**  
**Moore, Dawn**  
**Mossman, Mary Jane**  
**Narain, Vrinda**  
**Native Women's Association of Canada**  
**Nixon, Kylee**  
**Not In My City**  
**Ontario Native Women's Association**  
**PACE Society**  
**Parkes, Debra**  
**Persons Against Non-State Torture**  
**Pivot Legal Society**

**Resist Exploitation, Embrace Dignity (REED)**

**Salvation Army**

**Schultz, Jennifer**

**Sexual Exploitation Working Group**

**Singh, Rashmee**

**Stepping Stone**

**Supporting Women's Alternatives Network Society**

**TheTraffickedHuman.Org**

**Tri County Women's Centre**

**Valverde, Mariana**

**van der Meulen, Emily**

**Vancouver Rape Relief and Women's Shelter**

**Vandervort, Lucinda**

**Y des femmes de Montréal**

**YWCA Halifax**



## APPENDIX C

### TRAVEL FROM MARCH 18 TO MARCH 24, 2018

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Organizations and Individuals	Date	Location
<b>As individuals</b> Jennifer Holleman	2018/03/19	Halifax, Nova Scotia
Bobbie Martin, Research Assistant, School of Health and Human Performance, Division of Health Promotion, Dalhousie University		
<b>Antigonish Women's Resource Centre and Sexual Assault Services Association</b>	2018/03/19	Halifax, Nova Scotia
<b>Halifax Regional Police</b> Superintendent Jim Perrin, Integrated Criminal Investigation Division Angela Jeffrey-Haynes, Victim Services Caseworker	2018/03/19	Halifax, Nova Scotia
<b>HomeBridge Youth Society</b> Melissa Crooks Patsy Thompson	2018/03/19	Halifax, Nova Scotia
<b>Mi'kmaw Native Friendship Centre</b>	2018/03/19	Halifax, Nova Scotia
<b>Nova Scotia Department of Community Services, Child Youth and Family Supports Division</b>	2018/03/19	Halifax, Nova Scotia
<b>Nova Scotia Department of Justice</b> Karen Crofton-Oxner, Manager, Provincial Victim Services Program	2018/03/19	Halifax, Nova Scotia
<b>Nova Scotians for the Prevention of Prostitution and Human Trafficking</b> Holly Mountain	2018/03/19	Halifax, Nova Scotia
<b>Stepping Stones</b> Wanda Taylor	2018/03/19	Halifax, Nova Scotia
<b>Tri County Women's Centre</b>	2018/03/19	Halifax, Nova Scotia
<b>Wisdom2Action (W2A), Dalhousie University</b> Sahar Gerami Pamela Lovelace, Project Manager	2018/03/19	Halifax, Nova Scotia

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Location</b>
<b>YWCA Halifax and Nova Scotia Trafficking Elimination Partnership (NSTEP)</b>	2018/03/19	Halifax, Nova Scotia
<b>Association for the Rights of Household Workers (ARHW)</b>	2018/03/20	Montreal, Quebec
<b>Canadian Alliance for Sex Work Law Reform</b>	2018/03/20	Montreal, Quebec
<b>Coalition des organismes communautaires québécois de lutte contre le sida (COCQ-SIDA)</b>	2018/03/20	Montreal, Quebec
<b>Comité d'action contre la traite humaine interne et internationale (CATHII)</b>	2018/03/20	Montreal, Quebec
<b>Concertation des luttes contre l'exploitation sexuelle (CLES)</b> Jennie-Laure Sully, Community Organizer	2018/03/20	Montreal, Quebec
<b>Conseil des montréalaises (Ville de Montréal)</b> Aurélie Lebrun (as an observer)	2018/03/20	Montreal, Quebec
<b>Équipe Mobilis - Direction de la protection de la jeunesse</b> Carole Demers, Advisor Pascale Philibert, Advisor	2018/03/20	Montreal, Quebec
<b>Fédération des maisons d'hébergement pour femmes (FMHF)</b> Manon Monastesse, Director General Marie-Hélène Senay, Coordinator, Communication and Analysis	2018/03/20	Montreal, Quebec
<b>Filipino Women's Organization in Quebec</b>	2018/03/20	Montreal, Quebec
<b>Iskweu Project of the Native Women's Shelter of Montreal</b>	2018/03/20	Montreal, Quebec
<b>Mouvement Contre le Viol et l'Inceste (MCVI)</b> Nadia Juracovschi	2018/03/20	Montreal, Quebec
<b>Royal Canadian Mounted Police (RCMP)</b> Staff Sergeant Natalie Bernard, Acting Officer in Charge, Human Trafficking Awareness Program Nicola Ferraro, Constable	2018/03/20	Montreal, Quebec
<b>Service de police de la Ville de Montréal (SPVM)</b>	2018/03/20	Montreal, Quebec
<b>Stella, l'amie de Maimie</b>	2018/03/20	Montreal, Quebec

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Location</b>
<b>The Way Out</b> Ronald Lepage, Director	2018/03/20	Montreal, Quebec
<b>Y des femmes de Montréal</b> Lilia Goldfarb, Program Director Diana Pizzuti, Program Director Mélanie Thivierge, Chief Executive Officer	2018/03/20	Montreal, Quebec
<b>As individuals</b> Casandra Diamond, Survivor Dr. Elya M. Durisn, Independent Scholar Mariana Valverde, Professor of Criminology, University of Toronto	2018/03/21	Toronto, Ontario
<b>Aboriginal Legal Services</b> Emily Hill	2018/03/21	Toronto, Ontario
<b>Aura Freedom International</b> Marissa Kokkoros, Founder and Executive Director	2018/03/21	Toronto, Ontario
<b>BridgeNorth Women’s Mentorship &amp; Advocacy Services</b> Gioia Stover, Vice-Chair	2018/03/21	Toronto, Ontario
<b>Butterfly (Asian and Migrant Sex Workers Network)</b> Elene Lam Amy Cookie	2018/03/21	Toronto, Ontario
<b>Canadian Alliance for Sex Work Law Reform</b> Kara Gillies	2018/03/21	Toronto, Ontario
<b>Chinese and Southeast Asian Legal Clinic</b> Vincent Wong	2018/03/21	Toronto, Ontario
<b>Community Resilience Table of York Region</b> Navarree Bailey, Outreach Worker, Youth Assisting Youth Scott Milne, Coordinator, York Region District School Board	2018/03/21	Toronto, Ontario

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Location</b>
<b>Covenant House Toronto</b> Julie Neubauer Bruce Rivers, Executive Director Louise Smith, Associate Director, Community and Government Relations	2018/03/21	Toronto, Ontario
<b>Deborah's Gate (Vancouver)</b> Larissa Maxwell, Director, Anti-Human Trafficking Programs, Salvation Army	2018/03/21	Toronto, Ontario
<b>Eva's Initiatives for Homeless Youth</b> Jocelyn Helland, Executive Director	2018/03/21	Toronto, Ontario
<b>Father's Heart Healing Ministries</b> Maggie Baratto, Director, Beauty for Ashes Transformation House (BATH) Program Vanessa Belanger, National Administrator, Beauty for Ashes Transformation House (BATH) Program	2018/03/21	Toronto, Ontario
<b>Free-Them</b> Lori Folkerson, Development Officer Shae Invidiata, Founder, Executive Director, Speaker	2018/03/21	Toronto, Ontario
<b>Holistic Practitioners Alliance</b> Sarah	2018/03/21	Toronto, Ontario
<b>Maggie's: Toronto Sex Workers Action Project</b> Andrea Sterling	2018/03/21	Toronto, Ontario
<b>No More Silence</b> Audrey Huntley, Co-Founder	2018/03/21	Toronto, Ontario
<b>Restorations Second Stage Homes</b> Jennifer Lucking, Executive Director	2018/03/21	Toronto, Ontario
<b>Salvation Army</b> Dianna Bussey, Executive Director Jessica McKeachie, Public Affairs Director	2018/03/21	Toronto, Ontario
<b>The Peoples Church</b> Joy Byers, Discipleship Pastor	2018/03/21	Toronto, Ontario
<b>Toronto Police Service</b>	2018/03/21	Toronto, Ontario



<b>Organizations and Individuals</b>	<b>Date</b>	<b>Location</b>
<b>U-R Home Awareness &amp; Support Services</b> Debbie Pond, Director, Chair of the Board of Directors	2018/03/21	Toronto, Ontario
<b>360°kids, Surrounding kids in crisis with care</b> Bonnie Harkness, Director of Operations	2018/03/21	Toronto, Ontario
<b>As individuals</b> Michelle Ferguson Nancy Karvellas, Sole Practitioner (Immigration Law) and Volunteer Lawyer for ACT Alberta	2018/03/22	Edmonton, Alberta
<b>Action Coalition on Human Trafficking Alberta (ACT Alberta)</b>	2018/03/22	Edmonton, Alberta
<b>A Safe Place</b> Jacqueline Fayant, Victim Advocate Ron Karnjanavjaya, Victims Response Coordinator from ACT Alberta Patricia Vargas, Executive Director	2018/03/22	Edmonton, Alberta
<b>Bent Arrow Traditional Healing Society</b> Cheryl Whiskeyjack, Executive Director	2018/03/22	Edmonton, Alberta
<b>Catholic Social Services</b> Kim York	2018/03/22	Edmonton, Alberta
<b>City of Edmonton</b>	2018/03/22	Edmonton, Alberta
<b>Defend Dignity: The Christian and Missionary Alliance</b>	2018/03/22	Edmonton, Alberta
<b>Distinctive Employment Counselling Services of Alberta (DECSA)</b> Mary Onukem, Transitions Program Manager Deborah Rose, Chief Executive Officer	2018/03/22	Edmonton, Alberta
<b>iHuman Youth Society</b> Catherine Broomfield, Executive Director	2018/03/22	Edmonton, Alberta
<b>Metis Child and Family Services Society</b> Kari Thomason, SNUG Coordinator	2018/03/22	Edmonton, Alberta
<b>PIECE (Prostitutes Involved, Empowered, Cogent - Edmonton)</b> Monica Valiket	2018/03/22	Edmonton, Alberta

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Location</b>
<p><b>Royal Canadian Mounted Police (RCMP)</b></p> <p>Kristin Grabowski, Constable, 'K' Division Serious Crimes Branch</p> <p>Jason Zazulak, Staff Sergeant, 'K' Division Serious Crimes Branch</p>	2018/03/22	Edmonton, Alberta
<p><b>Sexual Exploitation Working Group (SEWG)</b></p> <p>Kim York</p>	2018/03/22	Edmonton, Alberta
<p><b>Somali Canadian Women and Children Association</b></p> <p>Sahra Hashi, Executive Director</p>	2018/03/22	Edmonton, Alberta
<p><b>The Today Family Violence Help Centre</b></p> <p>Kitty Choi, Team Lead, Responding to Family Violence in the Chinese Community Program</p>	2018/03/22	Edmonton, Alberta
<p><b>WIN House</b></p> <p>Deanna Arthur, Community Liaison</p>	2018/03/22	Edmonton, Alberta
<p><b>Youth Empowerment &amp; Support Services (YESS)</b></p> <p>Margo Long, Executive Director</p>	2018/03/22	Edmonton, Alberta
<p><b>As individuals</b></p> <p>Nicole Barrett, Director, International Justice and Human Rights Clinic, Executive Director, Allard Prize Initiatives, Peter A. Allard School of Law, University of British Columbia</p> <p>Susan Davis, BC Coalition of Experiential Communities and the West Coast Cooperative of Sex Industry Professionals</p> <p>Hayli A. Millar, Associate Professor, School of Criminology and Criminal Justice, University of the Fraser Valley</p> <p>Dr. Tamara O'Doherty (JD), School of Criminology, Simon Fraser University</p> <p>Cathy Peters</p>	2018/03/23	Vancouver, British Columbia
<p><b>ACCESS Youth Outreach Services Society</b></p> <p>Hannah Metcalfe, Outreach Coordinator</p>	2018/03/23	Vancouver, British Columbia
<p><b>Asian Women for Equality</b></p> <p>Alice Lee</p>	2018/03/23	Vancouver, British Columbia

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Location</b>
<b>Catholic Women's League of Canada, Vancouver Diocesan Council</b>	2018/03/23	Vancouver, British Columbia
<b>Children of the Street Society</b> Diane Sowden, Executive Director	2018/03/23	Vancouver, British Columbia
<b>Covenant House Vancouver</b> Nancy Brown	2018/03/23	Vancouver, British Columbia
<b>Migrant Workers Centre</b> Natalie Drolet, Staff Lawyer and Executive Director	2018/03/23	Vancouver, British Columbia
<b>Ministry of Public Safety and Solicitor General</b> Rosalind Currie, Director, Office to Combat Trafficking in Persons (OCTIP)	2018/03/23	Vancouver, British Columbia
<b>PACE Society</b>	2018/03/23	Vancouver, British Columbia
<b>Pivot Legal Society</b> Kerry Porth	2018/03/23	Vancouver, British Columbia
<b>PLEA Community Services Society of British Columbia</b> Camila Jimenez, Program Manager for the Onyx Vancouver Coastal Program Wilf Leung, Program Manager	2018/03/23	Vancouver, British Columbia
<b>Resist Exploitation Embrace Dignity (REED)</b> Mary-Lee Bouma, Executive Director	2018/03/23	Vancouver, British Columbia
<b>SWAN Vancouver Society</b>	2018/03/23	Vancouver, British Columbia



## REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 87 to 90, 97 to 100, 102, 116, 118 and 123](#)) is tabled.

Respectfully submitted,

Anthony Housefather  
Chair

