

Country Reports from Canadian delegation

Research / media coverage

What information is available about trafficking? Are there any reliable studies or statistics on the issue? How does the media cover the issue?

Most of the information produced to inform possible victims about trafficking is produced by Status of Women Canada. Status of Women Canada is currently in the process of drafting several information pamphlets to inform possible victims and to inform Canadian representatives who may encounter them. The studies done by Status of Women Canada are listed on their website. Their website is: <http://www.swc-cfc.gc.ca> .

Trafficking, as such, just became an offence with the entering into force of the *Immigration and Refugee Protection Act* on June 28, 2002. The Royal Canadian Mounted Police has coding in its Operational Statistics Reporting which will capture trafficking data.

Canadian media coverage of trafficking tends to cover trafficking stories in the United States or Europe. There have been a few stories on trafficking in Canada, but more on trafficking as a global phenomenon.

Awareness raising

Are there any awareness raising programs? What issues are most important to stress in your country? Who is the target audience?

See above. Canada stresses the fact that trafficking is a criminal activity. There are laws against it. We try to inform victims of their rights. To date, efforts focus on dissuading persons from taking actions that could lead to them becoming victims of traffickers.

Legal framework / legislative review and reform efforts

How does the current legal framework prevent and address trafficking and related violations? How are victims identified and how are their rights protected? Has your country ratified the UN Convention Against Transnational Organized Crime and its protocols? Is there review and reform of relevant legislation under way?

While there is no specific provision in the *Canadian Criminal Code* on trafficking in persons, a number of provisions in the *Criminal Code* may apply to situations of trafficking such as abduction, kidnapping, extortion, assault, sexual assault, uttering threats, unlawful confinement and provisions related to the exploitation of the prostitution of others. In addition, the Department of Citizenship and Immigration Canada included a specific offence against human trafficking in its new *Immigration and Refugee Protection Act* which came into force June 28, 2002. The new trafficking offence provides for very severe penalties: fines as high as \$1 million and terms of imprisonment up to and including life imprisonment. Moreover it lists specific aggravating factors that a court can take into account when determining the appropriate penalty. It allows for the forfeiture of money and property seized from traffickers and, for the first time,

contains a single and comprehensive prohibition against the possession and use of fraudulent immigration related documents.

http://www.parl.gc.ca/37/1/parlbus/chambus/house/bills/government/C-11/C-11_4/90141b-2E.html#15

Other Canadian pieces of legislation relevant to trafficking are: the *Proceeds of Crime Act* enacted in 2000, which introduced tools to improve detection, prevention and deterrence of money laundering in Canada and amendments to the Criminal Code under Organized Crime Legislation which came into force January and February 2002, and included measures that provided broader powers to seize property used in crimes and to forfeit the profits of criminal organizations.

There are no special provisions in Canada's Immigration Act for the victims of trafficking. However, victims of trafficking may request immigration status in Canada based on humanitarian/ compassionate considerations. The Canadian Immigration and Refugee Board introduced gender- related persecution guidelines in 1993 that may be relevant to some trafficking cases. The new *Immigration and Refugee Protection Act* is in compliance with the United Nations Convention on the Rights of the Child. In the new Act , the "best interests of the child" are to be considered in the context of applications for permanent residence on humanitarian and compassionate grounds and certain decisions taken by the Immigration Appeal Division.

Although not specifically targeted to trafficked victims, within Canada there are a number programs and services ranging from health care to legal assistance, that victims of trafficking may access. By virtue of Canada's legal system, victims of trafficking may have the possibility of obtaining damages for injury suffered. Such programs exist domestically via the Criminal Code provisions and the victim's compensation programs that exist in the various jurisdictions throughout the country. Since 1996, Canada has a Witness Protection Program Act <http://www.laws.justice.gc.ca/en/W-11.2/99955.html#rid-99974> which, while not specific to trafficking, would provide witness protection to trafficking victims, as required.

Canada signed the Transnational Organized Crime Convention and the two Protocols dealing with Smuggling and Trafficking in December 2000 at Palermo and, on May 14, 2002 Canada ratified all three instruments. Prior to ratification of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, Canada carefully reviewed its legislation to ensure that all obligations were met.

Government co-ordination

Is there a national co-ordinating body within the government to address this issue? Is there a focal point within the government responsible for co-ordinating a response and serving as a liaison for international contacts?

There is an Interdepartmental Working Group jointly chaired by Status of Women Canada and by the Department of Citizenship and Immigration. That Working Group would be a good liaison point for international contacts.

There are regular meetings of Federal-Provincial-Territorial Ministers responsible for Justice. These Ministers issued a Joint Statement on Organized Crime in 1998 and continue to direct the development of specific proposals including the review and updating of laws, coordination of resources and ways of increasing public awareness with regard to combating organized crime, including trafficking and smuggling of persons.

National Plan of Action

Is there a national plan of action to prevent and combat trafficking? If so, what are the main components and who is responsible? What resources and co-operation are necessary to implement the plan?

See above.

Co-operation with non-governmental and international organisations

How does the government co-ordinate and co-operate with NGOs and IOs to prevent and combat trafficking, as well as to assist its victims?

Through the Canadian International Development Agency and other departments, some funding is provided to NGOs and IOs to prevent and combat trafficking. Status of Women Canada works with NGOs which assist victims.

Training of relevant state authorities

Are there any programs in place to specifically train state authorities on how to prevent, detect, and address this problem? Are there programs in place to sensitize state authorities to the special needs of trafficked persons and victims of violence?

The Royal Canadian Mounted Police is training its officers on implementation of the new *Immigration and Refugee Protection Act*. The new Act includes a new offence of trafficking and officers are trained on trafficking.

Aid and development programs abroad

Does your government support anti-trafficking initiatives in other countries? If so, what strategies and priorities are behind these activities?

In recognition of the fact that many States, especially those from the developing parts of the world, require assistance to reach the point where they can sign / ratify the Convention and the Protocols, Canada is considering ways to improve provision of technical assistance to enhance their laws and improve their border controls. These are not new activities for Canada since this type of assistance has been provided, on an ongoing basis, by such government organizations as the Canadian International Development Agency (CIDA). See the attached sheet.

Most trafficked persons in Canada tend to come from South East Asia or the former Soviet Union or Balkan states. Canada is also active in the Regional Conference on Migration known as the Puebla Process. The Puebla Process includes United States, Mexico, El Salvador, Honduras, Guatemala, Nicaragua, Panama, Belize and the Dominican Republic.

Bilateral and multilateral agreements and activities

Has your government signed any relevant bilateral or multilateral agreements to address this issue? Does your government promote and engage in joint projects and activities with other governments with the aim of preventing and combating trafficking? How does your government co-operate with other countries to ensure safe repatriation efforts and what mechanism are in place to protect witnesses during the process of investigation and prosecution?

Canada was very actively involved in the negotiation of the Transnational Organized Crime Convention and the Protocols on Smuggling and Trafficking. We promote signature and ratification of the Convention and Protocols wherever possible. Canada has financed several trafficking projects in countries of the Puebla Process, specifically El Salvador, Honduras, Guatemala, Nicaragua, Panama, Belize and the Dominican Republic.

Since 1997, Canada and the USA have established a Cross Border Crime Forum which includes senior law enforcement and justice officials from both countries and was designed to improve cooperation and information sharing between the two countries.

Canada continues to be active on trafficking issues in the G-8, the United Nations and the Organization of American States. Canada signed the Optional Protocol to the Convention on the Rights of Children on the sale of children, child prostitution and child pornography in November 2001. Canada has been active internationally and nationally on protection of children with amendments to the Canadian criminal code dealing with child sex tourism and child protection on the Internet.

Canada has a broad network of bilateral Mutual Legal Assistance treaties with other countries, including major source states, which are applicable to all criminal investigations, including those on trafficking in persons.

Trafficking Related Technical Assistance Projects Funded by Canada

Canada's International Development Agency (CIDA) funds a number of programmes, throughout the world, intended to address the problem of human trafficking and smuggling. Some include:

General

- " CIDA (Policy Branch) developed a 5 year program, CIDA's Social Development Priorities: A Framework for Action, to strengthen programming in developing countries including The Child Protection Action Plan which focuses on war-affected children and exploitative child labour as well as children exploited in the sex trade. In addition, a Child Protection Research Fund will examine child protection issues.
- CIDA activities related to the commercial sexual exploitation of children (includes trafficking in children). At the multilateral level, CIDA provides core funding to UNICEF, which supports sexually exploited children as part of their mandate.
- " CIDA, through its Gender Funds and Canada Funds for Local Initiatives, supports a wide variety of programs for women and children caught in the sex trade around the world.

Balkans

- " Canada has contributed approximately \$200,000 to combatting the trafficking of human beings in the Balkans. Canada has attempted to address the issue in a comprehensive manner by supporting a wide variety of activities including: support for safe houses, the facilitation of safe returns for rescued women and girls, awareness-raising campaigns targeting women, youth and government (with an emphasis on law enforcement officials), medical and psychological support, and technical assistance for the preparation of legislative reforms.

South East Asia

- South East Asia Fund for Institutional and Legal Development (SEAFILD)
One project relates to the issue of trafficking in women – in partnership with the Mekong Regional Law Centre (MKLC). Participating countries- Thailand, Vietnam, Cambodia and Laos. Value \$200k (Cdn). In 1998 the MKLC asked Canada to support a series of conferences involving law enforcers, immigration off'ls, and NGOs from Mekong countries to develop cross-border laws and procedures. With support from SEAFILD Cambodia was the first country to host a Nat'l Workshop on Trafficking in Women and Children in June 1999. Training of staff from the Deptmt of Welfare, Police, Immigration and NGOs will take place at 8 border sites.
- " CIDA's Asia Br through SEAFILD is supporting the Illegal Labour Movements: Trafficking in Women and Children project. This project consists of partnering communities with law enforcement and the legal system. SEAFILD also funds the project Support for the Development of Protocols for Repatriation of Trafficked Women and Children, by the Coalition to Fight Against Child Exploitation (FACE) in Thailand, Cambodia, Laos and Vietnam. Initiated at the 1998 Conference on Illegal Labour Movements: Trafficking in Women and Children, the project monitors the trafficking in women, girls and boys for the purpose of sexual exploitation, assists in the prosecution of offenders, targets law reform initiatives for victims and promotes awareness regionally and internationally.

- The Philippines Gender Fund

A number of sub-projects rec'd \$352K (CDN) including: Consultation Workshop among NGOs addressing issues and problems of prostitution by the NGOs Coalition Against Trafficking in Women and the impact of gov't policies and programs on the reintegration process of women migrant workers who have survived physical and sexual violence abroad.

" South Asian Association for Regional Cooperation (SAARC) People's Forum on Trafficking in Women and Children CIDA paid \$50K to this forum on Trafficking in Women and Children. The purpose was to provide a forum for civil society to input SAARC's Draft Reg'l Convention on Combating Trafficking in Women and Children for Prostitution.

Americas

" CIDA and the office of Senator Pearson financed the publication of Good Practices in Working with Sexually Exploited Youth in the Americas by the Institute for Child Rights and Development (University of Victoria), following recovery / reintegration projects in Bolivia, Dominican Republic, Honduras, Peru, and Chile (which was funded by CIDA in 1999 – 2000).

- CIDA supports organizations such as Street Kids International and Publieto Canada that work with street children in Latin America, many of whom are sexually exploited.

" CIDA (Americas Branch) supports the work of local NGOs in the Americas who work with sexually exploited children, who are often commercially sexually exploited. An example is the enlargement of the welcome centre by Renacer – a local NGO in the Dominican Republic that offers refuge and support to sexually exploited girls.

The Department of Foreign Affairs and International Trade provides some funding for migration related projects. In the past two years its Human Security Division (AGP) has funded two such initiatives. The first was a Study on the Trafficking of Human Beings in West Africa (Togo, Benin, Cote d'Ivoire) conducted by the United Nations Centre for International Crime Prevention and the second, Repatriation of Lord's Resistance Army (LRA) Children in Sudan. Repatriation was conducted by the International Organization for Migration.

Other departments / agencies provide funding to various countries to assist them in combating migrant smuggling and trafficking.

" In the last few years, in compliance with the Regional Conference on Migration (a regional migration forum comprising Mexico, United States, Guatemala, Honduras, El Salvador, Costa Rica, Panama, Nicaragua, Belize and the Dominican Republic) or Puebla Process Plan of Action, **Citizenship and Immigration Canada (CIC)** funded the International Organization for Migration (IOM) to carry out, jointly with the government of the country concerned, individual case studies on 'migrant trafficking' for all the Central American countries and the Dominican Republic. In all instances, the studies constituted the first time serious research was undertaken to look at this activity in these countries. Also, CIC has provided to immigration officials at headquarters and ports of entry of the same countries technical assistance in the form of training sessions on the detection of fraudulent travel documentation.

" CIC, under the auspices of the Puebla Process, co-funded a Seminar on Migrant Women and Children in San Salvador, El Salvador, in February 2000. The seminar highlighted the importance that domestic legislation severely penalize the trafficking of women and children.

" In 2001, CIC provided technical assistance to Costa Rica on migration management and a review of its draft migration legislation, which includes provisions to deal with the issue of trafficking and smuggling of people.