

## **CONFERENCE ON HUMAN TRAFFICKING IN CANADA:**

**Benjamin Perrin, Executive Director, The Future Group,  
Sgt. Dan Ste-Marie, RCMP (Ottawa), and  
Suzie Raymond, RCMP (Montreal).**

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### **Summary**

Sergeant Dan Ste-Marie started the Conference by offering a definition of human trafficking: the movement of individuals for the purposes of exploitation. His comments addressed the global nature of human trafficking and the problems that Canadian authorities have encountered in trying to combat the phenomenon and help the victims. Following are some excerpts from his talk:

Next, Suzie Raymond from the RCMP in Montréal discussed the centrality of education and raising awareness in order to effectively combat this problem, both in terms of law enforcement officials as well as the general public.

Finally, Benjamin Perrin, Executive Director of the Future Group addressed a report issued recently by the Future Group that gave Canada a failing grade on its response to the issue of Human Trafficking. The failing grade was traced primarily to the lack of status granted to possible victims of trafficking, and the lack of federal funding dedicated to this group. Benjamin highlighted two issues that must be considered in any legal regime to help the victims: restoration of victims and support of victims. He drew from the special laws pertaining to human trafficking victims which exist in the United States and Australia to demonstrate ways in which Canada could improve its approach.

### **Sgt. Dan Ste-Marie, RCMP (Ottawa)**

#### **Statistics:**

- Estimates on the number of people trafficked each year range between 800,000 and 4 million.
- The industry is said to be worth 11-12 billion dollars – this puts it on par with trafficking in guns and drugs.
- Of the victims of human trafficking, 80% are women and 50% of those are under 18.
- Women in the sex trade: girls often have to service between 5 and 7 hundred men before paying off the debt they owe.
- Just in Toronto 100 girls are being supplied yearly to the sex trade. These girls will produce approximately 5 million dollars in profits
- Health concerns: Of 12 Korean girls who were found at the border in the process of being smuggled into the country as part of the sex trade, 80% had tuberculosis.
- Of those being trafficked into Canada, most are from Asia-Pacific and, in particular, the Fujian region of China.

#### Nature of the Industry:

- This is an extremely clandestine industry. A trafficking victim's journey from the point of origin into North America can take up to two years and involve stops up to eight different countries.
- He gave the example of one route: Fujian (China) – Vietnam – Egypt – South America – Europe – Mexico – United States.
- Trafficking is a violent business. Subjects can be forced to perform sex acts, and food and drink are often kept from them. Creates a culture of fear that makes victims unlikely to go to authorities.
- Victims are often threatened with the safety of their family back home if they refuse to perform what is asked of them.

#### Problems for Law Enforcement Agencies:

- Question: how do you determine if someone is really a trafficking victim? Sometimes they come in on a tourist visa and then are forced into work. Secondly, their documents are often taken away from them – this is a tool of control used by the traffickers. These factors make identifying and helping victims extremely complicated.
- Because of the decentralized nature of the industry, the long travel times and the many points of transit it is extremely difficult to backtrack and find way up the chain to the head of the operations.
- Furthermore, you have delays in working with authorities in the countries of origin. Sometimes the officials themselves are involved, and in some countries the framework to facilitate such investigations does not exist (no wiretapping laws for example).
- Another problem: cultural distrust of law enforcement officials.
- Human trafficking investigations – can take up to a year or a year and a half, up to four years by the time it makes it to court.
- There exists no internationally agreed upon definition of human trafficking.
- There is very little deterrence for traffickers – the sentences handed out are often very light.
- NGOs can be hesitant to work with the police. Sergeant Dan Ste-Marie argues that the RCMP must rebuild this trust so that society can deal better with the victims.
- Another factor complicating investigations is that some victims are arrested by their own governments upon being sent back. This makes them reluctant to cooperate with authorities in Canada.
- Stockholm syndrome – victims have psychological and emotional dependency on their traffickers, identify with them more than anything else.
- Most victims suffer post-traumatic stress syndrome. This can distort and taint the evidence that they give, making prosecution more difficult.
- The language barrier. The RCMP does have interpreters, but getting them at the right time can be difficult.

#### The Canadian Situation Today:

- There is no federal money to help victims of traffickers. RCMP has been the only body that has been trying to help by making connections with civil society in this area. But its resources are limited and much more needs to be done.
- Canada has a Human Trafficking Centre designed to help prepare RCMP and other police officers for dealing with these issues so that everyone is on the same page. Developing protocols that can be followed by local police forces, as these organizations are usually the first to come into contact with the trafficking victims.
- Highlights that not many people know about presence and effects of human trafficking in Canada. Education is essential
- The government passed Bill C-49 late last year. It incorporates specific trafficking offenses into the criminal code. Gives local police more involvement.

**Suzie Raymond, RCMP (Montreal)**

- Human trafficking has only recently surfaced on the public consciousness – a relatively new thing to think about and discuss, and a new thing to our criminal code.
- One of the central problems is how to associate with and protect the witnesses and victims. Language is often a barrier to effective communication, and the victims can be distrustful of figures of government authority.
- To get a conviction the testimony of the victim is often essential. However, due to the issues highlighted above, getting the required evidence can be problematic.
- For a year now there has been a program in place to educate members of the RCMP and Customs and Immigration about the problem of human trafficking. This has been accompanied by efforts to educate the general public.
- Also helping sensitize the provincial and local police forces.
- Education of the general population, especially ethnic communities, is essential. This is demonstrated by the fact that the general population does not tend to look out for human trafficking in the way they do for drugs. Human trafficking has a very low profile in the public consciousness.
- So this is a long-term work. And there are not a lot of resources available.
- At the moment there are only two people for the region of Quebec dedicated to training and raising awareness on the human trafficking issue.
- Funding is also needed in terms of housing, feeding and clothing victims. Often when saved from the sex trade the women have no ‘normal’ clothing at all.
- Their housing needs to be secure as they may be in further trouble from their previous employers.
- We cannot close our eyes to this and say: “this is Canada, it does not happen.”
- Trafficking is not just about sexual slavery and prostitution. Can be working in a basement growing hydroponics – police find them and just assume they are illegal and have them deported, when in fact many may have been trafficked and forced to work there.

- Often times in other work the victims are forced to work extreme hours for very little pay. Although the sex trade is a part of it, trafficking affects men and women, adults and children.

**Benjamin Perrin, Executive Director, The Future Group**

- It must be remembered how different this industry is from other illegal trafficking industries, such as the drug trade. People are always on the lookout for drugs, they can be sniffed out by a dog. On the other hand there is no easy way to determine if someone has been trafficked.
- At the moment there still exist legal means for trafficking, an example being the exotic dancer visa that caused a political controversy recently. We have to close these avenues down if we hope to do better at combating trafficking.
- Canada still does not have a legal structure to allow a trafficking victim to stay in the country – have a humanitarian grounds bar from removal but you literally have to have a minister sign off on that.
- What was the reason for this study? The initiative was sparked by the news coverage of a massage parlor raid in Calgary in 2003. This was a wake up call to the Future Group, and the country, that human trafficking was an issue in Canada.
- Once the raid took place the women were deported.
- Started looking into the situation of these women. Found that Canada had ratified the UN Trafficking Protocol – however, this is not part of a human rights convention but part of a law enforcement treaty dealing with organized crime. This conceptual starting point has implications for how the problem is understood.
- When you deal with the problem of trafficking from the starting point of organized crime, it makes sense to let a victim remain in the country if they agree to cooperate with authorities.
- On the other hand, if you approach the problem of trafficking from a human rights standpoint, you may place a greater emphasis on the welfare of the victims.
- Articles 6-8 of the UN Trafficking Protocol deal with the protection of the victims but notice that in this protocol there are a lot of ‘mays’ and ‘should considers’ rather than ‘shalls’.
- Benjamin makes the point that the language here demands that governments textually consider what types of rights they will give to victims. The fact that Canadian legislation is silent on the matter may make room to challenge the government on its inaction in this area.

Benjamin highlighted two issues that must be considered in any legal regime to help the victims: restoration of victims and support of victims. He drew from the special laws pertaining to human trafficking victims which exist in the United States and Australia to demonstrate ways in which Canada could improve its approach:

- Restoration of victims: 1) special adjudication – United States has a council to that hears only cases dealing with human trafficking. Staged approach (as used in Australia):
  1. Reflection period - 30 to 45 days victim stays in a shelter;

2. If they would be in danger upon return or if they cooperate with authorities they can get temporary residence. It is important to note that this test is less onerous than the one applied to refugee claims;
  3. Possibility of permanent residence.
- Support of victims:
    1. During the reflection period they are often granted some money for basic needs and counseling is also provided in an attempt to deal with the post-traumatic stress;
    2. Australia provides vocational training for the victims as well.
  - Benjamin highlights the efforts that have been made in the United States to integrate civil society into supporting the victims and combating trafficking. For example, legal aid clinics are aware of the special visa application for victims of trafficking.
  - Issues of privacy – in Canada there have been cases where the victims name and story have been written in the judgments without a pseudonym – this is unacceptable, as it can put the victim and their family in further danger.
  - Why did Canada get a failing grade?
    1. There is no clear legal process for allowing victims to stay in the country, nor any government mandated reflection period;
    2. There is no government funding for these victims – RCMP are diverted from the investigations to try and find medical care and housing for victims. They are forced to fill a leadership void in this context.