



Conseil canadien pour les réfugiés
Canadian Council for Refugees

Report: National Forum on Human Trafficking

Ottawa, 27 November 2019

Montreal 2020



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2020

A. Introduction

On 27 November 2019 the Canadian Council for Refugees hosted a National Forum on Human Trafficking in Ottawa, Ontario, on the traditional unceded territory of the Algonquin Anishnaabeg people. The key theme of this year's forum was protection and justice for trafficked persons

Some 80 people attended the forum, primarily from Ontario but also from Quebec, Nova Scotia, Alberta, British Columbia, and Prince Edward Island. Participants included anti-trafficking advocates, migrant rights advocates, front-line service providers, academics, and government representatives.

Organizing the event in Canada's capital provided an important opportunity for policymakers and the NGO sector to meet face-to-face and name how plans and policies actively work to protect or create vulnerabilities to human trafficking.

The CCR acknowledges the generous financial support of the Canadian Women's Foundation and its partners, Canadian Heritage, in supporting CCR's anti-trafficking work.

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. Catharine's, ON
November 2018	Montreal, QC
November 2019	Ottawa, 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
- Pan-Canadian Panel: Anti-trafficking trends, challenges and collaboration opportunities
- Roundtable: Anti-trafficking legislation and policy
- Breakout discussion: Campaigning on policy change
- Breakout discussion: The National Hotline: Engaging advocates on labour trafficking
- Breakout discussion: Peer-led prevention strategies
- Breakout discussion: Building government and grassroots collaboration
- Report Back & Closing Plenary

What participants had to say:

“It [The Forum] helped me be more aware of the gaps.”

“This forum pumped me up!! :) Gave me new ideas to develop with survivors.”

“I will communicate the info learned at the Forum with my staff. Share the highlights.”

“Beginning the panel with a survivor speaking in her own words, and allowing her to feel comfortable, was amazing!”

“Great initiative, please continue!”

“I am going to apply for advocacy funding! Thank you for the Forum!”

“As volunteers, we are the ones who want to help the most. Thanks for letting us participate.”

“Great conference! I will look into doing legal representations/outreach to partner orgs. (i.e women's shelters)”

“I believe our organization will work to spread out and work to implement more youth-to-youth human trafficking prevention nationally.”

B. Regional Trends

Members of the CCR Anti-Trafficking Committee presented trends, issues and response practices in their regions. Here are some highlights:

Ontario

- The FCJ sees intersectional cases: migrants, men, women, LGBTQ community
- The FCJ mobile program is an innovative program that goes into rural communities to assess trafficking situations or assess risks; FCJ has been using Whatsapp as a way to connect with survivors, have developed collaborative relationships with officials and exploited workers. Overall, the response to the trafficking situation is tailored to the needs of each person.
- Collaboration with other front-line workers and allies has been key – “we are not experts in everything”
- FCJ was able to get 70 Temporary Resident Permits (TRPs) last year – a record!
- Ontario government changed this year; the new government is focused more on sexual exploitation and youth, not so much on labour trafficking.
- Other challenges: as of October 1, Victims of Crime Support is no longer available. In general, it is still difficult for trafficked persons and others with precarious status to access services.

Quebec

- The majority of “irregular arrivals” continue to take place in Quebec (8,364)
- There are three main countries of origin: Nigeria, Colombia, and the Democratic Republic of Congo
- The main reasons for migrating: organized violence, gender-based violence (forced marriage, female genital mutilation, human trafficking), sexual orientation, persecution by armed groups, and for political opinion
- There is an acceptance rate of around 22% for applicants from Niger
- A placement agency in Victoriaville was ordered to pay more than \$300,000 in damages to 11 agricultural workers (Immigrant Workers Centre)
- City of Montreal has introduced Access Without Fear, a policy which provides an identification card to access certain municipal services, without the need to provide proof of address, library or swimming pool.
- Changes to provincial immigration laws:
 - Bill 9 (implementing a new immigration system, ARRIMA)
 - Introduced ‘values’ test to the process of obtaining the Quebec Selection Certificate
 - There are issues related to the illegally practicing as immigration lawyers
- Access to justice and social services remains very limited for migrants with precarious status (i.e. social and legal assistance, compensation for victims, etc.)
 - Temporary resident permit holders do not have access to social assistance
- Long periods of family separation
- Housing shortage in Montreal
- Access to daycare for children seeking asylum is an issue

Alberta

- 57.9% of the people ACT Alberta has worked with are domestic trafficked persons or Canadian citizens. There is a disproportionate representation of Indigenous women and girls. 41.6% of clients have been temporary foreign workers (e.g. visitors). The remaining .5% are combined cases of internal and international trafficking.
- The average age of people ACT Alberta is assisting: 26 for females, 28 for males. Currently work with 18+ clients but make appropriate referrals to the stakeholders who can support youth covered under the Protection of Sexually Exploited Children's Act (PSECA).
- We are seeing an increase in transgender women experiencing trafficking – in part due to chronic and episodic homelessness that makes them more vulnerable.
- Among the barriers to access to justice is lack of awareness of human trafficking and how to identify survivors, as well as lack of services in areas outside of the large urban centres. ACT Alberta is now engaging in a rural project.
- ACT Alberta has assisted in successfully obtaining between 10-15 Open Work Permits for Vulnerable Persons (OWPs) since the inception in June. Temporary Foreign Workers Advisory Office (TFWAO) has successfully assisted in around 30 cases. For successful applications, the OWPs have been issued quickly, between 2-5 business days when they include strong supporting documents. They take more time where there are no supporting documents.
- The provincial government has committed to implementing an Alberta Action Plan to Combat Human Trafficking, which includes a nine point plan.
- Access to justice linked to lack of awareness of human trafficking; there is now an Alberta Task Force on Human Trafficking, ACT wants to collaborate with other organizations to consider best practices on how to support survivors of gender based violence.

C. Key Issues

Enhancing the National Strategy on Human Trafficking

Representatives of the IRCC, Global Affairs Canada, and Public Safety Canada participated in the policy panel outlining different aspects of the new National Strategy to Combat Human Trafficking (2019-2024), launched last fall. Government representatives highlighted how the strategy builds on existing work and continues to be based on the pillars of prevention, protection, prosecution, and partnerships but now includes a fifth pillar – empowerment – as means to be more survivor-centered. The new strategy was welcomed, in particular, the whole of government approach to addressing human trafficking. However, NGO sector participants at the Forum pointed out there are still numerous gaps, especially for addressing the concerns of precarious and undocumented migrants who face labour and sexual exploitation/trafficking. Notably, there is a disconnection between government's perceived effectiveness of certain policies (eg. Victims of Trafficking in Persons – Temporary Resident Permits (VTIP-TRPs) and the inadequacies front-line workers face when relying on these policies to advocate for trafficking survivors.

These gaps are outlined below:

Access to Services

The new National Strategy acknowledges that “recovery can take a lifetime” and affirms the need for ongoing access to support services, and collaboration with partners such as through the Human Trafficking Task Force. Yet, there is currently insufficient funding and resources to ensure ongoing mental health care for trafficking survivors. In general, trafficked people too often struggle to receive necessary services; there is a gap in federal and provincial jurisdictions and there remains a great deal of discrepancy in what’s available from province to province. Participants called on the need to ensure a comprehensive and integrated response to human trafficking across all provinces. This includes access to legal services, housing, and financial assistance, which is lacking in many communities.

Protection

Participants pointed out that pathways to temporary and permanent protection remain lacking or inadequate. Victims of Trafficking in Persons – Temporary Resident Permits (VTIP-TRPs) are difficult to get; are too short when issued, do not allow family reunification and are issued inconsistently across provinces. The TRP guidelines haven’t changed significantly since 2006; it is time to review them. Various suggestions were made on how to improve protection anchored in a human rights approach:

- Review TRP guidelines and address the inconsistencies in how VTIP-TRPs are currently issued and remove barriers to access
- Create an expedited pathway to protection based on humanitarian and compassionate grounds
Create a special class for trafficked persons under the Immigration and Refugee Protection Act, in order to ground permanent protection in a strong legal framework

Prevention and addressing root causes

- Global Affairs Canada is endorsing the need for corporate social responsibility. There is a need to have ethical procurement principles and practices in the private sector as well as government sector to combat trafficking in global supply chains.
- The new National Human Trafficking Hotline is being rolled out and is seen as a promising way to identify survivors and connect them with services. Another purpose of the hotline is to better understand vulnerable populations through research activities and data analysis. However, people in labour trafficking situations are currently not using the hotline. Efforts are underway to engage with advocates on labour trafficking and determine the best way to outreach and engage with communities most likely to be impacted by labour trafficking.
- There is also now a federal Special Advisor and Advisory Committee on Human Trafficking to support national prevention efforts. This was seen as positive, although participants noted the need to ensure representation from various stakeholders on the Advisory Committee.
- Canadian mining companies were called out for human rights abuses, and displacing indigenous communities in order to get access to resources/develop mines. Impactful oversight by the Canadian government is necessary.
- NGOs pointed out the need to reflect on the social and economic consequences of migration policies that create vulnerabilities that lead to violence, human rights abuse and the normalization of trauma; these need to be unpacked.
- There is a need to recognize that awareness-raising only goes so far in prevention. People in desperate circumstances are more likely to assume risks – awareness-raising does not address the reasons why people end up in vulnerable situations in the first place (socio-economic inequalities).

Temporary Foreign Workers

Canada's Temporary Foreign Worker Program (TFWP) typically ties migrant workers to employers in the agricultural, hospitality, caregiver and other job sectors. 2019 Forum participants raised the recurring theme of how the design of the TFWP creates vulnerabilities to exploitation and trafficking.

Those who come to Canada through the low-skilled stream of the TFWP are at particular risk. They are not allowed to bring their families, they have little access to services offered by large settlement agencies, are often placed in communal living situations, and often with strangers. These situations create many unintended consequences on mental health; many live with anxiety and depression. Their situation also affects their relationships with their families. "People are living in isolation in unfamiliar environments, not unlike those who live with abusive partners," says Shelley Gilbert, Coordinator of Social Work Services at Legal Assistance of Windsor.

Sue Wilson of Sisters of Joseph in Canada adds that these temporary worker programs are structured through an economic lens not a human rights lens. The low-skilled worker stream encourages business to use a model that relies on cheap exploited labour. There is a need to review these temporary worker programs and build them with a human rights approach.

Exploitation often begins with the recruiter. This often takes the form of exorbitant recruitment fees as well as abusive and fraudulent practices. There is a lack of, or insufficient regulation of recruitment and employment practices. Recently, British Columbia and Manitoba have introduced recruiter licencing requirements. Nevertheless, Forum participants noted that even when recruiters provide bond guarantees, and face \$10,000 fines for operating without a license, abuses still occur. Forum participants reported workers being charged \$10,000 by recruiters at the onset of their contracts; there have even been cases of workers being asked to pay \$50,000 (for airfares, wage deductions, etc.). Stronger measures need to be in place to deter, monitor and provide consequences for abusive recruiters.

On the positive side, recent trafficking cases in Ontario (Wasaga/Barrie) point to some promising practices. The FCJ Refugee Centre used trauma-informed practice to ensure the safety of exploited migrant workers while in their care. The FCJ also engaged and collaborated with police and government officials to ensure a human rights approach when investigating, interviewing and processing dozens of labour trafficking cases.

Overall, trafficked migrants struggle to find protection that would provide them with secure status and accompanying social supports. The IRCC points to VTIP-TRPs and the new Open Work Permits for Vulnerable Workers as useful tools. The new Open Work Permits are useful for workers with valid work contracts but those with undocumented status are not eligible. The Open Work Permits are also just temporary and eventually stream workers back into closed work permit situations. The challenges of VTIP-TRPs were mentioned earlier. Forum participants are calling for a number of policy changes to improve the situation. As a short-term measure, creating an expedited process to access VTIP-TRPs and issuing them for a longer duration (at least one year instead of six-months) would help. While VTIP-TRPs can provide temporary protection, a clear path to permanent protection for trafficked persons is necessary. The creation of a special class for trafficked persons under the Immigration and Refugee Protection Act would enable this.

Intersectionality

Participants recognized that gender oppression creates a vulnerability to trafficking, and that a significant number of trafficking survivors are women and girls. At the same time, front-line workers who work with exploited migrants, recognize that gender intersects with other factors such as non-binary gender identities, race, age, sexual orientation, ability, economic status and family roles, precariousness, country of origin. These factors impact people's social experiences, their degree of power and their vulnerability to trafficking. Responding to human trafficking, using a human rights centered-approach, requires understanding these differences. This includes understanding how legislation impacts some communities' disproportionately. For example, migrant sex workers hesitate to come forward due to fear of deportation, which speaks to the stated need to decriminalize sex work. For indigenous women and girls, who are at greater risk of trafficking, there is a need to take into account root causes of inequalities when thinking about prevention and response strategies. What does this mean in terms of access to services and justice?

While the need for protection is considered crucial, some Forum participants also stressed the equal importance of prevention. In particular, participants raised the importance of empowering young women and girls as a strategy to prevent gender-based violence. Examples of strategies include programs on healthy relationships, youth peer-led strategies, and paying attention to language to engage young women and girls. The gender lens looks different for migrant women and also needs to be addressed.

Collaboration

An underlying theme of the Forum was the need for collaboration between stakeholders. Policymakers and government representatives expressed the value of meeting and speaking with the grassroots sector, as a means to better understand the impact of policy on people. The NGO sector expressed the value of hearing from policymakers directly, as a means to better understand policies and leverage this knowledge in their direct and systems advocacy. Policymakers and the NGO sector expressed the need for ongoing dialogue and collaboration. Some areas and spaces for improved collaboration were mentioned:

- In response to human trafficking cases – need for more and better collaboration between officials and front line workers
- On federal and provincial advisory committees – need to ensure all stakeholders are represented
- With the national human trafficking hotline – need to ensure strategies are in place to connect with survivors of domestic and international trafficking
- Between service providers – need collaboration to increase their capacity to respond across regions

D. Evaluations

Service providers, advocates, government officials from various backgrounds and demographics – including self-identified youth, LGBTQ+, migrants and trafficking survivors – participated in the Forum, highlighting the inclusive nature of the event.

We received very positive feedback on forum evaluations (39% of attendees responded).

- A 100% of the respondents strongly agreed or agreed that the Forum was well organized and that the meetings were strong.
- A 100% of the respondents felt strongly or agreed that the Forum speakers were diverse, knowledgeable and the resources useful. This is significant given that 45% of respondents self-describe as having advanced knowledge of the subject matter.
- 93% & 97% of respondents respectively felt included in the space and safe to express themselves.
- 75% felt that their accessibility needs were met; issues raised were language-related.
- A 100% of respondents felt that their expectations were met, and all of them would attend/recommend going to future Forums.

Overall feedback was positive, although there were a few recurring suggestions on how to improve the Forum: a desire for more French speakers, more space for survivors to speak, and more time for Q&A sessions.

Respondents commented on the need to increase focus on prevention, more coordination of services at the provincial and national level as well as improved policy implementation. The mental health of trafficking survivors was also raised – pointing out the need for regular follow-up. Some respondents highlighted the need to change temporary job permits to reduce vulnerabilities to trafficking, and the need to make current programs more culturally and gender sensitive.

Participants were inspired by the Forum. An overwhelming majority of respondents indicated they would take immediate action and spread the word about human trafficking.

E. Conclusions

The 2019 anti-trafficking forum focused on policy analysis and policy-making, addressing the strengths and shortfalls of the new National Strategy to Combat Human Trafficking. This was achieved through a panel that provided an overview of regional trends and experiences, a roundtable that provided insights on existing legislation and policy, and several smaller group discussions on sub-themes.

Creating systems change is a long-term process. This year's forum saw the recurring themes of policy and program design flaws that create vulnerability, and gaps in protection. The Forum was also a space to share promising practices in service provision and policy design. It reinforced the importance of collaboration between front-line workers, advocates and policy makers.

The Forum was an opportunity for advocates to reinforce what still needs to change to strengthen protection for trafficked persons, and ultimately prevent human trafficking. Holding the Forum in Ottawa increased the participation of policymakers. This provided an opportunity for government officials to share policies and perspectives and to hear that there are gaps between the intention of policies and legislation and their actual consequences.

Holding trafficking forums is one of the ways we encourage information-exchange, networking and collaboration. These annual in-person meetings are a way to strengthen existing connections, and make new ones. Grounded with experience and insight, these meetings also motivate advocates and other stakeholders to continue their efforts to combat human trafficking. Feedback on this year's Forum was resoundingly positive, providing inspiration to take action to create change.

In Their Words

Shelley Gilbert, Legal Assistance of Windsor

The National Strategy to Combat Human Trafficking provides an opportunity to continue to have a discussion about trafficking with people on the ground. It provides a framework to move things forward.

As a country, we have to deal with violence, forced migration, and the decimation of families, and how these vulnerabilities lead to exploitation. We need to look at whether policies mitigate the symptoms of trauma or whether they contribute to forced migration, vulnerability and trauma.

Temporary Resident Permit (VTIP-TRP) interviews are being conducted based on the 2002 understanding of human trafficking. There seems to be little understanding of how people are lured into Canada and pulled out of status. They are being fraudulently told by recruiters that they will get residence permits and work permits.

Sue Wilson, Sisters of St. Joseph in Canada

As a country we create the precarity that we are trying to change.

Roxane Milot, Global Affairs Canada

An empowerment piece (pillar) is now in the National Strategy; having a place for survivors is very important.

Natalie Clayton, Public Safety Canada

We recognize that focus on prevention needs to look more on the demand side of things, the contributing factors to sexual exploitation and forced labour.

