

# Canada - United States Department of State

## CANADA: Tier 1

The Government of Canada fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Canada remained on Tier 1. These efforts included increasing its investigations, prosecutions, and convictions; identifying more victims and providing increased funding for victim services; launching a national hotline; creating a new government team to combat human trafficking in federal procurement supply chains; and increasing its public awareness campaigns to vulnerable populations. Although the government meets the minimum standards, it did not provide comprehensive data on investigations, prosecutions, and convictions from all jurisdictions or on victims provided with services nationwide. The government's efforts to identify victims and address forced labor, through both law enforcement and victim identification and protection measures, remained inadequate. The range, quality, and timely delivery of trafficking-specific services varied nationwide and service providers reported a shortage of funding for victim services, including emergency shelters. The government struggled to coordinate its anti-trafficking efforts between the provincial and federal levels.

## PRIORITIZED RECOMMENDATIONS:

Vigorously prosecute traffickers and impose adequately strong sentences on convicted traffickers. • Increase proactive identification of victims, particularly forced labor victims, through screening among vulnerable populations and training of first responders in victim-centered techniques. • Significantly increase trauma-informed specialized services and shelter available to all victims, in partnership with civil society and through ongoing dedicated funding from federal and provincial governments. • Increase nationwide trafficking data collection, including documentation of investigations, prosecutions, and convictions and numbers of identified victims and assistance provided such as the number of work permits granted to foreign victims. • Increase coordination and communication among federal, provincial, and territorial actors and strengthen provincial interagency efforts. • Increase use of proactive law enforcement techniques to investigate trafficking, particularly forced labor. • Investigate, prosecute, and centralize data collection on Canadian child sex tourists. • Amend the criminal code and Immigration and Refugee Protection Act to include a definition of trafficking that has exploitation as an essential element of the crime, consistent with international law. • Significantly increase trauma-informed specialized services and shelter available to all victims, in partnership with civil society and through ongoing dedicated funding from federal and provincial governments. • Increase training for national hotline workers and improve the capacity of the hotline to include language support beyond English and French, and to reach beyond metropolitan areas. • Increase training for government officials, particularly for prosecutors and judges, including on seeking and ordering restitution upon trafficking convictions. •

Increase partnerships with the private sector, including financial institutions, to prevent trafficking. • Implement laws and policies to address trafficking in the federal supply chain.

## PROSECUTION

The government increased law enforcement efforts. Criminal code Sections 279.01 and 279.011 criminalized sex trafficking and labor trafficking, prescribing penalties of four to 14 years' imprisonment for trafficking adults and five to 14 years' imprisonment for trafficking children; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law did not establish the use of force, fraud, or coercion as an essential element of the crime. Section 279.02 also criminalized receiving financial or any other material benefit from trafficking and prescribed a maximum penalty of 10 years' imprisonment with adult victims and a mandatory minimum of two years to a maximum of 14 years' imprisonment with child victims. Section 279.03 criminalized withholding or destroying documents to facilitate trafficking and prescribed a maximum penalty of five years' imprisonment for adult victims and a mandatory minimum of one year to a maximum of 10 years' imprisonment for child victims. Section 286.1 criminalized purchasing commercial sex acts from an individual younger than 18 years of age and prescribed a minimum penalty of six months and a maximum penalty of 10 years' imprisonment. The Immigration and Refugee Protection Act (IRPA) established a separate offense of "human smuggling and trafficking" to mean "no person shall knowingly organize the coming into Canada of one or more persons by means of abduction, fraud, deception or use or threat of force or coercion." Inconsistent with the definition of trafficking under international law, this provision did not include exploitation as an essential element of the crime.

Government officials at the federal, provincial, and municipal levels may investigate, prosecute, and convict traffickers; however, the government did not report comprehensive data at each of these levels. The federal government did not maintain a national database; however, it provided data from Canada's Uniform Crime Reporting (UCR) system, which included provincial and municipal data. The UCR data is available each July for the previous calendar year and in 2018 the government reported a total of 340 trafficking incidents and 236 individuals accused of trafficking; this compared with a total of 375 trafficking incidents and 291 individuals accused of trafficking reported in 2017. In addition, Employment and Social Development Canada (ESDC) reported 32 cases of forced labor investigations in 2019 from its temporary foreign worker program. The government reported federal officials responsible for enforcing IRPA reported 47 investigations in 2019; this compared to five investigations in 2018. Furthermore, Immigration, Refugees and Citizenship Canada (IRCC), which conducted administrative investigations of potential human trafficking cases among immigration and refugee cases, initiated 20 new large-scale investigations involving allegations of human trafficking in 2019. In 2019, federal, provincial, and municipal law enforcement reported initiating prosecutions against 98 individuals in 90 cases (one for labor trafficking) for the reporting period, compared with 116 individuals in 72 cases (one for labor trafficking) reported in 2018, 78 individuals in 47 trafficking cases (two for labor trafficking) reported in 2017, 107 individuals in 68 trafficking cases (none for labor trafficking) reported in 2016, and 112 individuals in 63 cases (two for labor trafficking) reported in 2015. Federal, provincial, and municipal authorities prosecuted and concluded 197 cases against 197 individuals in 2019, compared with 196 cases

against 196 individuals in 2018, 295 individuals in 2017, and 300 individuals in 2016. In 2019, the government reported federal convictions of 51 traffickers, compared to 36 traffickers reported in 2018, five traffickers in 2017, including one labor trafficker, and 10 sex traffickers and no labor traffickers reported in 2016. Courts imposed sentences ranging from four to 12 years' imprisonment in 2019, compared to two to 12 years' imprisonment in 2018, and six months to 9.5 years' imprisonment in 2017. The government acknowledged some sex trafficking cases resulted in convictions under other criminal code sections.

In 2019, York Regional Police arrested 31 people from a large, multi-provincial human trafficking ring run by organized crime; the overall investigation involved five police forces from Ontario and Quebec. The federal government identified and reported financial transactions suspected of being linked to the laundering of proceeds from trafficking, which resulted in 250 disclosures reported in 2019, compared to 191 in 2018, 196 in 2017, and 102 in 2016. NGOs noted a continued imbalance in the government's anti-trafficking efforts, with greater attention to and understanding of sex trafficking versus forced labor. NGOs and other non-governmental experts indicated police and prosecutors sometimes made decisions to pursue cases based on a greatest probability of conviction, leading some officials to categorize trafficking cases as other crimes. NGOs and some law enforcement officials cited the need for better coordination among the federal, provincial, and territorial governments on anti-trafficking law enforcement.

The Canadian Police College (CPC) provided a human trafficking investigators course that trained 49 police as well as an online introduction to human trafficking course that trained 486 Canadian law enforcement officials. The Financial Transactions and Reports Analysis Centre of Canada, which is Canada's financial intelligence unit, regularly presented during the human trafficking investigator courses at the provincial and federal levels, to educate law enforcement officials on financial intelligence in human trafficking investigations. The Royal Canadian Mounted Police's (RCMP) Human Trafficking Coordination Centre partnered with the CPC to develop a newly revised eight-day human trafficking investigator's course for Canadian law enforcement, which included new information on aboriginal awareness, labor trafficking, and immigration. Trafficking awareness was also included in the RCMP national academy curriculum in Regina, Saskatchewan, so that RCMP recruits were equipped with basic trafficking awareness before they entered the field. In addition, the RCMP organized human trafficking awareness sessions at the National Training Facility for 500 police officers-in-training in September 2019. New border officials were trained in human trafficking through its People at Risk course; in 2019, 360 officials completed this course. Through additional online courses, 48 border officials received training in human trafficking. In 2019, the Department of National Defense and Canadian Armed Forces added new online trafficking awareness training for all new Canadian Defense Attaché personnel. The RCMP cooperated with foreign governments through the INTERPOL Human Trafficking Expert Group and pursued several ongoing trafficking investigations with foreign officials. In February 2020, Canada's Supreme Court ruled that a Vancouver-based mining company could be sued in Canada for human trafficking allegations based in Eritrea. This ruling created new legal liability for Canadian firms operating abroad, as companies previously could only be held liable in foreign jurisdictions in which the alleged abuses occurred. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

## **PROTECTION**

The government increased protection efforts. Authorities identified 119 new victims in trafficking-specific cases in 2019, compared with 89 victims in 2018, 60 in 2017, 77 in 2016, and 99 in 2015. Of the 119 new victims identified, 107 were female and 12 were male, 99 were adults and 20 were children, and 89 were victims of sex trafficking, one was a victim of forced labor, and 29 were not specified. The government reported a total of 587 trafficking victims, which included newly and previously identified victims in 2019, compared with 420 trafficking victims in 2018, 416 victims in 2017, and 367 victims in 2016. The government provided various handbooks, toolkits, and training to disseminate guidance on identifying trafficking victims to criminal justice officials and immigration officials specific to their roles. In 2019, the government developed a new law enforcement tool kit to assist law enforcement identification of human trafficking victims, particularly youth, indigenous communities, and LGBTQI individuals. The RCMP, in collaboration with police forces in Quebec, law enforcement authorities from the United States, and the Canadian Border Services Agency (CBSA), conducted Project Griffin—an operation to proactively identify sex trafficking victims in Québec. Immigration officials referred actual and potential cases to the RCMP for investigation and actual and potential victims to IRCC.

In Canada, the provinces and territories were responsible for the delivery of most victim services, which could include government and/or NGO providers. Each province or territory used a police-based, court-based, or system-based service delivery model. Services provided typically included emergency shelter, food, health services, psychological services, and legal services. Although the federal government did not provide direct services to human trafficking victims, it was able to indirectly assist victims by providing funds to service providers in the provinces and territories through Justice Canada's Victims Fund. In 2019, the government allocated one million Canadian dollars (\$769,230) to support human trafficking victims or individuals at risk through the Victims Fund, which was the same amount allocated in 2018. As of March 2020, a total of 14 projects by community organizations and law enforcement agencies, with funds totaling 1.06 million Canadian dollars (\$815,380) through fiscal year 2019-2020, were supported by the Victims Fund; this compared to 24 projects in 2018. Canadians who were victims of trafficking crimes that occurred outside Canada could apply to the Canadians Victimized Abroad component of the Victims Fund for reimbursement of listed health and travel expenses.

The government collaborated largely with NGOs, not all of which receive government funding, to provide services to victims. Due to a lack of funding, service providers reported a severe shortage of emergency shelters, as well as a shortage of medium- to long-term housing and medical and psychological services for victims. Dedicated emergency housing and specialized services primarily served female victims. Observers reported that teenage trafficking victims were sometimes placed in shelters that served mental health and substance abuse patients, which increased their risk of traumatization and re-trafficking. Observers also noted that some shelters forced residents to leave the facility during the day, which also posed safety risks for victims. At least four of the 10 provincial governments dedicated funding to victim assistance: Alberta funded a coalition to provide coordination and services, British Columbia funded a government entity to provide referrals and services, Manitoba funded a government-NGO response team, and Ontario funded a government entity to provide coordination and services. In November 2019, Ontario announced 20 million Canadian dollars (\$15.4 million) per year for a new five year strategy to combat human trafficking; this compared with Ontario providing 18.6 million Canadian dollars (\$14.3 million) in 2018 for a three-year (2017-2020) strategy to improve survivors' access to services such as housing, mental health services, and trauma counseling.

Québec's Victim Assistance Fund did not compensate or provide funding or services to women in commercial sex, even if the woman was identified as a sex trafficking victim. Starting in 2019, over 3.3 million Canadian dollars (\$2.54 million) was made available annually to support the development or enhancement of child advocacy centers across Canada; some of these provided specific services to children and youth that have been victims of human trafficking. Starting in 2018, the Canadian Department of Justice allocated more than 250,000 Canadian dollars (\$192,310) over two years to an NGO for the development of a case management system for labor trafficking victims.

NGOs operated shelters for women who were victims of violence nationwide, some of which the government funded, but only a few shelters provided beds specifically for trafficking victims. The federal government provided 2016-2019 funding totaling 367,300 Canadian dollars (\$282,540) to NGOs in the Atlantic provinces and in the Québec region to develop a trafficking-specific protocol for emergency housing. Statistics Canada included a question in a 2018 survey on the number of individuals seeking shelter in facilities for victims of abuse due to trafficking; the April 2019 results of 68,000 women residents surveyed indicated four percent of the women surveyed (roughly 2,720) indicated they needed shelter to escape sex or labor trafficking. Public Safety Canada (PSC) continued 152,000 Canadian dollars (\$116,920) in funding to two multi-year projects to develop housing response models for trafficking. The Department of Justice provided 250,000 Canadian dollars (\$192,310) to two NGOs for a new two-year project to provide case management and direct services to forced labor victims.

In its Temporary Foreign Worker (TFW) Program, the government had procedures to remove workers who might be human trafficking victims and place them with a new employer. According to NGO contacts, Canada's temporary foreign worker program continued to be vulnerable to trafficking. Foreign trafficking victims could apply for a temporary resident permit (TRP) to remain in Canada, which entitled victims to access health care and receive a work permit, as well as social services. The government issued TRPs to 228 foreign victims and their dependents in 2019; this compared to 40 foreign victims and their dependents in 2018, 32 in 2017, and 67 in 2016. While victims waited to receive TRPs, they could not access publicly-funded services, including mental and physical TRPs, but they could receive assistance from NGOs. The government provided foreign victims eligibility for short-term 180-day TRPs or long-term three-year TRPs. TRP holders could apply for fee-exempt work permits, and the government reported 150 individuals received permits. The government organized an annual symposium for migration officers to discuss the TRP process for human trafficking victims. In June 2019, IRCC launched the open work permit, which allowed the issuance of time-limited open work permits to foreign workers who hold employer-specific work permits and who are experiencing abuse or are at risk of abuse in the context of their employment in Canada. The federal government invested 3.4 million Canadian dollars (\$2.62 million) in 2018-2019 to establish, as a pilot program, a migrant worker support network for individuals facing potential labor exploitation and trafficking by their employers; the program assisted 29 migrant workers and conducted 25 registered trauma counselling sessions for workers.

NGOs also reported a need for more trauma-informed care for victims, whom the health care system sometimes re-traumatized. Canadian law provided extensive victim witness protections to encourage victims to participate in the investigation and prosecution of cases, including video testimony, the presence of a support person during testimony, a ban on publishing the names of witnesses, and the exclusion of members of the public in the courtroom, but the government did not report whether such protections were actually afforded to victims. Traffickers can be ordered to

provide restitution to victims under Canadian law. The government reported that some victims received restitution in 2019 but did not provide data on the exact numbers of victims who received restitution or how much money was awarded; this compared to no victims receiving restitution in 2018. Some provinces have enacted legislation which establishes compensation or financial benefits programs for victims of a crime that occurred in that province.

## PREVENTION

The government increased prevention efforts. The government issued and began to implement its new five-year national anti-trafficking action plan in September 2019, which involved input from various government agencies at the federal, provincial, and municipal levels, civil society, victims and survivors of trafficking, indigenous groups, and front-line service providers. PSC led a federal interagency task force and facilitated policy discussions about human trafficking. PSC will be establishing an advisory committee comprised of victims and survivors of human trafficking to provide recommendations on current and future federal anti-human trafficking policies and initiatives. The government's budget to support the action plan was 57.22 million Canadian dollars (\$44.02 million) in federal funding over the next five years and 10.28 million Canadian dollars (\$7.91 million) annually thereafter. This budget was significantly more than the government's 2018 commitment of 14.5 million Canadian dollars (\$11.2 million) over five years. Experts noted that problems in some provincial leadership have led to provincial ministries not prioritizing the needs of service providers. Experts also noted that coordination of anti-trafficking efforts between provinces and at the national level has been insufficient.

As there is no mandatory reporting mechanism across municipal, provincial, and federal agencies, the government admitted gaps in data collection and analysis of the prevalence of trafficking. PSC began reviewing the governance structure of its task force to create new data collection task teams to the country's data collection efforts. In addition, PSC held meetings and collaborated with federal, provincial, and territorial governments through its Federal, Provincial, and Territorial (FPT) Trafficking in Persons Working Group to share information, trends, and best practices. The government has begun exploring changes to the governance structure of the FPT Working Group to include more participation from provinces and territories to strengthen coordination between FPT partners. The NGO, Canadian Centre to End Human Trafficking, with PSC support, initiated research on the project "Mapping the Geography of High-Incident Human Trafficking Corridors in Canada." The CBSA started reviewing its immigration enforcement framework to ensure sufficient protections are in place for potential victims of human trafficking.

The government worked with several Canadian financial institutions, the Financial Transactions and Reports Analysis Centre of Canada, NGOs, technology companies, and law enforcement agencies at the municipal, provincial, and federal level on Project Protect, to develop a publication of indicators of suspicious transactions of money laundering from human trafficking for law enforcement and financial institutions. To combat human trafficking in federal procurement supply chains, Public Services and Procurement Canada created a new five-member team exclusively dedicated to supporting a multi-phased approach to addressing forced labor in federal procurement supply chains. The government strengthened its export control system by becoming a state party to the Arms Trade Treaty; by joining this treaty, the government ensured that all exports of military and strategic arms were not used to commit or facilitate

violations of international human rights law, including human trafficking. The government drafted the Transparency in Supply Chains Act, which would mandate a reporting requirement on Canadian companies' supply chains and would create whistleblower mechanisms to report and investigate allegations of human trafficking in supply chains.

The Griffon Initiative created public awareness campaigns among the Québec population, visitors, and foreign tourists during the Formula 1 Grand Prix that the purchase of sexual services is a crime. In 2019, PSC provided funding under the Contribution Program to Combat Serious and Organized Crime to eligible recipients leading initiatives, research, partnership building, specialized police services, projects and programs to increase knowledge, raise awareness and/or help advance efforts to combat serious and organized crime, including human trafficking. For example, in 2019, PSC provided 125,000 Canadian dollars (\$96,150) in funding to support the Clan Mothers Healing Village, an NGO that works with government and community partners in Ontario and British Columbia to address healing for Indigenous women who have experienced sexual exploitation and human trafficking. IRCC conducted public awareness campaigns on its website. The government funded NGOs and other government entities to promote additional awareness-raising campaigns, in English and French, including on labor trafficking and fraud in foreign labor recruiting, aimed at youth, law enforcement, service providers, the financial sector, and the public. The government funded and launched a national multilingual and accessible human trafficking hotline (including text and chat), operated by an NGO, in May 2019, which resulted in 238 reports of suspected human trafficking to law enforcement and service providers. Observers noted that the hotline had a number of weaknesses, including operators who did not seem knowledgeable about trafficking, a difficulty in accessing language support beyond English and French, and problems with accessing service providers outside metropolitan areas.

The RCMP Human Trafficking National Coordination Center and regional trafficking awareness coordinators in the provinces of Alberta, Manitoba, Quebec, and Nova Scotia served as anti-trafficking points of contact for law enforcement across the country and participated in regional response teams and meetings to share local strategies, best practices, and successful cases. The government made efforts to reduce the demand for participation in international sex tourism by its citizens by distributing publications warning Canadians traveling abroad about penalties under Canada's child sex tourism law. The government, however, did not collect data on child sex tourism investigations, prosecutions, or convictions. Under the two-year pilot, 2.6 million Canadian dollar (\$2 million) Migrant Worker Support Network, more than 10,000 individuals who received TFWs learned about their rights and protections, to include protections against forced labor, while in Canada. In 2019, the ESDC invested 42 million Canadian dollars (\$32.31 million), to ensure the rights of TFWs in Canada are protected and enforced through a robust compliance regime; this funding supported unannounced inspections under the TFW Program. The government appointed the first Canadian Ombudsperson for Responsible Enterprise in April 2019 and it was anticipated that the Ombudsperson's office would be operational in the first half of 2020. The Ombudsperson's mandate included the ability to review allegations of human rights abuses arising from the operations of a Canadian company abroad in the mining, oil and gas and garment sectors.

The government provided funding for international organizations to strengthen the capacity of the Government of Ukraine and Ukrainian civil society organizations to identify, refer, and assist victims of human trafficking. The government also provided funding to address risks of human trafficking involving children and youth in El Salvador,

Guatemala, Honduras, Mexico, and Nicaragua, and to provide training on appropriate child protection systems, policies, and programs. The government also provided funding and worked with international organizations and foreign governments that supported efforts to combat human trafficking, particularly in regions experiencing armed conflict. The government provided funding and worked with several governments to strengthen their civil registration and vital statistics systems to protect children from human trafficking. In addition, the government supported anti-trafficking efforts abroad through its Anti-Crime Capacity Building Program, which aimed to enhance the capacity of law enforcement and service providers in Mexico, Guatemala, and Honduras to identify and combat human trafficking, particularly in border regions. The government also supported several additional anti-trafficking efforts in Iraq, Syria, Lebanon, Fiji, Laos, Mexico, Mongolia, Morocco, Nicaragua, and Paraguay. The government made efforts to reduce the demand for commercial sex acts through awareness-raising activities.

## **TRAFFICKING PROFILE**

As reported over the past five years, human traffickers exploit domestic and foreign victims in Canada, and traffickers exploit victims from Canada abroad. Women and children from indigenous communities, migrants and new immigrants, LGBTI persons, persons with disability, at-risk youth, runaway youth, and youth in the child welfare system are at high risk for trafficking. Traffickers also lure young girls and women who may not be socially or economically disadvantaged into romantic relationships for the purposes of sex trafficking. Traffickers exploit Canadian victims within and across the country, but traffickers have also exploited some Canadian victims abroad, mainly in the United States. Traffickers exploit foreign women, primarily from Asia and Eastern Europe, in sex trafficking in Canada. Traffickers exploit legal foreign workers from Eastern Europe, Asia, Latin America, and Africa in forced labor in a variety of sectors, including agriculture, construction, food processing plants, restaurants, and hospitality, or as domestic workers, including diplomatic households. Canada reported more incidents of forced labor during the last few years, which often involved foreign nationals. Traffickers involving foreign national victims typically operate with associates of similar ethnicity and have ethnic ties to the victims' countries of origin. Canadians travel abroad to engage in sex acts with children, and foreign nationals engage in sex acts with children in Canada. Traffickers in Canada operate individually and via family-based connections; some have been affiliated with street gangs and transnational organized crime. While most traffickers are male, female traffickers are becoming more common, as well as male and female traffickers younger than 18.