

# **CANADIAN COUNCIL FOR REFUGEES**



## **National Forum and Workshop on Trafficking Forum and Workshop Report**

**February 2013**

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**Canadian Council for Refugees**  
**National Forum on Trafficking**

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## I. INTRODUCTION

On November 28, 2012, the Canadian Council for Refugees (CCR) hosted a *National Forum on Trafficking* in conjunction with the CCR Fall 2012 Consultation in Toronto. Approximately 80 individuals participated in the Forum. Participants included representatives from non-governmental organizations, service providers and academics involved in work on trafficking from Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Quebec and Saskatchewan.

The objectives of the Forum were:

- To broaden and strengthen the network of NGOs working on trafficking across the country;
- To share experiences, responses and effective strategies;
- To identify policy development priorities and to discuss strategies to form a response to overcome barriers at different levels – local, provincial and federal.

The Forum provided an opportunity for NGOs to network and share ideas in assisting trafficked persons in Canada and to strategize and develop recommendations on policy priorities. It was divided into three overarching sessions dedicated to (a) sharing experiences, responses and strategies between organizations in order to assist trafficked persons more effectively; (b) analyzing existing barriers in providing adequate protection to survivors of trafficking; and (c) identifying priorities in policy development and discussing strategies to form a national NGO advocacy response.

Participants at the Forum developed a series of recommendations, identifying actions required at local, provincial and federal levels in order to meet the needs of trafficked persons. The latter can offer useful guidance to both ongoing and future anti-trafficking efforts and policy developments, in order to ensure the rights of trafficked persons are protected in Canada. These are a useful focus for advocacy and also propose roles for the CCR and the national anti-trafficking network in moving forward.

A workshop entitled *Trafficking in persons: dialogue with government and law enforcement*, was held the following day, on November 29, as part of the CCR Fall Consultation in order to discuss the recommendations, priorities and concerns identified by NGOs at the Forum with government and law enforcement.

The CCR benefited from the generous financial support of the Canadian Women's Foundation (CWF) for this Forum.

## II. NGO INFORMATION EXCHANGE

This session first offered a brief introduction and review of the CCR network, including past and ongoing projects. The floor was then opened for a discussion of experiences, responses and major concerns faced by organizations in the field.

### **Samanta García-Fialdini, CCR Trafficking Project Coordinator**

#### *CCR's Work on Trafficking – Past and Present*

The CCR initiated its work on trafficking in 2000 through its Gender Issues Core Group and continues to support and coordinate anti-trafficking efforts across the country aimed at broadening and strengthening the network of NGOs working to protect trafficked persons through awareness-raising and service provision. The CCR is concerned about trafficking for labour, sex and other forms of exploitation and prioritizes two main goals in its work on trafficking: increasing public awareness on trafficking in Canada, and working for the protection of trafficked persons. Since the expertise of the CCR is with newcomers, the emphasis of its work is on the trafficking of foreign nationals in Canada.

Networking and pan-Canadian leadership in the area of trafficking is primarily provided by the CCR's Anti-Trafficking Committee, consisting of representatives of local anti-trafficking networks in 8 different cities across the country, in British Columbia, Alberta, Manitoba, Ontario and Quebec. Among the activities of the Committee, members organize workshops on trafficking at CCR consultations and contribute their expertise and connections from their region, as well as crucial organizational support.

Since 2003, the CCR has hosted a number of regional meetings<sup>1</sup> and four national meetings on trafficking, namely in Winnipeg (November 2003), Windsor (December 2009),<sup>2</sup> Montreal (November 2011)<sup>3</sup> and currently, in Toronto (November 2012). The results of these meetings have been at the core of the CCR's anti-trafficking activities.

#### *CCR Pan-Canadian Anti-Trafficking Network*

From 2010 to 2011, the CCR led a nationwide project on trafficking on *Supporting effective awareness-raising and services across Canada for trafficked persons*. The project was carried out with financial support from the Department of Justice Canada under the coordination of Christina Harrison-Baird, present Chair of PACT-Ottawa (Persons against the Crime of Trafficking) and member of the CCR's Anti-Trafficking Committee.

The project focused on areas in which stakeholders were lacking communication and coordination, and involved collecting best practices and identifying NGO needs for further tools to support outreach, awareness-raising and services for trafficked persons, as well as developing contacts with NGOs across Canada. The project resulted in the launching of two online databases of:

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<sup>1</sup> The report of these meetings is available at: <http://ccrweb.ca/files/ccrtrafficking.pdf>.

<sup>2</sup> Report: <http://ccrweb.ca/en/report-national-forum-trafficking-2009>.

<sup>3</sup> Report: <http://ccrweb.ca/en/trafficking-meeting-report2011>.

- a) Organizations working on trafficking issues across Canada;
- b) Canadian and international human trafficking resources to support work in the realm of awareness-raising and service provision.<sup>4</sup>

The organization database holds information on over 150 committees and organizations working on human trafficking, with at least one contact in each province. Organizations within the database are Canadian, non-governmental, (i.e. not police and not federal, provincial or municipal departments), working inside Canada, and either working to raise awareness of human trafficking in Canada or providing services to trafficked foreign nationals in Canada.

The tools database currently contains over 100 pamphlets, posters, films, toolkits, standards, recommendations, handbooks and compilations of resources. Both databases continue to expand and organizations are invited to consult and contribute to these by contacting the Project Coordinator.

Since September 2012, the CCR has continued to support the development and sustaining of a pan-Canadian NGO network on trafficking through a project funded by the Canadian Women's Foundation (CWF). Building on the needs and gaps in tools and policy identified by NGOs across Canada, within the CCR anti-trafficking network and at past meetings, the current project continues to strengthen the pan-Canadian NGO network through resources on awareness-raising and services, by building new partnerships and facilitating connections between NGOs, and by creating opportunities for information-exchange, strategizing and advocacy at the national level. This Forum formed part of these efforts.

The main activities of the project are:

- **National Forum on Trafficking**, to share experiences, concerns, responses and develop strategies that will inform a national NGO response to existing obstacles and to current priorities in policy development.
- **National NGO advocacy strategy** to guide sound policy development, aimed at the federal level and supporting local groups in engaging with provinces.
- **Electronic bulletin on trafficking**<sup>5</sup> published on a bi-monthly basis to support networking across regions and to connect a broader range of NGOs through resources and updates on policy developments on trafficking. Approximately 235 subscribers currently receive the bulletin.
- **A Starter Toolkit** to assist groups that are just beginning to address the problem of trafficking in their own community. The toolkit will build from already existing resources and includes new simple tools as start-up materials for groups wanting to raise awareness about trafficking.<sup>6</sup>
- **Further development of the CCR online database of human trafficking resources.**

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<sup>4</sup> Online database is available in English, at <http://ccrweb.ca/en/trafficking-resources>, and in French, at <http://ccrweb.ca/fr/ressources-traite-fr>.

<sup>5</sup> Previous issues are available online, in English at <http://ccrweb.ca/en/traffickingbulletin> and in French at <http://ccrweb.ca/fr/bulletintraite>. To contribute to future issues, organizations and individuals can send an email to [trafficking@ccrweb.ca](mailto:trafficking@ccrweb.ca).

<sup>6</sup> Organizations are encouraged to share existing “starter kits” and other resources that they have found useful in starting up awareness-raising efforts in their communities.

Other recent initiatives include the use of webinars as a broadcasting tool for both capacity building and information sharing on trafficking issues.<sup>7</sup> In this context, the intersections of labour exploitation and human trafficking have been recently explored in a webinar led by expert practitioners who support survivors of forced labour and trafficking in Canada.

The CCR continues to build its network of NGOs across Canada and to support work in awareness-raising, services and advocacy for the protection of trafficked persons. Organizations are encouraged to join and become more involved with the network.

## **NGO Challenges, Emerging Trends and Effective Strategies**

In preparation for this session, participants and partner organizations working on trafficking across Canada were asked to provide comments before the Forum about the challenges they are facing, emerging trends they have observed, and strategies that have proved useful to them in dealing with cases of trafficking. These experiences were shared and expanded on during this session, bringing to the fore common themes and key issues.

### **A. Challenges**

The challenges explored touched on 7 common areas:

- 1. Sustainable human and financial resources:** For ongoing training of social agencies, to provide and expand existing services, and for awareness and education campaigns.
- 2. Multi-sector services:**
  - Housing/shelter options: There are insufficient options to provide suitable and safe emergency and transitional housing to refer and transfer survivors of trafficking. Women/men, international/domestic cases have different needs and require specific attention. Reception of trafficked men, particularly of single bachelors, is very limited.
  - Legal representation: There is a lack of access to legal representation for survivors of trafficking when dealing with immigration issues, labour rights or other legal aspects. Legal aid is often unaware of Temporary Residence Permits (TRPs) in the context of trafficking. Securing funding for cases involving TRPs is also a problem. Clients have to pay for legal representation and the financial burden is often assumed by organizations.
  - Employment support services: Access to employment support services for survivors of trafficking is limited. Finding secure employment is very important to keep people self-sufficient and out of their trafficking situation.
  - Trauma and counselling: There is a need to support survivors of trafficking in dealing with issues such as trauma, addictions and other needs faced after identification in order to ensure recovery and independence, and to prevent re-victimization.
  - Community programs: There is a lack of suitable community programs to serve the needs of trafficking survivors as these might fall outside their existing mandates.

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<sup>7</sup> <http://ccrweb.ca/webinars>.

- Stigma: Stigmatization of clients by service agencies and health providers is common and leads to limited or no service provision, particularly for survivors of sex trafficking.
  - Interpretation: There is a lack of awareness of available professional interpretation services to assist in facilitating communication between trafficked persons and service providers. In regard to existing interpretation services, problems have arisen from misunderstanding the cultural context of trafficking survivors and from judgement made by interpreters.
  - Training challenges: There is a need for greater training of service providers about how to recognize among their clients people who may be in a situation of trafficking, on the impacts of trafficking on survivors and about how to respond most effectively to trafficked persons.
  - Shift in health care policies: Changes to the Interim Federal Health Program (IFH) have imposed greater barriers to access to medical care for survivors of international trafficking without a temporary residence permit (TRP).<sup>8</sup>
  - Awareness of existing services: There is a need for greater knowledge about existing services and about other agencies' work in order to support each other and to avoid repetition.
- 3. Awareness-raising and outreach:**
- Realistic messaging on trafficking: The sensationalization of human trafficking creates challenges for appropriately identifying victims. There is a need for realistic awareness-raising and messaging in order to accurately identify trafficked persons and to effectively reach the agencies assisting them.
  - Identifying trafficked persons: Trafficked persons are often unwilling to self-identify or accept a label such as "victim", making it more difficult to identify and assist them.
  - Reaching out to trafficking survivors: There is a need for additional guidance on how to reach out to trafficked persons in order to provide them with settlement and referral services.
- 4. Policy on international cases:**
- Temporary residence permits (TRPs):
    - ♦ The criteria for issuing TRPs are unclear. Consequently, different immigration officers issue TRPs inconsistently on a discretionary basis. In some instances officers have been unwilling to deal with TRP cases.
    - ♦ A number of Ontario cases have shown that seeking protection of trafficked persons through refugee claims can be more successful than through TRP applications due to barriers in the TRP application process. However, success has heavily depended on whether or not the person comes from a country where there is anti-trafficking legislation in place.
    - ♦ There are no guidelines for issuing TRPs to family members of survivors of trafficking and there has been reluctance in issuing them at all. This has been a cause of stress for trafficked persons and has caused them to hesitate to apply for TRPs.
    - ♦ TRPs do not offer enough time for recovery from the trauma caused by trafficking. This has posed challenges in trafficked persons' ability to integrate successfully into society and complete the immigration process.
  - Trafficking definition: The definition of trafficking in persons in the Criminal Code is too narrow (or being interpreted too narrowly) and excludes cases where other forms of coercion beyond the physical have been employed or where no monetary exchange has been present.

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<sup>8</sup> For further information on the revisions to IFH that took effect on June 30, 2012, see Backgrounder of Forum (Appendix B).

- Trafficked persons in detention: There are barriers to accessing and identifying possible victims of trafficking in detention centres. A strategy is necessary to deal with these cases.
  - New forms of trafficking: It is difficult to deal with cases that involve new forms of trafficking, such as foreign adoption cases and cases veiled as spousal sponsorship.
  - Intra-agency collaboration across provinces: There is a lack of trust between immigration agents in different regions, especially between Quebec and Ontario. Cuts within Citizenship and Immigration Canada (CIC) are having a negative effect on these relationships.
- 5. Coordination, collaboration and networking:**
- Coordinating responses: A protocol of procedures is necessary for different service providers, including settlement services, to adequately identify and refer trafficked persons.
  - Building support networks: There is a need to learn how to build networks of support among agencies and to create tools to assist clients.
- 6. Trafficking and labour exploitation:**
- Linking labour exploitation and trafficking: There continue to be challenges to understanding the links between trafficking and labour exploitation.
  - Temporary Foreign Workers Program (TFWP): There are challenges in addressing cases of employer abuse of contracts, wages and the conditions of employment, unemployment, immigration, community services and visa concerns in connection to the TFWP (Seasonal Agricultural Workers).
  - Overcoming gendered responses to trafficking: There is a gendered and biased response to trafficking cases by different CIC agents who often show greater sympathy towards sex trafficking cases than they do towards labour trafficking cases. As a result, a dynamic of “good victim” and “bad victim” develops, which aggravates the situation of trafficked persons.
- 7. Prosecution of trafficking cases:**
- Procuring the accountability of traffickers: Prosecutors prefer to obtain pleas on lesser charges, like living off the avails of prostitution, because of a lack of substantive evidence.
  - Disclosure of sensitive files: Very sensitive files have been subpoenaed for disclosure by the pimp's defence counsel when cases go to court.

## **B. Emerging trends**

Participants identified the following changes in cases of trafficking:

- 1. An increase in trafficking cases identified:**
  - Domestic *and* international trafficking cases.
  - Domestic cases predominately coming from low income, at-risk neighbourhoods.
  - The trafficking of youth of 16 - 18 years old has become more apparent.
  - An increase in the amount of labour trafficking cases encountered by frontline service providers.
- 2. Trafficking and labour exploitation cases:**
  - Foreign nationals trafficked for labour exploitation are reluctant to come forward to police.

- There is an increasing demand for temporary work force in Canada and for low-cost labour both in Canada and abroad.
  - There is an increase in the reporting of employer sexual harassment and abuse of live-in caregivers and domestic workers, including in consulate and diplomatic households. There is concern that diplomats continue to be immune to trafficking charges.
3. **Greater barriers in TRP application process and challenges in accessing TRPs** as a result of immigration officers' reluctance to issue them to trafficked persons and of a lack of knowledge on TRP criteria. These barriers risk pushing more survivors of trafficking underground.
  4. **The use of social media and online technology** by traffickers and pimps as a recruitment tool.
  5. **An increased need for mental health services** for trafficked persons.
  6. **Awareness of trafficking and complexity of cases:**
    - As awareness and expertise increases, the number and complexity of human trafficking investigations also increases. Examples: cases involving foreign adoption, forced marriages, and spousal sponsorship.
    - There is a shift in the understanding of trafficking as a result of greater awareness.
    - As more social service groups reach out and public awareness and sympathy are on the rise, some of the fears preventing women who are prostituted from coming forward appear to be diminishing.
  7. **Interagency collaboration:**
    - Officers and divisions of law enforcement have started to work together crossing divisions and jurisdictions.
    - There is a shift in the cooperation and decision-making process between first response organizations and the Royal Canadian Mounted Police (RCMP), CIC and Canada Border Services Agency (CBSA). Whereas organizations used to be consulted about their own clients' cases before any decision was taken, decision-making is now carried out prior to consulting organizations.
  8. **Training programs have increased:** There is an increase in training programs on trafficking issues, particularly for law enforcement, and an increase in funding for training activities without a parallel investment in services for trafficked persons and in intervention strategies.
  9. **Impacts of immigration reform (Bill C-10 and Bill C-31):**
    - Recent regulatory changes through Bill C-10 prohibiting women from being issued temporary worker visas to work in businesses linked to the sex trade (strip clubs, escort services and massage parlors) are pushing foreign exotic dancers underground and leaving them without status and without options. Many are moving to other locations and as a result, local networks that took time to build are now disintegrating.
    - Victims are being caught in the middle of changes in policy and legislation.

**10. Law enforcement operational differences:** There are operational differences between federal law enforcement and local law enforcement forces, (i.e. local police, *vis à vis* RCMP, CBSA) where local law enforcement has recently shown greater sympathy towards trafficked persons.

### **C. Responses and successful strategies in dealing with cases of trafficking**

The strategies distinguished as most effective by participants and other partner organizations touched on 4 areas:

#### **1. Collaboration and communication between NGOs, front-line service providers, survivors of trafficking and law enforcement:**

- Working closely with victims/survivors.
- Creating a coalition of community agencies to develop a referral protocol and screening tools, and to raise awareness about trafficking.
- Having a clear knowledge of local/regional/national partner organizations, of the support that each can provide, and of the “go-to” person in each organization.
- Reaching out, networking, and sharing information and resources with coalitions in nearby cities, with other NGOs, community organizations, and law enforcement, to build ad-hoc teams in order to assist clients on a case-by-case basis.
- Making use of existing networks, such as women’s services and networks of religious congregations around the world.
- Establishing a strong working relationship between law enforcement and victim response groups/organizations.
- On an international level, liaising with counter-trafficking actors in the areas of origin and transit to expand information campaigns and outreach.

#### **2. Awareness-raising and outreach:**

- Educating and creating awareness among enforcement agencies and the general public has been key in increasing a response to human trafficking situations. Useful methods include educational speaking engagements in schools, fundraisers and churches.
- Training service providers to increase their knowledge about trafficking.

**3. Victim-centred policy and provincial support:** In 2008, the Government of Alberta amended its policy around income support (welfare benefits). Trafficked persons with a TRP are now able to access income support benefits. This has decreased vulnerability to re-trafficking and exploitation and allows access to increased services.

#### **4. Short-term and long-term support and coordination of services:**

- Procuring safe housing options.
- Providing survivors of trafficking with the support *they* deem necessary from identification to recovery, while ensuring they are aware of the control they have on their own life and decisions.
- Individual organizations in Alberta have expanded their mandates to specifically include trafficked persons, increasing their ability to access services.

- Protocols on service provision that are in development in Alberta will create policy around the system of services that victims have access to and will ensure consistency and coordination of services.
- Implementing a gender approach and analysis to interpretation services, as well as using and making accessible alternative interpretation services, such as over-the-phone interpretation and online translation services (e.g. BabelFish, <http://www.babelfish.com>, offers immediate online translation between non-English speaking clients and service providers).

### **III. ANALYSIS OF EXISTING BARRIERS AND POLICY DEVELOPMENT PRIORITIES**

This session supported an analysis of existing systemic barriers and of the impacts of current policies on access to protection for trafficked persons. The goal of this session was to examine policy development priorities at different levels – local, provincial and federal – and to formulate final recommendations. Recommendations were presented at the workshop with government and law enforcement the next morning and are meant to support future advocacy efforts across regions in order to overcome these barriers.

Sue Wilson, member of the CCR Anti-Trafficking Steering Committee, delivered an introductory analysis to initiate reflection on the current policy context as well as on possible priority areas and advocacy points. Following her presentation, participants were divided into discussion groups and were guided by three broad priority areas determined on the basis of organizations’ previous input. These were: 1) Awareness-raising, 2) Services, and 3) Policy on international cases. The results and recommendations were reviewed during the final session.

#### **Sue Wilson, CSJ, Office for Systemic Justice of the Federation of Sisters of St. Joseph of Canada**

Sue Wilson of CSJ explored some of the gaps that exist in policies affecting trafficked persons and underlined important questions pertaining to the role and influence of the CCR anti-trafficking network and other coalitions in finding a common ground on policy development priorities.

#### Duplication of training tools

There has been an increase in training programs on trafficking, particularly for law enforcement, when services to trafficked persons are receiving limited or no funding. This raises the question of whether provincial funding sources are being wasted through the duplication of training tools. Existing resources already offer a useful starting point for awareness-raising efforts, such as the online training course developed by the B.C. Office to Combat Trafficking in Persons (OCTIP).<sup>9</sup> Awareness-raising efforts should build on these efforts.

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<sup>9</sup> The B.C. OCTIP online training course, “Human Trafficking: Canada is not immune” is available at: <http://www.pssg.gov.bc.ca/octiptraining/index.html>.

### Distinguishing between prostitution, sexual exploitation and different forms of trafficking

There is currently no common ground around distinctions between prostitution, sexual exploitation and human trafficking. The equalling of prostitution with human trafficking can be a problematic filter for forming diagnostic tools about trafficking and for raising awareness. There are important distinctions to be made in this regard when raising awareness about different forms of trafficking. For example, in the context of trafficking of migrant workers for the purpose of labour exploitation, it is important to note that a large number of migrant workers are exploited, but only a few of them are trafficked. Similarly, most women involved in the sex trade may be exploited, however not all of them are trafficked.

### The federal government's efforts to raise awareness among temporary foreign workers (TFW) about their rights

While CIC has made available information for TFWs about their rights in Canada, in practice there are fundamental weaknesses in the protection measures granted to migrant workers. In “Your rights are protected”, an informational pamphlet on TFWs’ rights in Canada, CIC states that “temporary foreign workers are allowed to change employers” without being “penalized or deported for looking for another place to work.”<sup>10</sup> However, TFWs face a number of obstacles when changing employers. In order to leave an abusive or exploitative situation, they must wait 45 days for a labour market opinion (LMO) to be processed by Human Resources and Skills Development Canada (HRSDC), and *if* a positive LMO is issued, they will have to wait several more months for their work permit to be processed. During this time workers have no access to legal work and no access to social services or employment insurance (EI). Sector- or province-specific work permits would allow TFWs to leave an abusive employer or recruiter without facing absolute destitution or being forced to work 'underground' while permits are being processed.

### Funding priorities for services

There needs to be a common ground around funding priorities for services. These should be established in light of the provincial context and should be sensitive to local realities and needs. The federal government's National Action Plan to Combat Human Trafficking (NAP), launched in June 6, 2012,<sup>11</sup> notes that up to \$500,000 will be available for “Enhanced Victim Services” through the Department of Justice Canada's Victim's Fund, beginning in 2013-2014. However, there needs to be greater clarity regarding what will be funded and how funding priorities will be determined. An alternative means of determining priorities would be to create pools of funding for services such as shelter, counselling, and legal services. This would allow organizations to expand their mandates and to allocate available financial resources more effectively depending on local and provincial needs.

### Access to health care

Data and narratives need to be gathered regarding trafficked persons' access to health care. The impacts of changes to IFH on access to medical care for survivors of international trafficking without a TRP, as well as issues pertaining to migrant workers and health care, need to be carefully documented to reflect cases of insufficient health care response and cases where the

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<sup>10</sup> Citizenship and Immigration Canada, “Temporary foreign workers – Your rights are protected”: <http://www.cic.gc.ca/english/resources/publications/tfw-rights.asp>.

<sup>11</sup> The National Action Plan is available at: <http://bit.ly/KP4kMb>.

rights of migrant workers have not been sufficiently protected (e.g. reports of workers injured and dismissed, not receiving access to health care, repatriated due to health).

#### An adequate definition of exploitation and control

The current definition of exploitation and coercion in the Criminal Code (Section 279.04) only refers to “safety threatened”, appearing to acknowledge only high-level control factors such as violence or threats of violence. This definition is restricted and ignores the convergence of other mid-level control tactics beyond physical violence and safety. These are especially relevant in situations of international trafficking where other factors such as economic intimidation, in cases where debt is involved, and the threat of deportation contribute to the control held by a trafficker and/or recruiter. The prevalence of diverse kinds of control and exploitation needs to be acknowledged.

#### Temporary Resident Permits

The NAP notes that law enforcement has found it particularly challenging to obtain collaboration from foreign survivors of trafficking. However, the NAP does not connect these challenges to the inadequacies of TRPs in offering protection to trafficked persons and the effect this has on the willingness of trafficked persons to cooperate with authorities.

#### Family reunification and extending protection to family members

The NAP does not mention family reunification or any criteria for extending protection to families of trafficked persons. These should be included in any measures to protect survivors of trafficking. Recent cases have highlighted inconsistent criteria in issuing TRPs to family members of survivors of trafficking. Some spouses of trafficked persons have been deported.

#### Role and influence of CCR network and other networks

Developing a strategy for advocacy will require that NGOs find a common ground on the issues raised and on policy development priorities. The CCR anti-trafficking network will also need to consider whether it can function as a resource for gathering data and narratives on the impacts of insufficient health care response on trafficked persons and on cases where the rights of migrant workers have not been sufficiently protected. Finally, future efforts will have to consider whether the network wants to coordinate ongoing political advocacy efforts to respond to these issues and to others that have been previously identified, and will have to take into account ways in which organizations can support each other in their responses to trafficked persons.

## **IV. STRATEGIES FOR ADVOCACY AND RECOMMENDATIONS**

Participants at the Forum developed a series of recommendations as a focus for advocacy and engagement with a wide range of stakeholders, including law enforcement and immigration agencies, provincial governments and other policy makers, NGOs and service providers. These recommendations identify some of the actions required at local, provincial and federal levels in order to meet the needs of trafficked persons and propose roles for the CCR and the national anti-trafficking network in moving forward.

### **Awareness-raising**

- 1.** Educate through real, on-the-ground stories about trafficking. There is an ongoing need for education and narratives and stories of the individuals affected can increase consciousness across sectors and inform best practices.
- 2.** Use the model of neighbourhood-based projects to educate communities about the reality of trafficking and how to identify it. Alternative public education models are useful for community-level awareness initiatives.
- 3.** Develop tools using different media and adapted to various communities. Awareness-raising efforts should be reflective of a variety of communities and sectors (e.g. youth, Aboriginal peoples, newcomers, business, health providers).
- 4.** Promote legal training on Canadian trafficking legislation. Better training of lawyers and the judiciary can be provided by alternative sources. Organizations such as the Canadian Bar Association are well placed and could be a major resource in providing legal training on Canadian trafficking legislation.
- 5.** Get youth involved and have them reach out through different media. Youth should take part in developing tools and toolkits and in helping to share stories with their peers in a medium they understand and are likely to respond to.

### **Services**

- 6.** Coordinate existing services provincially – build from what is already out there. Coordination and assistance programs are particularly important on a provincial level for case management.
- 7.** Develop local service protocols for trafficked persons.
- 8.** Reorient funding priorities for services to reflect provincial and local needs.
- 9.** Direct funding towards training programs that are carried out for and by direct service providers, beyond a focus on law enforcement.
- 10.** Target specialized training to frontline service providers, concentrating on intervention strategies and on strategies to address the needs of trafficking survivors.

## Policy on international cases

11. Create clear criteria and ensure consistent guidelines for issuing TRPs. A separate internal protection manual to assist and deal specifically with trafficked persons should be developed.<sup>12</sup>
12. Ensure the unconditional protection of trafficked persons and their families regardless of legal standing of prosecution. While the TRP manual indicates that the issuance of a TRP is not dependent upon cooperation with police, in practice TRPs are not being issued if there is not a police investigation under way, or when criminal cases are resolved.
13. In evaluating applicants for a TRP, take into account forms of coercion beyond the physical. The definition of coercion should be broad enough to include mid- or low-level factors, such as economic intimidation, threat to have a person deported, threat to shame, and threat to target family members, among other factors.
14. Extend protection to immediate family members of survivors of trafficking in Canada and abroad. A consistent policy regarding the issuance of TRPs for family members of trafficking survivors should be developed. Immediate family members within Canada and abroad should be issued a TRP during the 6-month reflection period. Trafficked persons must have the right to family as separating and deporting family members serves to further victimize survivors of trafficking.
15. Waive fees for TRP and humanitarian and compassionate applications for trafficking survivors and their families. TRPs for trafficking survivors should be re-issued without charge; H&C fees for trafficked persons should be waived as the \$550 cost is beyond their reach; and the \$200 fee currently charged per family member should be waived in recognition of the financial status of trafficking survivors.
16. Identify the effects on trafficking survivors of changes to recent immigration and refugee law (Bill C-31 and C-10 in 2012). An analysis on how recent changes to refugee legislation will impact trafficking survivors should be offered by CIC and NGOs.<sup>13</sup>
17. Enforce a provincial monitoring system for the Temporary Foreign Worker Program (TFWP) and modify the parameters of the program to offer sector- or province-specific work permits for temporary foreign workers (TFW). The role of recruiters and their control of whole regions inside of Canada, as well as the charging of exorbitant recruitment fees abroad, is an important factor enabling the exploitation of TFWs. Provinces should adopt a system in line with the best practices adopted under Manitoba's *Worker Recruitment and Protection Act* (WRAPA).

## Priorities and moving forward

Among the priorities examined at the Forum, participants identified a need for more provincial leadership and further dialogue at a local and provincial level on the role of the provinces in addressing trafficking in persons for the purpose of sexual, labour and other forms of exploitation. Participants also recognized that supporting existing relationships and pursuing new alliances between NGOs, front-line service providers and law enforcement locally and nationally

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<sup>12</sup> Currently, instructions provided to officers are attached as an appendix at the back of the TRP manual. More information about TRPs is available at: <http://bit.ly/Vkwsdq>.

<sup>13</sup> CCR comments on Bill C-31 and Bill C-10 are available at: <http://bit.ly/zshz3W> and <http://bit.ly/oWWvUp> respectively.

are particularly valuable strategies in strengthening an anti-trafficking network across the country.

In terms of bringing the recommendations and next steps forward, it was suggested that specific points be shared with different agencies, departments and organizations according to their sector and area of focus in order to receive further input, and that consultation efforts consider going beyond law enforcement to include survivors of trafficking themselves. Most participants agreed that collecting narratives should be a priority that will in turn shed light on existing gaps in services, TRPs and awareness-raising. Participants also identified a need for the following additional resources:

- A database of safe houses across Canada for trafficked persons;
- A database of local contacts for referral purposes in different cities across Canada;
- Guidelines to follow when suspecting that a person has been trafficked or may be a trafficker;
- An online venue for connecting on trafficking-related issues;
- A report highlighting TRP shortcomings;
- A database of narratives that is protective of sensitive information;
- A national hotline number for victim support.

## **V. WORKSHOP: TRAFFICKING IN PERSONS: DIALOGUE WITH GOVERNMENT AND LAW ENFORCEMENT**

The workshop brought together NGOs and service providers with government and law enforcement representatives in order to engage in meaningful dialogue regarding emerging needs and priorities in the protection of trafficked persons in Canada. Drawing on the discussion at the CCR National Forum on Trafficking for NGOs the day before, the workshop also presented the recommendations, priorities and concerns that were identified by organizations at the Forum in regards to policy development and implementation, to be discussed with government and law enforcement.

Many of the participants who attended the Forum were also present during the workshop. This allowed for a practical continuation of the analysis and discussion carried out at the Forum. In addition, there were other participants present. The workshop consisted of a panel presentation by Marty Van Doren, RCMP Human Trafficking Awareness Coordinator of the Ontario Region, followed by a summary of the key issues raised at the Forum by the workshop moderators, Alexandra Ricard-Guay of the Comité d'action contre la traite interne et internationale (CATHII) and Cathy Kolar of Legal Assistance of Windsor. The floor was then opened for a discussion and question period with participants. Wendy Quirion and Rose Hanley from Citizenship and Immigration Canada were also present to take questions.

**Marty Van Doren** provided an overview of his role as RCMP Human Trafficking Awareness Coordinator of the Ontario region, and of the RCMP's work with regards to their awareness-raising efforts on trafficking as well as their approach to dealing with trafficked persons and to collaborating and building partnerships with NGOs working on trafficking issues. He examined elements of the RCMP's national strategy to combat human trafficking, including the development of an integrated enforcement team and continued efforts in increasing partnerships with service providers and other departmental agencies. Among the current initiatives highlighted, a strong emphasis was placed on awareness-raising efforts among law enforcement, NGOs and the public, through law enforcement training courses, a quarterly newsletter available to the public, the launching of a recent youth strategy and different awareness sessions across the province and the country.

Finally, Mr. Van Doren presented an overview of the recent labour trafficking cases in Ontario, named Project OPAPA, involving the trafficking of 23 Hungarian nationals and the outcomes to these cases. One important gap identified in relation to the recently launched National Action Plan to Combat Human Trafficking was the lack of attention given to the process from identification to recovery and integration of trafficked persons and survivors in the plan.

The CCR was invited to send their recommendations and to follow up with the appropriate CIC officials in Toronto. The moderators asserted that the recommendations developed at the Forum would be sent to Public Safety as well for consideration as part of their ongoing regional consultation process on the National Action Plan.

## **VI. CONCLUSIONS**

The Trafficking Forum and workshop provided a space for networking, experience sharing and for developing strategies to advance the protection of trafficked persons. These were part of the CCR's ongoing efforts to promote open dialogue and facilitate information-exchange on issues affecting trafficked persons between organizations and others involved in work on trafficking in order to improve responses across Canada.

Participants reported that they particularly valued the networking opportunities offered by the Forum and workshop, including the possibility of increasing communication with other organizations on trafficking-related issues to build up existing local networks and to gather and exchange resources. It was indicated that holding a national Forum once a year is especially helpful in learning about other organizations' work across Canada and in identifying a common ground with regard to policy issues.

Most participants described the Forum and workshop as being very useful in their work, especially in increasing their knowledge about existing services, on other organizations' strategies and the current policy context. One participant indicated that the results of the Forum would be useful in guiding their organization's discussion with Public Safety and CIC. Constructive suggestions were provided for follow-up, including the need to increase communication between the network and for ongoing and consistent advocacy efforts. It was suggested that organizations continue to work together and share each other's work in order to avoid duplication and that outreach efforts include NGOs and service providers from diverse sectors in order to acquire different perspectives and experiences.

Finally, the CCR network was recognized as an important resource for providing leadership in networking, resource sharing and information gathering and exchanging on trafficking issues, as well as for guiding political advocacy on a national level. Organizations are invited to join the network and to consider follow-up on the recommendations developed at the Forum by raising these national issues with local and provincial representatives.

## **APPENDIX A: PRESENTATION NOTES**

**Sue Wilson, CSJ, Office for Systemic Justice of the Federation of Sisters of St. Joseph of Canada**

### **CCR Forum on Human Trafficking in Canada: Context and Policy Analysis (English)**

#### **Awareness-raising:**

- Are provincial funding sources being wasted through duplication of training tools?
- No common ground with regard to making distinctions/not making distinctions between prostitution, sexual exploitation and human trafficking.
- Strengths and Weaknesses of Federal Government efforts to raise awareness among Temporary Foreign Workers with regard to their rights in Canada

#### **Services:**

- National Action Plan notes that up to \$500,000 is available for Enhanced Victim Services (JUS), beginning in 2013-2014.
- Is there common ground among coalitions with regard to funding priorities for services?

#### **Access to Health Care:**

- Gathering data/narratives re: Migrant workers and health care, Temporary Resident Permits (TRP) and Interim Federal Health Program

#### **Understanding of Exploitation/ Control:**

- Criminal Code, Section 279.04 --- “safety threatened” i.e. acknowledges only high-level control factors such as violence or threats of violence.
- However, where there is a convergence of mid-level control factors, people well may be under the control of a trafficker (especially in cases of international trafficking).

#### **Temporary Resident Permit:**

- National Action Plan notes that “obtaining cooperation from foreign victims has been particularly challenging for law enforcement.” (p. 7). However, the Plan doesn’t make the connection with (i) the reality that TRPs offer insufficient protection and (ii) this lack of protection is hiding much of the trafficking for labour exploitation.

#### **Family Reunification/ Extending Protection:**

- The topics of ‘family reunification’ or ‘criteria for extending protection to families’ do not appear in the National Plan. Enough said? (c.f.) the case of Mr. Baranyai and his family.

#### **Role and Influence of CCR Network and other Networks:**

Are we able to find common ground with regard to:

- Distinctions between prostitution, sexual exploitation and human trafficking?
- Funding priorities for services?
- What constitutes an adequate definition of exploitation/control?

Can we be a resource for gathering data/narratives re:

- Cases of insufficient health care response?
- Cases where rights of migrant workers have not been sufficiently protected?

Do we want to co-ordinate ongoing political advocacy efforts to respond to these issues as well as already identified issues such as problems with the TRP?

How can we support each other in our responses to people who have been trafficked?

## **Forum du CCR sur la traite des personnes au Canada : contexte et analyse des politiques** **Présentation de Sue Wilson (Français)**

### **Sensibilisation :**

- Le financement provincial est-il gaspillé par la duplication des outils de formation?
- Aucun terrain d'entente pour ce qui est de faire des distinctions/ne pas faire de distinction entre la prostitution, l'exploitation sexuelle et la traite de personnes.
- Les forces et les faiblesses des mesures de sensibilisation du gouvernement fédéral pour les travailleurs étrangers temporaires en ce qui concerne leurs droits au Canada.

### **Services :**

- Le Plan d'Action National mentionne que jusqu'à 500 000 \$ sera disponible pour les Services aux victimes améliorés (JUS) à partir de 2013-2014.
- Y a-t-il un terrain d'entente entre les coalitions en ce qui concerne le financement des priorités en matière de services?

### **Accès aux soins de santé :**

- Collecte de données/récits objet : travailleurs migrants et des soins de santé, permis de séjour temporaire (PST) et le Programme fédéral de santé intérimaire (PFSI).

### **Compréhension de l'exploitation / contrôle :**

- Code criminel, article 279.04---« sécurité menacée » c'est-à-dire, on reconnaît uniquement les facteurs de contrôle de haut niveau tels que la violence ou les menaces de violence.
- Toutefois, lorsqu'il y a une convergence de facteurs de contrôle de niveau intermédiaire, bien des gens peuvent être sous le contrôle d'un trafiquant (en particulier dans les cas de traite internationale).

### **Permis de séjour temporaire :**

- Le Plan d'action nationale mentionne qu' « obtenir la coopération des victimes étrangères a été particulièrement difficile pour l'application de la Loi. » (p. 7). Toutefois, le Plan ne fait pas le lien avec (i) la réalité que le PST offre une protection insuffisante et (ii) que derrière cette absence de protection se cache une grande partie de l'exploitation des travailleurs.

### **Regroupement familial / extension de Protection :**

- Les thèmes de « regroupement familial » ou « critères pour accorder la protection aux familles » n'apparaissent pas dans le Plan national. Que dire de plus ? (c.f.) le cas de M. Baranyai et sa famille.

### **Rôle et Influence du réseau du CCR et autres réseaux :**

Sommes-nous en mesure de trouver un terrain d'entente en ce qui concerne :

- Les distinctions entre la prostitution, l'exploitation sexuelle et la traite de personnes?
- Priorités pour les services de financement?
- Ce qui constitue une définition adéquate de l'exploitation et de contrôle?

Pouvons-nous être une ressource pour la collecte de données/récits objets :

- Cas de soins de santé insuffisants?

- Cas où les droits des travailleurs migrants n'ont pas été suffisamment protégés?

Voulons-nous coordonner les efforts de plaidoyer politique afin de répondre à ces questions, mais aussi aux questions déjà identifiées comme des problèmes avec le PST?

Comment pouvons-nous nous soutenir mutuellement dans nos réponses aux personnes qui ont vécu la traite?

## **APPENDIX B: 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 4<sup>th</sup>, 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 26<sup>th</sup>, 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/KvIOMq>.

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).

## APPENDIX C: FICHE D'INFORMATION POUR LE FORUM PANCANADIEN SUR LA TRAITE DES PERSONNES

### Certaines initiatives en cours, Novembre 2012

#### A. PLAN D'ACTION NATIONAL DE LUTTE CONTRE LA TRAITE DE PERSONNES

Le 6 juin 2012, le gouvernement du Canada a lancé le Plan d'action national contre la traite de personnes (PAN). Au cours de quatre prochaines années, le gouvernement fédéral prévoit dépenser 25 millions de dollars pour renforcer les efforts actuels, sensibiliser le public et améliorer la capacité du Canada à détecter et poursuivre la traite de personnes. Le PAN repose sur les quatre piliers (les « 4 Ps » du *Protocole de Palerme* : Prévention, Protection, Poursuite et Partenariats).

##### Prévention

Les mesures de prévention se concentrent principalement sur le soutien des initiatives existantes et récentes pour sensibiliser le public et offrir de la formation sur la traite de personnes. Ces mesures comprendront la formation et la sensibilisation des fournisseurs de services de première ligne, des procureurs et des juges, en plus de forces de police. Des mesures seront également centrées sur la réalisation d'activités de recherche pour prévenir la traite et identifier les populations et les régions à risque.

##### Protection et aide accordées aux victimes

Les mesures concernant la protection des victimes de la traite mentionnent spécifiquement l'émission de Permis de séjour temporaire (PST) et l'accès aux soins de santé intérimaire (FSI) aux non-citoyens ayant vécu la traite sur réception du PST. La prévention de « l'abus » dans le cadre du Programme de travailleurs étrangers temporaires (PTET) est également un axe important du PAN. La restriction des visas de travail temporaire pour l'emploi dans l'industrie du sexe, introduite le 4 juillet 2012, fait partie de ces efforts et est une extension du projet de loi C-10, la *Loi sur la sécurité des rues et des communautés*. Pour plus d'informations sur le projet de loi C-10 et les commentaires du CCR, veuillez voir la **Section B** ci-dessous.

Des plans en vue de modifier le *Règlement sur l'immigration et la protection des réfugiés*, basé sur le texte législatif proposé, déposé le 26 avril 2012, visent à conférer à Ressources humaines et développement des compétences Canada (RHDCC) et Immigration Canada « plus de pouvoirs pour surveiller si les employeurs respectent les exigences du Programme, et mettre en place des conséquences plus sérieuses en cas de non-conformité. » Le texte a été proposé dans le cadre du projet de loi C-38 (Division 54 de la partie 4) et est disponible sur le site Web du Parlement du Canada : <http://bit.ly/KvIOMq>.

Les autres mesures de protection comprendront le redoublement d'efforts de l'Agence des Services frontaliers du Canada (ASFC) pour la sensibilisation envers les ressortissants étrangers vulnérables aux points d'entrée, ainsi que l'amélioration de la détection interne de RHDCC et des protocoles de prévention afin d'identifier les employeurs abusifs et envisager l'élaboration de

politiques de visites chez l'employeur. Ainsi, des moyens d'améliorer la surveillance des employeurs dans le Programme des aides familiaux résidants seront examinés.

### **Détection, enquête et poursuite des trafiquants**

La majorité des ressources et un budget annuel de 5-6 millions de dollars ont été attribués aux efforts d'enquête et de poursuites. Les mesures comprennent de la formation pour les procureurs et la police ainsi que la création d'un mandat de mener des enquêtes pour une force d'enquête spécialisée composée de la Gendarmerie royale du Canada (GRC), de la police locale et de l'ASFC.

Du financement important pour le Centre national de coordination contre la traite de personnes (CNCTP) lui procurera son rôle central dans la coordination des activités de lutte contre la traite dans tout le pays, y compris la sensibilisation et l'éducation, la collecte de renseignements et la formation. Les mesures appuieront également les efforts en cours pour poursuivre les trafiquants et renforcer la réponse du système de justice pénale face à la traite.

Le projet de loi C-310, présenté par la députée Joy Smith (Kildonan-St. Paul, MB), fait partie des efforts actuels visant à renforcer la poursuite des trafiquants soutenus par le gouvernement. Le projet de loi C-310 a reçu la sanction royale le 28 juin 2012 et modifie le *Code criminel* afin d'inclure les infractions liées à la traite de personnes qui, si commise à l'extérieur du Canada par un canadien ou un résident permanent, peuvent maintenant être poursuivies au Canada. Les modifications viennent également élargir la définition de l'exploitation. Plus d'informations sur le projet de loi sont disponibles sur le site Web du Parlement du Canada : <http://bit.ly/Tp1rWF>.

### **Partenariats et connaissances**

Cette section met l'accent sur le renforcement des partenariats entre la police et la magistrature. Les organisations de la société civile auront surtout un rôle consultatif, par le biais de tables rondes et de consultations en ligne, et seront invitées à discuter des sujets de préoccupation avec le groupe de travail de Sécurité publique. Ce dernier fait partie des efforts du PAN à promouvoir la collaboration et le partage d'information entre les intervenants pour améliorer la collecte des données et élaborer une approche coordonnée afin d'accroître les connaissances pour pouvoir répondre adéquatement à la traite au niveau national et international. Sur le plan international, des mesures pour développer et promouvoir l'amélioration des partenariats et la collaboration avec les organisations internationales et les autres pays sont également prévues.

Le Plan d'action national est accessible en ligne au :  
<http://www.securitepublique.gc.ca/prg/le/cmbt-trffkng-fra.aspx>.

## **B. PROJET DE LOI C-10 (LOI OMNIBUS SUR LA CRIMINALITÉ) ET LA TRAITE DES PERSONNES**

Le projet de loi C-10, le projet de loi omnibus sur la criminalité, a été présenté en septembre 2011 et a reçu la sanction royale le 13 mars 2012. Le projet de loi comprend une section concernant la traite, «Protéger les étrangers vulnérables contre le trafic, la maltraitance et l'exploitation » qui a modifié la *Loi sur l'immigration et la protection des réfugiés* pour donner

aux agents d'immigration le pouvoir de refuser un permis de travail à un demandeur à l'étranger au motif que la personne soit possiblement exploitée au Canada.

Le 4 juillet 2012 dans le cadre du projet de loi, des modifications réglementaires ont été annoncées concernant l'émission de permis de travail temporaires aux femmes ayant l'intention de travailler dans des entreprises liées à l'industrie du sexe, y compris les bars de danseuses, les services d'escortes et les salons de massage. Depuis juillet, Ressources humaines et développement des compétences Canada (RHDCC) a commencé à émettre des avis défavorables relatifs au marché du travail (AMT) pour les demandes soumises par les employeurs liés à l'industrie du sexe afin d'empêcher ces entreprises d'embaucher des travailleurs étrangers temporaires. Depuis le 14 juillet 2012, Citoyenneté et Immigration Canada a également cessé le traitement des nouvelles demandes de permis de travail pour les travailleurs étrangers qui souhaitent travailler dans les entreprises connexes.

Selon RHDCC, « Les nouvelles restrictions relatives aux AMT s'appliqueront également à d'autres entreprises liées au commerce du sexe, particulièrement celles qui présentent un risque élevé d'abus ou d'exploitation des travailleurs. »

De plus amples détails sont disponibles sur le site de RHDCC : <http://bit.ly/S7ydJz>.

RHDCC - Avis aux employeurs : Entreprises liées au commerce du sexe : <http://bit.ly/PLHqYv>.

### **Commentaires du CCR**

Ces mesures fonctionnent dans une large mesure pour limiter l'entrée des travailleurs étrangers et en particulier des femmes sous le raisonnement qu'elles pourraient être à risque d'abus ou d'exploitation. Plus précisément, ces mesures donnent un pouvoir discrétionnaire aux agents des visas de décider quelles personnes doivent demeurer hors du Canada pour leur propre bien. Ces mesures tentent de régler le problème de l'exploitation en excluant des personnes, surtout des femmes, du Canada.

L'amendement n'aborde pas le problème fondamental de l'existence au Canada d'emplois qui exploitent les travailleurs et ne comprend pas de mesures garantissant que les conditions de travail des travailleurs étrangers au Canada sont de nature non exploitante et sécuritaire, y compris la surveillance obligatoire des employeurs et des permis de travail qui ne sont pas spécifiques à l'employeur. De plus, l'amendement ne permet pas de protéger les droits des personnes ayant vécu la traite à l'étranger et celles déjà ici au Canada.

Les commentaires du CCR sont disponibles au: <http://ccrweb.ca/fr/commentaires-projet-loi-c-10-traite-personnes>.

Pour de l'information concernant les abus et l'exploitation qui prennent place dans le cadre du PTET, prière de voir la campagne du CCR des travailleurs migrants temporaires en ligne : <http://ccrweb.ca/fr/travailleurs-migrants>.

## **C. CHANGEMENTS AU PROGRAMME FÉDÉRAL DE SANTÉ INTÉRIMAIRE (PFSI) ET À LA COUVERTURE MÉDICALE POUR LES VICTIMES DE LA TRAITE DES PERSONNES**

Suite aux changements apportés au Programme fédéral de santé intérimaire (PFSI), qui sont entrés en vigueur le 30 juin 2012, une victime de la traite détenant un permis de séjour temporaire (PST) est bénéficiaire d'une « couverture des soins de santé élargie » incluant : les services médicaux et hospitaliers, les services des professionnels de la santé habilités à pratiquer au Canada et les services de laboratoire, de diagnostic et d'ambulance. Elles peuvent également recevoir des prestations médicales complémentaires incluant : les médicaments d'ordonnance, les soins dentaires et de la vue limités, les prothèses et les appareils aidant à la mobilité, les soins à domicile et les soins de longue durée, les consultations fournies par un psychologue clinicien agréé et les évaluations de santé.

Paradoxalement, la couverture offerte à une victime de la traite qui est également demandeur d'asile dépendra de la réponse qu'elle obtiendra à sa demande d'asile ou de si elle est ressortissante d'un pays identifié par le Ministre de l'immigration comme étant « un pays d'origine désigné » (POD – pays désignés à la discrétion du Ministre de l'immigration selon ses institutions démocratiques et selon le faible taux d'approbation des demandes d'asile de ressortissants de ce pays).

Les demandeurs qui ne sont pas des ressortissants d'un POD auront droit à une couverture médicale de « nature urgente ou essentielle » incluant : les services hospitaliers, les services d'un médecin ou d'une infirmière autorisée, les services de laboratoire, de diagnostic et d'ambulance; les médicaments et les vaccins uniquement pour prévenir ou traiter une maladie présentant un risque pour la santé publique ou les cas préoccupants pour la sécurité publique.

Les demandeurs d'asile provenant d'un POD et les demandeurs d'asile déboutés n'auront droit qu'à une « couverture des soins de santé pour la santé et la sécurité publiques », couvrant uniquement les services pour prévenir ou traiter une maladie présentant un risque pour la santé publique ou pour la sécurité publique.

Pour plus de détails, veuillez consulter le résumé des prestations offertes au : <http://www.cic.gc.ca/francais/refugies/exterieur/resume-pfsi.asp>.

## **D. PROPOSITION POUR DES AMENDEMENTS LÉGISLATIFS VISANT À ASSURER LA PROTECTION DES PERSONNES AYANT SUBI LA TRAITE**

Le CCR demande des mesures qui assureront une protection adéquate des droits des personnes ayant subi la traite au Canada, notamment par le biais d'un amendement législatif. Une *Proposition d'amendement à la Loi sur l'immigration et la protection des réfugiés* a été élaborée afin de présenter des modifications législatives qui assureraient la protection non-conditionnelle des droits des personnes ayant subi la traite, et l'offre d'une protection temporaire et permanente à ces personnes. Le CCR demande aux parlementaires d'agir afin qu'elle devienne loi.

En mai 2006, le gouvernement canadien a émis de nouvelles directives pour la délivrance des permis de séjour temporaire aux victimes de la traite des personnes. Bien que le CCR a salué l'initiative comme un pas positif, le CCR considère que ces directives se sont avérées problématiques et inadéquates pour protéger les personnes ayant subi la traite : elles sont discrétionnaires et ne sont pas toujours offertes aux victimes de la traite; elles imposent un fardeau de preuve déraisonnable aux victimes de la traite; et finalement, l'implication obligatoire des agences d'exécution de la loi a découragé plusieurs personnes ayant subi la traite de déposer une demande. Parmi les principes directeurs identifiés, le CCR demande que les dispositions légales soient guidées par le strict respect des droits de l'homme des personnes ayant subi la traite.

La Proposition entière est disponible à : <http://ccrweb.ca/fr/proposition-protection-la-traite>.