



Conseil canadien pour les réfugiés
Canadian Council for Refugees

Report: National Forum on Human Trafficking

St. Catharines, 3 December 2017

May 2018



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A. Introduction

On 3 December 2017, the Canadian Council for Refugees hosted a National Forum on Human Trafficking at Brock University in St. Catharines, Ontario, on the traditional territory of the Anishinaabeg and Haudenosaunee peoples.

Some 40 people attended the forum, primarily from Ontario but also from Quebec, Nova Scotia, Alberta and British Columbia. Participants included anti-trafficking advocates, migrant rights advocates, front-line service providers, academics, as well as government representatives. There were also participants with lived experience with human trafficking.

Notably, one of the workshops was organized jointly with the CCR migrant workers forum, held in parallel to the trafficking forum. The joint workshop was attended by migrant justice advocates, members of the labour movement, settlement workers, community organizers, migrant workers in addition to anti-trafficking and human rights advocates.

The CCR acknowledges the generous financial support of the Canadian Women's Foundation and its partners, Canadian Heritage.

CCR anti-trafficking forums

December 2009	Windsor, ON
November 2011	Montreal, QC
November 2012	Toronto, QC
November 2014	Gatineau, QC
November 2016	Montreal, QC
December 2017	St. Catharines, ON



Meeting objectives and list of workshops and sessions held

The objectives of the anti-trafficking forum were:

- To encourage collaboration among the pan-Canadian network of NGOs, service providers and others working to protect trafficked persons and raise awareness about trafficking in Canada
- To share experiences, responses and effective strategies around awareness-raising and service provision
- To identify and analyze trends, needs, policy concerns and priorities to improve protection of trafficked persons in Canada (locally, provincially, nationally)
- To discuss advocacy strategies and specific actions to address the barriers to protection

Workshops and sessions:

- Opening Remarks: CCR anti-trafficking forums in perspective
- Roundtable: The root causes of trafficking and the impact of policy
- Workshop: How to respond to situations across the spectrum of exploitation (joint session with the Migrant Worker Issues Forum)
- Workshop: How to be an advocate: working with police, the legal system, government institutions and the media
- Workshop: Building community response maps: when and why they are needed & lessons learned
- Report Back & Closing Plenary: Towards building a national advocacy strategy

What participants had to say:

“The forum has provided motivation to continue to do our work as a service provider, with greater awareness of systemic issues.”

“I will bring this information to our organization to see how we can make trafficking a priority.”

“I would like to see increased communication on anti-trafficking advocacy strategy opportunities with members.”

“I especially liked the co-presented workshop between the migrant worker group and the trafficking group. It would be interesting to facilitate more dialogue across these groups to explore the critique that some migrant worker advocates put forward of trafficking work.”

“There were lots of good points raised about trauma-informed care, breaking down 'good guy vs. bad guy' dichotomy, etc. I thought it was very interesting to have government representatives on a panel with legal practitioners and community advocates, as these speakers represent very different levels of analysis. It might be interesting to further explore how to put policy people into dialogue with grassroots folks so that they can really hear how their policies play out on the ground.”

B. Key Issues

Applying a gender-based lens to policy

The need for a gender-based and intersectional analysis was flagged as an issue for advocacy to address shortcomings in immigration and criminal legislation. There are situations where policies create and exacerbate conditions in which gender-based violence can occur – often a manifestation of racism, xenophobia, classism, and/or patriarchy.

For example:

- Strict income requirement for family reunification; this affects racialized groups differently and women disproportionately because of the income gap. Racialized women make 50 cents on the dollar compared to non-racialized men.
- Temporary Foreign Worker Program; tying work permits to a single employer can exacerbate power imbalances, with a disproportionate impact on women, often racialized women.
- Intersection of immigration policies and criminal policies on sex work. There are at least six criminal provisions related to sex work (e.g. procurement, communicating in public, etc.). For someone who has temporary status and engages in sex work, coming forward to authorities means facing criminal charges and/or being at risk of detention or deportation. The lack of realistic options for protection pushes people underground and exacerbates conditions for gender-based violence.

These examples illustrate the need to apply a gender-based analysis when doing advocacy on the impact of legislation, including legislation related to trafficking.

Bridging anti-trafficking policies and access to services

Forum participants heard about the new Ontario Strategy to End Human Trafficking, led by Jennifer Richardson. The provincial government is working across 10 ministries to see how policies create barriers to services and is trying to address those barriers. For example, the anti-trafficking office is putting mechanisms in place so that there are safe housing options for people who disclose they are in a trafficking situation, regardless of documentation. This initiative was raised at the forum as a promising practice for other provinces.

Access to justice and protection

Access to justice and protection was a central issue raised at the forum. Under human trafficking provisions currently in the Criminal Code, subjective fear is required as proof of exploitation. This creates a barrier to justice as exploitation is often difficult to prove. However, recent Court of Appeals decisions held that the test for exploitation is that circumstances (e.g. threats, deceit, coercion) reasonably demonstrate that some type of fear could be caused and that this can manifest in subtle ways (e.g. fear of deportation). Recent court decisions may make it easier to access justice.

Similarly, the new Ontario anti-trafficking strategy is implementing an enhanced prosecution model. Six dedicated human trafficking prosecutors are in place and seek to engage with survivors early in the process in order to provide better support. They will also be working with police early in the investigation in order to collect evidence to build a strong case.

On a systemic level, the Ontario government has created an advisory roundtable for survivors to contribute to policy-making efforts.

While the above practices are steps in the right direction, multiple barriers to justice and protection remain. These include:

- Lack of trust in the legal system is a barrier to providing proper support as survivors fear the consequences of coming forward;
- On a systemic level, the idea that labour trafficked persons and sex workers are willingly trafficked needs to be deconstructed;
- False divisions of labour versus sex trafficking obscure the prevalence of forced labour situations, especially for vulnerable migrants, and detract from focusing on the root causes of trafficking;
- The conflation of sex work with trafficking creates harm;
- CBSA moves faster than the time it takes to pursue an investigation; we need to ask CBSA to not take action until the police investigation is completed – otherwise an anti-trafficking lens creates more harm than it offers protection.

Service response and trauma-informed practice

How a community responds to trafficking situations reflects the realities of that community. Forum participants acknowledged the need to adapt services to local realities, and at the same time flagged the need for community response protocols with embedded/standardized policies and practices on a national level, developed in collaboration with diverse actors.

Another recurring theme at the forum was the need to use a trauma-informed approach when providing psychosocial or legal services, whether provided at the community level or at any level of government.

It was noted that there are many ways a person can be in precarious situations, not only related to documentation status. A number of trauma-informed and advocacy practices were mentioned to support service provision regardless of a person's life situation:

- Get informed about laws and consequences in order to help a person make informed choices about risks associated with pursuing various options;
- Use non-judgemental intake practices to facilitate access without fear to health care, housing and other essential services;
- Ask every person for informed, explicit consent.

Advocacy for prevention, protection and prosecution

The forum asked for input on advocacy priorities and resulted in advocacy recommendations for prevention, protection and prosecution.

Related to prevention, key calls to action include ratifying international conventions such as the Migrant Worker Convention, increasing labour mobility by eliminating tied work permits, and issuing permanent residence on arrival. Another call to action is collaborating across sectors (e.g. anti-trafficking, migrant justice, violence against women advocates) in order to achieve common intersecting objectives. Ultimately, addressing root cause of trafficking would prevent trafficking.

Related to protection, key calls to action include calling for the permanent protection of trafficked persons; expanding access to Temporary Residence Permits to spouses and children to ensure family reunification; ensuring access to services for people without status, and creating community response protocols with embedded/standardized policies and practices on a national level that reflect community realities and diverse representation.

Related to prosecution, the main priority flagged was the need to remove ‘fear for safety’ as the test for exploitation in Criminal Code trafficking provisions.

Migrant worker issues intertwined with human trafficking

Temporary Foreign Workers becoming survivors of trafficking continues to be a problem. The precarious status of migrant workers creates vulnerabilities, and the lack of oversight of the program creates opportunities for exploitations. A workshop that was held jointly with the CCR Forum on Migrant Worker Issues allowed participants to hear first-hand from Juan de Jesus, himself a human trafficking survivor. Juan came to Canada from Guatemala to work as a chicken catcher under the Temporary Foreign Worker Program and was subsequently trafficked, along with several of his compatriots. He is now working outside of Montreal waiting for his case to move through the courts. He is supported by the Immigrant Workers’ Centre, a CCR member.

C. Evaluations

Overall, participants felt the forum provided a good analysis of systemic issues but hoped for more opportunities to strategize. Nevertheless, participants left motivated to continue to their work as service providers or advocates. Forum participants who don’t currently do anti-trafficking work, expressed interest in assessing the community and political will to make trafficking a priority in their organization. Participants were happy to hear from knowledgeable resource people but hoped for more perspectives outside of central Canada.

D. Conclusions

The 2017 anti-trafficking forum placed an emphasis on policy analysis, strategy setting and knowledge sharing of practical advocacy tools. This was achieved through presentations, a roundtable discussion, workshops with large and small group discussions, as well as a closing plenary report back and advocacy brainstorm.

Overall, anti-trafficking forums continue to be seen as an effective way to share information, network with different actors, and strategize on ways to advocate for the protection and support of trafficked and potentially trafficked persons. Still, organizing the forum in a way that enables us to achieve all of these expected outcomes remains a challenge.

We decided to hold the anti-trafficking forum in parallel to the CCR migrant forum in order to highlight the intersections of migrant justice and anti-trafficking work. The workshop organized jointly between the anti-trafficking forum and migrant forum was well attended, and there is ongoing interest in creating a dialogue between migrant justice and anti-trafficking advocates. However, although scheduling an event on Sunday is a useful strategy to facilitate the participation of migrant workers, it is not the most effective strategy for anti-trafficking forums that tend to attract a broad range of actors, some who are typically less likely to attend events on a Sunday. Also, the location of the 2017 forum proved to be a barrier to participation as travel to St. Catharines is not easily accessible for those outside Ontario.

Future forums will consider the successes, challenges and opportunities resulting from CCR's past anti-trafficking forums, including the 2017 CCR National Forum on Human Trafficking.

