



## National Forum: Improving Services and Protection for Trafficked Persons 2-3 December 2009, Windsor, Ontario

### Summary report

#### Introduction

The National Forum was a pan-Canadian initiative led by Canadian Council for Refugees. Building on CCR's previous work on trafficking, the goal of the Forum was to improve services and protection for non-citizens in Canada.

The objectives of the Forum were to:

- Increase awareness of trafficking issues among NGOs.
- Facilitate information exchange and collaboration among NGOs and other stakeholders about the needs of and best responses to trafficked persons.
- Develop recommendations for government to improve services and protection of trafficked persons.

Approximately 100 individuals participated in the Forum. The participants were mainly NGO representatives, government officials, lawyers, academics and UNHCR representatives. In addition, some participants at the CCR Fall Consultation attended one or more session of the second day of the Forum: their number was not recorded.

The Forum consisted of two days. The first day was dedicated to networking, information exchange and strategizing among NGOs. The objective was to elaborate recommendations to be presented at the roundtable in the next day. The second day involved participation of government officials, academics and other interested parties. In addition to presentations, a roundtable was held with open discussion among all participants.

#### Day I: Wednesday 2 December 2009

##### I. Global trends in services and protection for trafficked persons

###### **Overview of the global trends in protection of trafficked persons: Chissey Mueller, IOM**

*Legal component:* To combat trafficking, states should provide comprehensive anti-trafficking legislation which should be sufficiently specific, and provide the legal basis for victims' treatment by government at different stages of protection and assistance. Alternatively, the state may criminalize trafficking by using specific provisions in the penal code and other relevant legislation (for example laws relating to slavery, rape, kidnapping, labour, children, etc.). The legal component benefits trafficked persons so that the person is treated as a victim who is entitled to rights and services.

*Direct assistance:* The approach to trafficked persons should be victim-centred and gendered. It must be focused on particularities such as culture, sex, gender, age and region of origin.

*Multi-agency network of stakeholders based on cooperation:* No one stakeholder has the capacity to respond alone to the protection and service needs of trafficked person. There is a need for a multi-sector response network.

### **Trafficking in the migration and labour framework: Sr. Helene Hayes, Sisters of Good Shepherd, USA**

*Global context:* Trafficking is a severe symptom of global poverty. It flourishes in countries in political and economic turmoil. IMF and World Bank loans to third world countries have had devastating effects on their economies.

The numbers of migrants, legal and undocumented, are huge. More than half are women. Global poverty has a feminine face. Entertainment and sex tourism have grown along with increased international tourism. Women are treated as property: highly profitable and re-sellable.

Trafficking regularly changes faces: the more we know today, the less we know tomorrow.

#### **Some points from the discussion**

- Trafficking is a globalized crime and needs global solutions. The annual Trafficking in Persons Report (TIP) shows that many countries are starting to cooperate in fighting this crime.
- The government needs to understand the advantages of working together with NGOs. In their relations with government, NGOs have to emphasize those advantages.
- In some countries' legislation, poverty is recognized as the underlying reason for trafficking.

### **II. NGO information sharing: focus on services and protection**

This session offered presentations from NGOs in different regions of Canada, on their experiences, availability of services and protection, coordination with local government and main challenges.

#### **Policies, services and partnership in Alberta: Andrea Burkhart, Changing together, Alberta<sup>1</sup>**

In 2007, the Action Coalition on Human Trafficking (ACT) was founded in Alberta. The coalition includes government ministries, law enforcement, NGOs and people concerned with identifying and responding to human trafficking. ACT's aim is to bring together diverse stakeholders in each community in order to identify practices already in place and to expand mandates to address effectively human trafficking.

The provincial government supports ACT financially and through its Board of Advisors. ACT has been able to influence the work of several ministries. For example, Alberta Employment and Immigration has expanded financial support to cover trafficked persons who are holders of Temporary Residence Permits (TRPs).

Current challenges include the lack of a shared understanding of definition, lack of resources for trafficked men and lack of a national strategy. There is a need for uniform access to services for trafficked persons throughout the country. The state also must develop guiding principles and protocols clarifying the commitment of each stakeholder.

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<sup>1</sup> Presentation available at: <http://ccrweb.ca/files/traffickingforumpresentations09.pdf>

### **Coordination between different sectors in Manitoba: Diane Bussey, Salvation Army, Manitoba**

In 2008, the Trafficked Persons Response Team was assembled in Manitoba. The team includes a wide range of agencies, including law enforcement, government departments, NGOs, etc. It is understood that each agency has to decide for itself, according to its own policies, what steps need to be taken in responding to trafficked persons. There is also a shared understanding that no one sector can take on the task on its own. Maintaining good relationships between the partners is key to success.

According to the work plan adopted by the team, once a person is identified, the team is notified through a dedicated phone number. Depending on the needs of the trafficked person the appropriate team members are activated. Services offered by the team do not depend on the status of the persons. There has not yet been a call on the Team to respond to a specific case.

### **Best practices model developed in Windsor: Shelley Gilbert, Co-chair of Windsor/Essex Anti-Human Trafficking Action Group**

The best practices model developed in the Windsor area recognizes that each community needs its unique strategies. The Anti-Human Trafficking Action Group was launched in 2004. The Group is dedicated to coordinating services between agencies in order to meet the needs of the trafficked persons. There are parallels between providing services to trafficked persons and victims of domestic violence. It is essential to establish relationships and develop collaborative protocols with agencies.

The education of survivors is crucial. They need information about the laws in the country, available services and what human trafficking is. Many victims do not realize they have been trafficked. Collaborative work between government, police and advocacy groups remains a challenge. Everyone needs to work with trust and persistence, and accept that each stakeholder has its own realities and perspective.

### **Sexual exploitation of women and the experience of Quebec: Anna Popovic, Concertation des luttes contre l'exploitation sexuelle (CLES), Quebec<sup>2</sup>**

Many women who come to Canada legally to work in the entertainment industry or are lured with offers to non-existing jobs end up being sexually exploited.

Sexual exploitation has severe consequences on women's health. Their social life is compromised. They fear being seen as criminals rather than as survivors or being sent back to the country of origin.

Quebec has a ministerial sub-committee on trafficking of migrant women. Meetings between the sub-committee, RCMP and community organizations led to development of security and assistance network to respond to the needs of the trafficked person once identified by a border officer. The network responds only in emergency situations.

The identification of sexually exploited women remains a challenge. There is a need for long-term shelters and a wide range of services, including detoxification, welfare, etc.

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<sup>2</sup> Presentation available at: <http://ccrweb.ca/files/traffickingforumpresentations09.pdf>

Many of the existing government services depend on a woman's status. Lack of status causes anxiety. Women also need alternatives in order to quit prostitution.

The demand for "sexual services" is the foundation of sexual exploitation. Demand is fed by pornography and the banalisation of prostitution. In Sweden, it is the consumers and the pimps who are penalized, while the law offers protection and possibilities of a way out for women.

**Some points from the discussion:**

- Trust and confidentiality between the agency and trafficked person are vital.
- The lack of protection encourages many of the trafficked persons to go through the refugee determination process.
- Education of the public, agencies and trafficked persons is essential.
- There is a disconnect between some services. Once the person is sent to another institution there is no follow up.
- Teamwork is key. Collaborative protocols are very useful.
- Governments should collaborate more with NGOs in their work with trafficked persons. NGOs should emphasize that they are more likely to be trusted by trafficked persons.

**III.Moving from information sharing to strategizing**

Participants divided into small groups to develop a consensus on key issues and recommendations to be presented at the roundtable from the next day. Participants were asked to focus their discussion on three questions: What is working well?; What are the gaps?; What can we recommend?

**Some points from the group discussions:**

- There are inconsistencies between provinces in services offered to trafficked persons and funding provided to NGOs.
- The IOM pamphlet written in 7 languages is a good example of an awareness raising tool.
- Best interests of the child is being misused as a reason for denying entry into Canada, rather than as a way to protect children's rights.
- Trafficking is used as an excuse for CIC slow processing.
- Need to have communications protocol that works to break down racist stereotypes.
- Once trafficked persons come under the responsibility of the government or a law enforcement agency, NGOs tend to be eliminated from further procedures.
- When government provides funding to NGOs, it tends to take over and to control the process.
- A national phone number for trafficked persons is needed.
- Public education should emphasize the identification of trafficked persons.
- Building relationships should be done together with public education.
- We need explicit descriptions of trafficking.
- A rights based approach should influence the definition of trafficking.
- The use of smaller 'case management' teams to meet with law enforcement and other agencies on individual needs would be helpful.
- The TRP needs to be accompanied with basic resources such as housing, work permit, etc.
- Lack of national network for referrals.
- Better training of government agencies is needed.

- There is a need for a formal protocol of procedures for agencies that work with trafficked persons.
- Direct liaison between NGOs and government would be very useful.
- There is no clear legislation in Canada to identify who is trafficked. CIC, RCMP and CBSA have wide discretion. Currently the legal paradigm is focused on enforcement. There is a need for a shift to an approach based on the individual.

## **IV. Strategizing**

Participants gathered together for a session to reflect on the current political context and identify recommendations.

### **Some points from the discussion**

- The current government approach towards trafficked persons, i.e. the enforcement approach, is not functioning. The only way forward is the collaboration and a different approach.
- Some often raise the concern that facilitating access to permanent residence will encourage people to identify themselves as trafficked even if they are not. That concern could be addressed by ensuring officials responsible have appropriate training and are able to screen out the false claims.
- In Sweden, the decriminalization of prostitution, along with funded exit services and a public education campaign, has led to a decrease in trafficking and prostitution.
- There is a need for national legislation to make things more cohesive.
- Forced labour is a factor which leads to increase in trafficking in persons. Canada's Temporary Foreign Workers's program puts them at risk of exploitative labour.

## **Recommendations**

### **Awareness-Raising**

1. CCR take lead in gathering together regional coalitions for education of general public, agencies and then victims. Meet together regularly. Once a coalition formed, seek funding from government sources. Have one central number available.
2. Need to promote awareness of trafficking in our own service agencies. There should be policies in place. This is a responsibility each agency can take on.
3. Do Public Service Announcements (PSA) about trafficking. At the end of the announcement have the number to call or a website (with all the services available to victims) to visit.

### **Services**

1. Creation of national network for referrals and access to service issues to allow sharing of best practices through a national network.
2. National advocacy for greater financial resources for protection and service provision.
3. More opportunity for face-to-face information-exchange.

## **Protection**

1. International law to be incorporated into national law – rights based approach (including racialization and gender).
2. CCR proposal – definition of trafficking – shared understanding, clear definition of coercion, consistency in the application of definition, clear criteria, rights based approach.
3. Education among NGOs/enforcement/government and protection.

## **Children**

1. Inter-governmental agreements and protocols to ensure children's best interests are protected when suspicion of trafficking.
2. National policy for consistent treatment, across country.
3. Build relationships with Youth protection services (education, partnerships).

## **Day II: 3 December 2009**

The second day of the Forum overlapped with the CCR Fall Consultation. A short presentation on trafficking issues was delivered during the opening session.

### **I. CCR opening plenary**

#### **Trafficking issues in Canada situated in global context: Naomi Minwalla, lawyer, Vancouver**

Next to arms and drugs trafficking, human trafficking is the third most lucrative crime in the world. Canadian legislation does not offer protection to trafficked persons, nor are services in place to assist them. A trafficking policy framework should include the 3 Ps: Prevention, Protection, Prosecution. Trafficking is a complex community issue requiring a community response. Government cannot take on the issue alone. This means the trafficking policy framework needs a 4th P: Partnership. Government and the community must work in collaboration in order to achieve prevention, protection and prosecution.

### **II. Services and Protection for Trafficked Persons**

This workshop served to present an international perspective on best practices in responding to trafficked persons, as well as an overview of current challenges in Canada.

#### **International best practices: Sr. Helene Hayes, Sisters of Good Shepherd, USA**

Sr. Hayes has conducted research on women trafficked in the sex trade. She interviewed 65 women in 17 countries in Asia, Africa and Europe. The summary of the responses of the interviewed women gave some insight into their feelings and fears while being trafficked.

The immediate needs of trafficking survivors are manifold. A single agency cannot respond effectively. Collaboration and coalitions are essential. This model of service provision allows agencies to stay within their area of expertise. The coalition model has been successfully applied in Spain. The advantages include: services to reach the victims, training of law enforcement, education campaigns, coordination of pre-raids, helping to prosecute the perpetrators.

## **Overview of the current challenges in Canada: Naomi Minwalla, lawyer, Vancouver**

Usually, the first encounter of the lawyer with trafficked persons is when they are arrested and in the process of being removed from Canada. There are some provisions presently available for the protection of trafficking persons but they are not well adapted for that purpose.

*Refugee claim:* This is not a viable option once the removal order is issued. Even if a claim is made, proving serious harm in the country of origin presents an obstacle because the threat of serious harm is often in Canada.

*H&C application:* The fees are often beyond the means of trafficked persons. In addition, an H&C application does not stay the removal order against the claimant.

*PRRA:* This does not always stay removal. The application is decided by a CIC official, not by an independent body such as the Immigration and Refugee Board.

*TRP* procedure requires collaboration between police, CIC and CBSA to verify the facts once the trafficked person applies for the permit. Many trafficked persons fear such investigation. That may be the reason why TRP has not been used very often as an instrument of protection.

Legal aid is an essential element for the protection of the trafficked persons. Laws mean nothing if there is no access to them. There are discrepancies across Canada. In BC, for example, there is only a minimal legal aid for immigration matters.

## **Concerns of NGOs from the previous day: Loly Rico, chair, CCR Anti-Trafficking Committee**

The recommendations were presented. Some other key points from the NGO discussion:

- Prosecution has not been so effective. According to NGOs, a major reason is the lack of protection available to victims of the crime of trafficking.
- Lack of clear protection also leads to barriers to identifying trafficked persons. There is little incentive for trafficked persons to come forward and acknowledge that they are being trafficked. Traffickers can threaten the people they exploit with being detained and deported if they try to run away.
- The definition of trafficking is complex and NGOs may have different interpretations or at least emphases from the government or law enforcement. We need to keep discussing the definition.
- The big increase in the numbers of Temporary Foreign Workers may have consequences for trafficking as foreign workers without permanent status are vulnerable to exploitation which sometimes may reach the definition of trafficking. If the proposed changes to the regulations are adopted and Temporary Foreign Workers can't renew their permits after 4 years in Canada, we foresee an increased risk of some of them staying undocumented and therefore being even more vulnerable to exploitation.
- The cooperation and collaboration between NGOs, government and all other players is essential as well as the respect of each others' roles and mandates.
- We must not re-invent the wheel – we must respond to trafficked persons by recognizing and building on existing capacities.

### **III. Roundtable on protection and services**

The roundtable was dedicated to sharing information and strategizing on how to better serve and protect trafficked persons, including through improved collaboration and coordination in all regions. A range of topics was covered during the discussion. Each topic was introduced by a short intervention from a designated speaker.

#### **Awareness raising campaigns undertaken by RCMP: Corp. Charlene Rivet, RCMP<sup>3</sup>**

- In its awareness-raising activities, RCMP is working in collaboration with different government and municipal departments and agencies and NGOs. They perform awareness raising presentations and training campaigns across the country to various audiences such as community groups, NGOs, law enforcement, etc.

#### **CIC's work with Temporary Resident Permits (TRPs): Derrick Deans, CIC<sup>3</sup>**

- CIC recognizes trafficking in persons as a modern form of slavery. While promoting the 4 Ps approach, CIC efforts are directed more to the protection of victims of trafficking.
- As the TRP procedure is a fairly new, CIC remains open to making adjustments so that TRPs serve their purpose.

#### **Cooperation/collaboration at different levels: Shelley Gilbert, Co-chair of Windsor/Essex Anti-Human Trafficking Action Group**

- Collaboration between stakeholders is essential in work with trafficked persons.
- Policy development cannot be done in isolation from the victims.

#### **Services: Diane Bussey, Salvation Army, Manitoba**

- The success of the Human Trafficking Response Team established in Manitoba is due to the willingness of all stakeholders to learn from each other, to try to understand and to be flexible.
- There is a lack of funds for shelters and case management.
- The dialogue between stakeholders has to be open. They need to find common ground in the best interest of the trafficked person.

#### **Services and the work of Office to Combat Trafficking in Persons (OCTIP) in BC: Victor Porter, BC government<sup>3</sup>**

- BC is the only province which has a dedicated office to combat trafficking. In its work the office applies a human rights approach. OCTIP works with many frontline service providers.

#### **Some points from the discussion:**

- Funding of NGOs is a major challenge and a barrier for effective work with trafficked persons. There are some government avenues available for funding. The Department of Justice offers some funding through the Victims Fund. The Public Safety Department can provide funding for training, conferences, awareness-raising, etc. Another possible source of funding is the National Crime Prevention Centre.
- Work with trafficked persons requires broad expertise. Funding to train NGO personnel is essential.

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<sup>3</sup> Presentation available at: <http://ccrweb.ca/files/traffickingforumpresentations09.pdf>

- The law does not make a distinction between trafficked children and adults. In many cases children are prosecuted.
- Training for police officers and other law enforcement officers such as CBSA should be mandatory. Training should equip the officers with necessary skills to identify victims of trafficking.
- Many police departments do not have a budget for training services provided by NGOs.
- There is a need for good communication and collaboration between NGOs, government and law enforcement. NGOs should be involved in the training of the frontline officers.
- There is no uniform definition for trafficking in Canada. Different laws, such as IRPA and the Criminal Code, have their own definitions. The definitions are not consistent with the Palermo Protocol. There is a need for consistent guidance.
- The collaboration between different levels defines the success in combatting human trafficking. Such an approach in Calgary has led to the first two convictions.

### **Conclusion and next steps**

It was noted that all stakeholders must work together to ensure that trafficked persons are protected and have access to all necessary services. Many participants felt that the National Forum was an important step towards an improved open dialogue between NGOs and government agencies. It is hoped this dialogue will continue in the future.

It was suggested that the CCR has a key role to play in opening the dialogue and developing relationships. It is useful for the CCR to focus efforts towards establishing a national coalition with participation of federal, provincial and municipal agencies. Government representatives expressed their willingness to engage in further discussions with CCR and to further efforts towards partnerships.

In closing, participants highlighted recommendations they felt strongly about. The discussion on trafficking issues must continue and CCR consultations offer a good opportunity for that discussion. Work is needed to develop best practices. A national telephone line would be an important tool to help people in a situation of trafficking. Trafficked persons should be actively engaged in efforts: an advisory group made up trafficking survivors should be established.

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