



Backgrounder for National Forum on Trafficking

Some current initiatives

November 2012

A. NATIONAL ACTION PLAN TO COMBAT HUMAN TRAFFICKING

On June 6, 2012, the Government of Canada launched the National Action Plan to Combat Human Trafficking (NAP). Over four years, the federal government plans to spend 25 million dollars to strengthen ongoing efforts, enhance public awareness and improve Canada's ability to detect and prosecute human trafficking. The NAP is centered on the four pillars (the "4 Ps") of the *Palermo Protocol*: Prevention, Protection, Prosecution and Partnerships.

Prevention

Prevention measures focus primarily on supporting both existing and new initiatives to raise public awareness and provide training on human trafficking. These will include training and awareness-raising among front-line service providers, prosecutors and judges, in addition to police forces. Measures will also be centred on conducting research activities to prevent trafficking and to identify at-risk regions and populations.

Protection and Assistance for Victims

Measures concerning the protection of trafficked persons refer specifically to issuing Temporary Resident Permits (TRPs) and providing Interim Federal Health (IFH) care to trafficked foreign nationals upon receipt of a TRP. Preventing "abuse" within the Temporary Foreign Worker Program (TFWP) is also an important focus of the NAP. The restriction of temporary worker visas for employment in the sex industry, introduced on July 4th, 2012, forms part of these efforts and is an extension of Bill C-10, the *Safe Streets and Communities Act*. For further information about Bill C-10 and the CCR's comments, please see **Section B** below.

Plans to amend the *Immigration and Refugee Protection Regulations*, based on proposed legislative text tabled on April 26th, 2012, are meant to supply both Human Resources and Skills Development Canada (HRSDC) and Immigration Canada with "greater authority to monitor employer compliance with program requirements, as well as stronger consequences in cases of non-compliance." The text was proposed as part of Bill C-38 (Division 54 of Part 4) and is available on the Parliament of Canada website: <http://bit.ly/KvlOMq>.

Further protection measures will include increasing efforts within the Canada Border Services Agency (CBSA) to raise awareness among vulnerable foreign nationals at ports of entry, as well as improving HRSDC's internal detection and prevention protocols to identify exploitative employers and to consider the development of policies for on-site employer visits. Ways to improve the monitoring of employers in the Live-in Caregiver Program will also be examined.

Detection, Investigation and Prosecution of Traffickers

Prosecution and investigation efforts are allocated the majority of resources and an annual budget of \$5-6 million. Measures include training and education for prosecutors and law enforcement and creating a mandate to conduct proactive investigations for specialized investigative forces composed of the Royal Canadian Mounted Police (RCMP), local police and CBSA.

Significant funding for the RCMP Human Trafficking National Coordination Centre (HTNCC) will procure its central role in coordinating anti-trafficking activities across the country, including awareness-raising and education, information gathering and training efforts. Measures will also build on current efforts to prosecute traffickers and to strengthen the criminal justice system's response to trafficking.

The Private Member's Bill C-310, introduced by Member of Parliament Joy Smith (Kildonan-St. Paul, MB), forms part of current efforts to strengthen the prosecution of traffickers supported by the government. Bill C-310 received Royal Assent on June 28th, 2012 and amends the Criminal Code to include human trafficking offences, which, if committed outside Canada by a Canadian or permanent resident, can now be prosecuted in Canada, and also enhances the definition of exploitation. Further information about the bill is available at the Parliament of Canada website: <http://bit.ly/Qq5P8w>.

Partnerships and Knowledge

This section focuses primarily on strengthening partnerships between law enforcement and the judiciary. Civil society organizations will primarily take on a consultative role through online consultations and roundtables and will be invited to discuss issues of concern with Public Safety's Human Trafficking Taskforce. The latter is part of the NAP's efforts to advance collaboration and the sharing of information between stakeholders to improve data collection and to develop a coordinated approach to increase knowledge to respond adequately to domestic and international trafficking. Internationally, efforts to develop and further enhance partnerships and collaboration with international organizations and other countries are also planned.

The National Action Plan is available online at: <http://www.publicsafety.gc.ca/prg/le/ht-tp-eng.aspx>.

B. BILL C-10 (OMNIBUS CRIME BILL) AND TRAFFICKING

Bill C-10, the omnibus crime bill, was introduced in September 2011 and received Royal Assent on March 13, 2012. The bill includes a section relevant to trafficking, "Protecting Vulnerable Foreign Nationals against Trafficking, Abuse and Exploitation," which amended the *Immigration and Refugee Protection Act* to give immigration officials the power to deny a work permit to an applicant overseas, on the basis that the person might be exploited in Canada.

As part of the bill, on July 4, 2012, regulatory changes were announced in the provision of temporary work permits to women intending to work in businesses linked to the sex trade, including strip clubs, escort services and massage parlours. As of July, Human Resources and Skills Development Canada (HRSDC) began to issue negative Labour Market Opinions (LMOs) for applications submitted by employers connected to the sex industry in order to prevent these businesses from hiring temporary foreign workers. Starting July 14, 2012, Citizenship and Immigration Canada also ceased the processing of new work permit applications from temporary foreign workers applying for work in related businesses.

According to HRSDC, “In addition to businesses in those sectors, the new restrictions on LMOs will apply to other businesses linked to the sex trade, particularly if there is a heightened risk of abuse or exploitation of workers.”

Further details are available on HRSDC’s website: <http://bit.ly/P8zrEM>.

HRSDC Notice to Employers: Sex Trade-related Businesses: <http://bit.ly/PsNEwj>.

CCR comments

These measures largely function to limit the entry of foreign workers and particularly of women under the reasoning that they might be at risk of abuse or exploitation. They specifically give discretionary power to visa officers to decide which people should be kept out of Canada for their own good. These measures attempt to address the problem of exploitation by excluding people, mostly women, from Canada.

The amendment does not address the root problem of the existence in Canada of jobs that exploit workers and does not include measures that ensure that work conditions for foreign workers in Canada are non-exploitative and safe, including mandatory monitoring of employers and work permits that are not employer-specific. It also fails to protect the rights of trafficked persons abroad and of trafficked persons already here in Canada.

The CCR’s comments are available at: <http://ccrweb.ca/en/comments-bill-c10-trafficking>.

For information about the abuses and exploitation that occur in the TFW Program, please see the CCR’s Temporary Migrant Workers’ Campaign online: <http://ccrweb.ca/en/migrant-workers>.

C. HEALTH CARE COVERAGE FOR TRAFFICKED PERSONS AFTER CHANGES TO INTERIM FEDERAL HEALTH PROGRAM (IFH)

Following revisions to IFH, which took effect on June 30, 2012, a trafficked person who has received a Temporary Residence Permit (TRP) is entitled to “expanded health-care coverage,” including: hospital services; services of health care professionals licensed in Canada; and laboratory, diagnostic and ambulance services. They may also receive “supplemental health-care

benefits,” including: prescribed medications; limited dental and vision care; prosthetics and mobility devices; home care and long-term care; counselling by a clinical psychologist and health assessments.

By contrast, benefits available to a trafficked person who is a refugee claimant will depend on whether their claim is successful and whether they are from a country listed by the Minister of Immigration as a “Designated Country of Origin” (DCOs are countries identified at the minister’s discretion as having democratic institutions and low acceptance of refugee claims).

Claimants who are not from DCOs would be entitled to health-care coverage of an “urgent or essential nature,” including: hospital services; services of doctors and nurses; laboratory, diagnostic and ambulance services; and medications and vaccines only if needed to prevent or treat a disease that is a risk to public health or to treat a condition of safety concern.

Claimants from DCOs and rejected refugee claimants will only be entitled to “Public Health or Public Safety Health-Care Coverage,” if needed to prevent or treat a disease posing a risk to public safety.

For more details, please see the Summary of Benefits at:

<http://www.cic.gc.ca/english/refugees/outside/summary-ifhp.asp>.

D. CCR PROPOSAL FOR LEGISLATIVE AMENDMENT TO PROTECT TRAFFICKED PERSONS

The CCR is calling for measures to adequately protect the rights of trafficked persons in Canada, in particular through legislative amendment. A *Proposal to amend the Immigration and Refugee Protection Act* has been developed to advocate for legislative changes that would ensure the unconditional protection of trafficked persons’ rights, as well as the provision of temporary and permanent protection to trafficked persons. The CCR is calling on Parliamentarians to turn this proposal into law.

In May 2006, the Canadian government issued new guidelines for Temporary Residence Permits (TRPs) for victims of human trafficking. While the CCR welcomed the move as a step in the right direction, the CCR views the TRP as problematic and of limited usefulness in protecting trafficked persons: they are discretionary and are not always offered to trafficked persons; they impose an unreasonable burden of proof on the trafficked person; and the mandatory involvement of law enforcement agencies deters trafficked persons from applying because of concerns about the potential consequences of such involvement. Among the guiding principles identified, the CCR urges that legal provisions be guided by and be respectful of the human rights of trafficked persons.

The full Proposal is available at: <http://ccrweb.ca/en/proposal-legislative-amendment-protect-trafficked-persons> (also available as print copy).