



# **HUMAN TRAFFICKING IN CANADA**

## **Frequently Asked Questions**

### ***What is human trafficking?***

Human trafficking is slavery. Human beings are bought and sold for a number of purposes: sexual exploitation, forced or bonded labour, or forced or coerced organ removal. While the purposes of human trafficking vary, they all have a common element: exploitation. Human trafficking exploits human beings (mostly women and girls) for profit. Individuals may be trafficked across international borders or within them. Traffickers – ranging from sophisticated international criminal cartels to local pimps, boyfriends and even family members – use force, the threat of force, or other forms of coercion to gain control over their victims. Human trafficking is always involuntary because even when consent is achieved it is through some form of fraud, deception, abduction/kidnapping, or abuse of power/vulnerability. Throughout the world, in rural and urban settings, victims are trapped in a myriad of exploitive situations including the commercial sex industry, factory sweat shops, construction work, domestic servitude, and agricultural work. Human trafficking is a global tragedy that robs people of basic human rights and demeans their human dignity. It is a form of modern day slavery proliferated in Canada and around the world.

### ***What is the difference between trafficking in persons and smuggling?***

One major difference is that smuggling implies that the person smuggled has made a choice to cross a border. Smuggling occurs when one person uses another individual or criminal organization to assist them in migrating illegally from one country to another. Human trafficking, by distinction, must contain an element of actual, perceived, or implied force, fraud, or coercion. Whereas human trafficking can happen within a country, smuggling requires the crossing of an international border. The transported person becomes a trafficked person only if – at any point – they are exploited for sexual purposes, labour purposes, etc.

### ***What is the extent of the problem?***

Because human trafficking is a hidden, clandestine operation, reliable statistics are difficult to obtain. Estimates range from a low of 700,000 to a high of 4 million people who are trafficked annually

worldwide. Hundreds to thousands of people are trafficked within Canada each year. Human trafficking for the purpose of sexual exploitation is perpetuated by both individual traffickers and international organized crime.<sup>1</sup> Human trafficking is the second largest criminal industry today behind drug trafficking. It is a \$12 billion (USD) annual business. Profits from human trafficking also fuel other criminal activities.<sup>2</sup>

### ***What makes individuals vulnerable to being trafficked?***

A number of factors may leave someone open to the influence of traffickers. Economic, political, or social instability can uproot adults or children from their family, community, or home. Those who are left homeless, migrants, and those with few or no options for employment may find the offer of a trafficker attractive. Women are left particularly vulnerable when they are considered to have fewer rights than men: they may have little access to education, employment or health care, or they may not receive equal pay for equal work. In each of these cases, the trafficker may appear to offer a “way out” of dire circumstances. The trafficker may offer hope of employment or freedom from a desperate situation. A person may even believe a trafficker loves them.

### ***Why don't people who are trafficked simply escape?***

Traffickers maintain control over their victims by continued exploitation. Those who are trafficked may be threatened with harm either to themselves or to a loved one if they attempt to escape their situation. Some who are trafficked are controlled through actual harm, including physical and sexual violence. Others are isolated or forcibly confined. They may be transferred from trafficker to trafficker, travelling in the back of a van or other vehicle, frequently waking up in a strange city. Trafficked persons may be deprived of their passport or other identification documents. Traffickers may exploit ignorance, telling the trafficked person that they will be arrested and/or deported if they contact the authorities. Those placed in bonded labour may believe that they must pay back a debt before their release. Substance dependency is another means of control. Some who come into a situation of being trafficked already have a substance dependency. Others become “hooked” by their traffickers. In both cases, those who are addicted are left dependent on traffickers for their next hit. Many people who are trafficked are trapped by despair – the belief that they have no qualifications for anything but the “work” they are doing while being trafficked. Still others experience symptoms associated with “Stockholm Syndrome,” including positive feelings toward their trafficker(s) and negative feelings

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<sup>1</sup> RCMP Criminal Intelligence. *Project SECLUSION: Human Trafficking in Canada* (Ottawa: 2010).

<sup>2</sup> Victor Malarek. *The Johns: Sex for sale and the men who buy it*. Key Porter (2009), p. xiii.

toward law enforcement officials and others working toward their release.<sup>3</sup> Such individuals may not recognize they are being exploited.

### ***Does human trafficking happen in Canada?***

Yes. According to the 2011 US State Department's Trafficking in Persons Report, Canada is a source, transit, and destination country for people trafficked across national borders for the purposes of commercial sexual exploitation and forced labour.<sup>4</sup> This means people are trafficked from Canada, to Canada, and across Canadian borders into other countries, particularly the US. Women and children are trafficked primarily from Asia and Eastern Europe for sexual exploitation, but victims from Africa, Latin America, and the Caribbean have also been identified in Canada. In particular, many trafficked victims are from China, Hong Kong, Fiji, Taiwan, South Korea, the Philippines, Romania, Ukraine, and Moldova. Asian victims tend to be trafficked more frequently to Vancouver and Western Canada. Eastern European and Latin American victims are trafficked more often to Toronto, Montreal, and Eastern Canada. Women and children are also trafficked within Canada's borders, often coerced into the sex trade industries in our major cities. When it comes to forced labour, Canada is considered a destination country. The province of Alberta has high numbers of forced workers.<sup>5</sup>

### ***How do people get trafficked?***

Often Canadian youth are approached at airports, bus stations, malls, or youth facilities, or online and offered "friendship" which leads to trafficking. Other times they are trafficked at events like fairs, sports events, or exhibitions. Those outside of Canada are sometimes brought to Canada on student or visitor visas. Some think they will be coming to Canada to study, others to work, others to get married. Some respond to advertisements requesting workers for an apparently legitimate job opportunity. Others are abducted or coerced into coming to Canada. But many human trafficking victims are trafficked by someone they know and trust.

### ***Who is being trafficked into the sex trade industry within Canada?***

Canada's Aboriginal female population is sexually trafficked in disproportionate levels. Aboriginal youth make up only 3 - 5% of the Canadian population, and yet in some cities they make up 90% of the visible

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<sup>3</sup> RCMP Criminal Intelligence. *Project SECLUSION*, 39.

<sup>4</sup> U.S. State Department, *Trafficking in Persons Report* (June 2011), p. 113. Available online: <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

<sup>5</sup> RCMP Criminal Intelligence. *Project SECLUSION*, 32.

sex trade.<sup>6</sup> Young women who have been sexually exploited or abused in the past are more vulnerable to trafficking.

A cluster of factors make Aboriginals subject to trafficking. The legacy of Aboriginal colonization and marginalization in Canada is the prevalence of poverty, violence, substance dependency, suicide, abusive relationships, and poor health within Aboriginal communities. Educational opportunities remain low. Some Aboriginal girls are trafficked by gangs or trafficking networks; many others are victimized by family members or boyfriends. Girls hitchhiking off reservations are often targeted by traffickers.

### ***Who is being trafficked into forced labour within Canada?***

Trafficking for the purpose of forced labour is more common in Canada than most people realize. Men, women and children are brought to Canada for the purposes of forced or bonded labour. They can be trafficked into commercial or private service. Typically, they are recruited with the promise of work that will make use of their skills and qualifications but find themselves doing menial labour. Often they make little or no pay and work very long hours. Their freedoms are usually limited; they may be confined, living in their place of work, and they may have their communications cut off.

### ***Is human trafficking a crime in Canada and, if so, how is it defined?***

Yes. There are two branches of Canadian legislation that deal with human trafficking in Canada. They are the Immigration and Refugee Protection Act (IRPA), which applies only to cases of international trafficking, and the Criminal Code of Canada (CCC). Defined by these organizations, trafficking is either: a) using abduction, fraud, deception, (threat of) force or coercion to recruit, transport, receive or harbour persons into Canada (IRPA); or b) recruiting, transporting, receiving, holding, concealing, harbouring, exercising control, direction or influence over the movements of a person for the purpose of exploiting them; making them feel that their lives or safety (or the lives or safety of others) are in danger (CCC). There are also many other trafficking-related crimes in the Criminal Code. As an avenue of legal protection, temporary resident permits are available to victims of trafficking who do not have permanent residence in Canada.

As of December 2010, seven convictions related to human trafficking had been made under the CCC.<sup>7</sup> In the past year, Canada increased prosecutions of human trafficking crimes, passed legislation establishing

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<sup>6</sup> According to research conducted by Michael Chettleburgh, gang expert, quoted in Tamara Cherry, "Flesh trade targets natives," *Toronto Sun* (September 29, 2008).

<sup>7</sup> RCMP, Human Trafficking National Coordination Centre. Available online: <http://www.rcmp-grc.gc.ca/ht-tp/index-eng.htm>.

a minimum sentence for child trafficking, and sustained victim protection and prevention efforts.<sup>8</sup> Still, our government is without a national strategy to combat trafficking.

### ***Why aren't more traffickers being prosecuted in Canada?***

Human trafficking was added as a crime to the CCC in November 2005. Michael Ng was the first to be charged with human trafficking under the IRPA in 2005. These charges were later dropped, however, and Ng was convicted on other related charges.<sup>9</sup>

It remains difficult to obtain conviction based on trafficking charges because of the clandestine nature of the crime. Victims and witnesses are often too intimidated or too embarrassed to testify. Further, evidence may need to be collected abroad, and this presents its own difficulties.<sup>10</sup> Laws relating to human trafficking are new; it takes time for authorities to become familiar with them in order to implement them effectively. Another problem is simply that law enforcement officers have limited resources to monitor bawdy houses and other suspect areas.

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<sup>8</sup> U.S. State Department, *Trafficking in Persons Report*, p. 114.

<sup>9</sup> "Vancouver man cleared of human trafficking charge." CBC News. Available online: <http://www.cbc.ca/news/canada/british-columbia/story/2007/06/21/bc-ng.html>.

<sup>10</sup> *Human Trafficking: Reference Guide for Canadian Law Enforcement*, University College of the Fraser Valley Press (May 2005). Available online: [http://www.icclr.law.ubc.ca/Publications/Reports/human\\_trafficking\\_2005.pdf](http://www.icclr.law.ubc.ca/Publications/Reports/human_trafficking_2005.pdf).